MARITIME SECURITY IN THE SULU ZONE:

Readings on History, Peacemaking and Terrorism

Compiled, collated and introduced
By
B.A. Hamzah and Vivian Forbes

Maritime Security in the Sulu Zone:

Readings on History, Peacemaking and Terrorism

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INTRODUCTION

Putting the Sulu Zone Crisis in Perspective

BA Hamzah & Vivian Forbes

This book is a collection of articles from established authorities. With its own narrative, each article/Report helps explain the background and the undercurrents to the current (2018) crisis in the Sulu Zone (after James Warren), which refers to the large and complex maritime eco-system comprising the Sulu Sea, Celebes Sea and their adjacent areas in Southern Philippines, the coastal areas off the Eastern coast of Sabah and Eastern part of Indonesian Kalimantan. The Sulu Zone is largely a vast expanse of maritime space bordered by three littoral states, namely, Indonesia, Malaysia and the Philippines comprising an area of about 900,000 square kilometres.

This book is a small effort on our part to provide reading materials initially for students at the Malaysian Armed Forces Staff College to understand the contemporary issues afflicting the maritime security situation in the region as well as to provide an understanding of the history of the once proud Moro people in the Sulu Zone and their quest for a homeland.

The quest for a Moro homeland followed the Spanish colonisation of the Philippines. Both the Spaniards and later Americans tried unsuccessfully to integrate the Muslims in South Philippines - popularly known as Moros - and their land with the rest of the Philippines. There remains very little motivation for them to rise against the Government had their quest for some form of political autonomy been attended to. The failure of successive regimes at Manila to restore political power to the Moros and to bring about development to the people in MORO land in Southern Philippines was instrumental in their armed struggles.

For the most part of Philippines' history, the region and most of Mindanao have been a separate territory, which enabled it to develop its own culture and identity. As independent states, the Sultanates transacted diplomatic relations with foreign nations, conducted business and trading activities with those in the region as well as with China on their own terms (James Warren). There are records of the business deals between the Sultan of Sulu with Chinese merchants and Great Britain, among others, for example. Following years of wars with the colonisers, the Sulu Sultanate and other Sultanates in Mindanao succumbed to internal intrigues. Unable to defend against occasional interferences from the resource-rich external powers, the Sultanates soon lost their political independence and international legal personality. Yet despite their weaknesses, the defiant Moro people continued to wage wars, sometimes separately, against those who have occupied their land.

In this book Vivian Forbes examines the issues hindering the finalisation of the maritime boundary delimitation in the two seas as a problem for regional cooperation in maritime security. It is obvious that such a vast area of maritime space and a large marine ecosystem poses a mammoth task for governance by any one authority.

Forbes further suggests the need for closer collaborative efforts in all aspects of ocean management in the Sulu Zone. In his opinion, the overlapping jurisdictions at sea are obstacles to regional cooperation. Forbes further explains on the importance of the Zone to international shipping and regional commerce. While the jurisdictional problems in the Sulu Zone will take time to resolve, it is hoped that the recently established (2017) regional mechanisms like the Trilateral Maritime Patrol (TMP) and its sister Trilateral Air Patrol (TAP) by the three littoral states (Indonesia, Malaysia and the Philippines) would provide a strong foundation for confidence building among the states and other stakeholders in the Zulu Zone.

These coordinated patrols are called the Trilateral Maritime Patrol (TMP) –INDOMALPHI- an acronym for Indonesia, Malaysia and the Philippines. The coordinated patrols have proven to be successful in mitigating criminal maritime activities like taking hostage for ransom and sea robbery in the Sulu Sea since 2017. While it will be possible to eliminate the menace, the incident of sea robbery and other

forms of maritime violence has declined. The credit for pushing for a more robust regional cooperation in the Sulu Zone must go to President Rodrigo Duterte who worked very hard to convince his counterparts in Malaysia and Indonesia to combat and mitigate the "common" problems at sea, especially those operating in the no man's land or overlapping jurisdictions.

Apart from active enforcement at sea, President Rodrigo Duterte also promised to bring development to the people in the South and to defeat the insurgency on land as a strategy to end the lawlessness in the Sulu Zone. Genuine transformation of the social-cultural aspects of the people there will only come after a homeland for the Moros is genuinely established. Until then, the resistance is likely to continue.

Prior to the trilateral agreements on co-ordinated patrols in the Sulu Zone, in 2017, four states (Brunei, Indonesia, the Philippines and Malaysia) agreed in 1994 to form a sub-regional mechanism to promote social and economic development for their common frontier areas. Jennifer Chan discusses the concept known by its acronym the BIMP-NIAGA in her paper. Driven by the private sector, the BIMP-NIAGA comprises five sectors (consisting of thirty-four projects) that in the long term could promote the economic well-being of the people in the area.

Professor James Warren provides the history of the region and glimpses of certain practices among the people in the Sulu Zone. He describes in some details the cultural and economic practices of the maritime peoples - the Tausug, Balangingi Samal, Samal Bajau Laut, Irranun and Maguindanao. In his article, Professor Warren challenges the popular notion among the early writings who labelled these peoples as "savages, pirates and slavers". In reality, the maritime activities were part of the political culture and power structure of the ruling elites. Warren maintains that slave trading in the 18th Century Sulu Zone was a necessary evil that sustained their political power and influence.

According to Warren, the Tausug aristocracy depended on trepang, a sea product, and slave trading for their prosperity. Warren notes that the mainstay of the economy in the 18th and 19th Centuries of those in the Zone was to provide labour to the major foreign powers in the region, with different ethnic groups "specialising" in certain economic activities. Warren further notes in his articles that "slave raiding, or what the Spanish, Dutch and British called piracy, was no longer a manifestation of decay and dependence but rather the result of phenomenal economic growth and strength." When Western powers abolished slave trading in the region, it not only undermined the local economies but it also usurped the authority of the local elites.

The Sulu Zone story is also the story of co-operation and half-hearted attempts at peace deals with the Moros. The South has rebuffed peace attempts because successive administrations at Manila failed to deliver on the core promise of a homeland for the Moros. The Moros had a history of resistance against Spanish, American, and Japanese rule for over 400 years. The violent armed struggle against the Japanese, Filipinos, Spanish, and Americans is considered by the current Moro Muslim leaders as part of four centuries of their struggle for "a homeland".

There have been a series of peace "agreements" between the Moros and the central government at Manila over the years - but they all failed to gain traction because of internal intrigues within the Moro liberation groups and the reluctance on the part of the central government to grant any real form of autonomy to the Muslims under all kinds of pretexts. For example, on February 7, 2001, the Philippines Congress passed a new law, *Republic Act* No. 9054, that expanded the territory and powers of the Autonomous Region in Muslim Mindanao (ARMM) by amending the original *Organic Act* (R.A. No. 6734). The "new" law provided for a plebiscite to ratify the amendments and confirm which other provinces and cities would like to join the region. It was short lived. Without the signature of President Gloria Macapagal-Arroyo, RA 9054 lapsed into law on March 31, 2001.

The stalled peace process was renegotiated during the tenure of Benigno Aquino as President. A new Framework Agreement on the Bangsamoro was signed between the government and MILF on Oct. 15, 2012. To observe the peace-making process, a Third-Party Monitoring Team (TPMT) was formed to monitor the implementation of all the peace agreements between the Central Government and the

MILF. The TPMT has five members representing two local non-governmental organizations, two international non-governmental organizations and one independent person.

Following the Framework Agreement (2012), the government and MILF inked the *Comprehensive Agreement on Bangsamoro* (CAB) on March 28, 2014, in Manila, after two decades of negotiations that was started during the administration of President Fidel V. Ramos. President Benigno Aquino and the Prime Minister of Malaysia, Najib Razak attended the signing ceremony of the CAB at Malacañang Palace. According to the agreement, the MILF agreed to decommission its armed faction. In return, the government allowed for the establishment of an Autonomous Bangsamoro Region. As part of the peace deal, the government promised cash to former MILF fighters for education, training and pocket- money.

The peace talks would have been concluded had it not been interrupted (some said sabotaged) by an unexpected clash at Mamasapano on Jan. 25, 2015 between the members of the Philippines National Police comprising the Special Forces, a Joint U.S. military Special Force with the Bangsamoro Islamic Freedom Fighters (BIFF) and elements from the MILF. According to a military source, 44 Special Action Force (SAF) members, 18 MILF members, five BIFF members and several civilians died in the incident.

Following the Mamasapano incident, Congress withdrew support for the Bill on Bangsamoro Basic Law. This action had underlined efforts by President Benigno Aquino to complete the peace process during his tenure in office. Despite the setback in the peace talks, the MILF kept their promise to disarm. In June 2015, the MILF ordered their fighters to partially disarm. As part of the peace deal that was brokered by Malaysia, according to one source, the MILF surrendered "seventy-five heavy weapons, including howitzers and rocket launchers" to the Government. Although the MILF were upset with the turn of events, they did not resurrect the armed struggle. Instead, they continued to support the peace process.

Their perseverance and confidence in the peace process under President Rodrigo Duterte was well rewarded. The recent signing into law of the much awaited *Bangsamoro Organic Law* (BOL) on 27 July 2018 by the President gives hope for their political aspiration. The BOL provides the legal basis for the establishment of the Bangsamoro Autonomous Region in Muslim Mindanao or the Bangsamoro Autonomous Region (BAR), for short. The BOL faces tremendous challenges including the approval or buy-in of the people at in the proposed plebiscite of the affected regions to determine whether they will join BAR or not. By enacting the Bill into law, President Rodrigo Duterte kept his promise to accommodate the political aspirations of the Moros.

Despite Presidential support, BAR is far from plain sailing. The MILF faces opposition from many well -entrenched Moro political elites/warlords and armed groups with their own followings, who can make legitimate claim for political leadership. One faction of the Moro National Liberation Front (MNLF) who fell out with the previous Governments but still command the resources in the island provinces of Sulu, Basilan and Tawi-Tawi, for example, is likely to oppose the setting up of the BAR that excludes them. The banned Abu Sayyaf Group (BSG), the remnants of the Maute movement, aka the Abu Dar Group and the Bangsamoro Islamic Freedom Fighters (BIFF), among others, are likely to undermine the political interests of the MILF.

President Duterte claimed that "The *Bangsamoro Organic Law* embodies our shared aspirations of a peaceful, orderly and harmonious nation. After decades of armed struggle and violence, we will soon come up with a constitutionally consistent legal instrument that will lay the foundation for establishing real and lasting peace in Mindanao". The President promised that under his reign there shall be a "Bangsamoro Nation" within the Republic of the Philippines that would "address the historical injustices committed against the Bangsamoro people". In his view, the BOL marks "a significant step forward in our quest to end centuries of hatred, mistrust and injustice that cost and affected the lives of millions of people."

The 2016 Report by the International Crisis Report (Brussels) on “The Philippines: Renewing Prospects for Peace” is reproduced for reference. The Report gives an excellent analysis of the peace process in South Philippines during the tenure of President Benigno Aquino. The Report should be read together with the other Reports by the International Crisis Group on South Philippines for a full treatment of the challenges facing the peace process between the central government at Manila and the political movements (mainly the MNLF and MILF) representing the Moros.

Despite the peace process between the central government and the MILF, there are other armed groups in Mindanao challenging the authority of the central government. The most recent armed insurrection against the central Government occurred at Marawi City-a city of 200,000 in Muslim dominated part of Lanao del Sur in Mindanao, Southern Philippines. The “Battle of Marawi” lasted for five months (May-October 2018) and resulted in mass displacement of civilians, destruction of civilian infrastructure and the loss of lives including combatants, non-combatants and soldiers. This uprising by the militants must be seen as part of the ongoing struggle for a homeland and political and cultural identity of a community of more than four million people Muslims in South Philippines. Some have described the revolt at Marawi as a direct response to the failure to bring closure to years of peace talks between the MILF and the government at Manila.

After weeks of intense fighting, President Duterte imposed a controversial martial law in Mindanao to give security forces more power to crush the insurgency/militancy mounted by the Maute and Abu Sayyaf groups. The leaders of the ASG and the Maute brothers have (reportedly) separately declared loyalty to the Islamic State of Iraq and the Levant. The Philippines Supreme Court had, in July 2017, upheld and endorsed President Rodrigo Duterte’s martial law, which he said was necessary to defeat the insurgents. The Martial Law was extended until 31 December 2017.

By October 2017, following the demise of Abdullah Maute, Omarkhayam Maute and Islon Hapilon in the Marawi Battle, President Duterte declared Marawi a “liberated area”. Sustaining the status of Marawi as a liberated area will depend very much on the effectiveness of the Government machinery to deliver the promised development to the area, especially those who have been displaced by the war. Although the “Battle of Marawi” has officially ended, it will take many more years for the scar to heal.

Rebuilding Marawi will be an arduous challenge for the Government.

The failure of the Government to bring lasting peace to the South has emboldened a number of dissident groups to continue with the armed struggle for a homeland. They include the currently active Abu Sayyaf Group (ASG), the Bangsamoro Islamic Freedom fighters (BIFF) and the remnant supporters of the late Maute Brothers.

To finance their armed struggles, the ASG and the BIFF who also operate at sea in the Sulu Zone relied largely on ransom money from their kidnapping activities, gun running and other activities deemed illegal by the Government at Manila. The international shipping community who regularly ply the Sulu and Celebes Sea has also suffered at the hands of the ASG and its banditry allies.

Without peace in the South, it would not be possible to encourage foreign investment necessary to create jobs and business opportunities. The majority of the people who do not benefit from Government projects, for example, will continue to support the insurgents/militants especially in distant areas where the Government machinery is not always present. Poor access to education and poverty in the South breeds hopelessness, which in turn, makes it easy for unemployed youths to take to violence and other anti-social behaviour against the state.

We believe the motivations for terrorism, banditry and kidnappings are not always over ideology. Many terrorist activities are driven by much simpler motivations: financial need, social and political injustice and the belief that violence and or its threat are effective in ushering change. With the BIMP-NEAGA in place, plus other economic opportunities within the Sulu Zone to redress the economic and social injustice, there will be less motivation to pursue criminal activities.

Of course, a political solution that satisfies the aspirations of those who have been fighting for a homeland in Southern Philippines, for example, will go a long way in bringing peace to the region. With peace and economic opportunities, hopefully, there will be less appetite for banditry and kidnappings and other transboundary criminal activities.

Another challenge to peace deals in the South has to do with easy access to guns. Lino Miani describes in his article how Western powers used to sell weapons to different political groups in the Sulu Zone in the early part of the 18th and 19th Century. Gun running in the Sulu Zone remains rampant. During the Cold war period, Western powers fighting the Communist-inspired insurgencies in the region relied on the black market to supply the much-needed weapons for their political supporters including those in the Sulu Zone. Easy cccess to weapons in the Sulu Zone has made it difficult for the central government at Manila to defeat the insurgencies.

In his article that is included this book, Prashant Parameswaran underlines the importance of the Sulu Zone to all the three countries not only from the resources and commerce point of view but for international navigation and for facilitating the cross-border movement of millions of peoples. He cited an Indonesian source that "every year more than 100,000 ships pass through the Sulu-Sulawesi Seas carrying 15 million tons of cargo and 18 million passengers." The opportunities for trade and other commercial activities are large but for the various maritime violence and depredations that happened more regularly in the last two years.

The uncertainty at sea has emboldened certain resistant groups to challenge the legitimacy of the Government.

One consequence of the political uncertainty in South Philippines was to empower the dissidents to take the law into their own hands that could complicate diplomatic relations between the Philippines and Malaysia. In 2013, for example, some dissidents took part in the incursion at Lahad Datu, a coastal town in Sabah, Malaysia. The expeditionary force comprising the private army of the Royal Sulu Force was quickly defeated by the Malaysian Armed Forces. Without the connivance of the Government of the Philippines, which the dissidents thought they could rely for some political support, their action to "reclaim" Sabah for the defunct Sultanate of Sulu was doomed to fail from the beginning.

Jasmine Jawhar and Kennimrod Sariburaja examine in some details the incursion at Lahad Datu in 2013 by a group of dissidents from Southern Philippines purporting to reclaim Sabah as their private property. These "royal pretenders" from the Royal Sulu Force of the now defunct Sulu Sultanate invaded Lahad Datu, a coastal town in Sabah, was said to be a desperate act of the late Kiram family using his private army to stake claim to the eastern side of Sabah. President Benigno Aquino's quick action to distance himself and his government with the activities of the Royal Sulu Force in Sabah has reassured Malaysia that Manila did not sanction the incursion. The action of Filipino security agencies to deploy a number of naval vessels to block off the entry to the Lahad Datu from Tawi-Tawi provided further evidence to Kuala Lumpur that Manila was not complicit in this misadventure.

While the motivations for the incursion at Lahad Datu were primarily personal, internal politics, tribal and family dynamics in Southern Philippines have a role in it. The demise of the leaders of the defunct Royal Sulu Army is not likely to bring closure to their private claim to Sabah. While the Philippines' claim to Sabah remains an irritant in the relationship between Manila and Kuala Lumpur, both states are currently determined to work together with Indonesia to bring peace to the troubled maritime sector of the Sulu Zone region and put an end to criminal activities at sea.

The prospects for peace after Marawi and the implementation of the *Moro Organic Law* stills hang in the balance. At printing time, the plebiscite in the proposed autonomous districts has not taken place.

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Editors

BA Hamzah and Vivian L. Forbes

Celebes and Sulu Seas:
Maritime Jurisdictional Limits

V.L. Forbes[1]

Introduction

The greater surface area of the Sulu Sea, at present, falls under the national jurisdiction of the Republic of the Philippines. The remainder of the sea falls within the maritime realm of the Federation of Malaysia and is off the east coast of the State of Sabah. The Celebes Sea (also known as *Laut Sulawesi*; however, the name Celebes is used in this discussion), further south, was politically divided, for a greater part of its east-west alignment in an Agreement, signed in May 2014, between the Governments of Indonesia and the Philippines. However, final delimitation of a maritime boundary and the establishment of Common Point in the northwest sector of the Celebes Sea require the collective political will of the three littoral States: namely, Indonesia, Malaysia and the Philippines.

This chapter is in four parts: 1) the narrative comprises the geographical setting and environmental concerns; 2) discussion on the establishment of a Territorial Sea datum by two archipelagic States, namely Indonesia and Philippines and the impending publicity of Malaysia's basepoints; 3) an analysis of the delimitation of a maritime boundary or some similar political division of the seas or attributing lines of resources allocation within these seas; and, 4) an analysis of the geopolitical issues that hinder the resolution of maritime boundary delimitation and the effectiveness of implementing and enforcing delineated maritime boundaries in these regional seas.

Prior to the discussion of the maritime limits in the Celebes and Sulu Seas it is necessary to place the narrative in its geographical context.

Geographical Setting

The collective surface area of the Celebes and Sulu basins is about 900,000 km^2. These semi-enclosed seas are separated by the Tawi-Tawi Ridge – a collection of islands and reefs that span over a distance of 360 kilometres between the eastern tip of Borneo Island and the western extremity of Mindanao Island.[2] The Sulu Sea is the body of water that is enclosed on three sides by the archipelagic state of the Philippines and to its west by the eastern coastline of Sabah, Malaysia. The Celebes Sea is the body of water bounded by parts of the archipelagoes of Indonesia and the Philippines to the south and north respectively and on the west by the east coast of Borneo Island, and in particular by Sabah (Malaysia) and Kalimantan (Indonesia). Figure 1 illustrates the two seas in their geographical setting encompassed by a string of islands located between Latitudes 1° and 13° N and Longitudes 118° and 128° E.[3] The Sulu Sea (IHB Code 48a) is interlinked, via straits, to its west by the South China Sea and to its east by the Pacific Ocean. The Celebes Sea (IHB Code 48b) is semi-enclosed to its east by the chain of islands facing the Pacific Ocean and to the east by the east coast of Borneo Island.

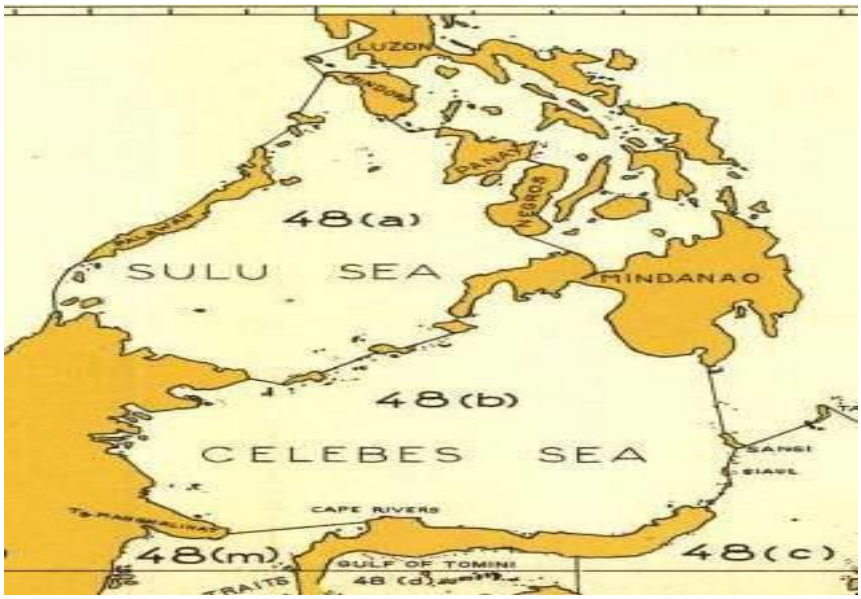


Figure 1: The limits of the Sulu and Sulawesi Seas[4]

The Celebes and Sulu Seas are Large Marine Ecosystems (LME) in the tropical maritime Southeast Asia, containing geographically distinct assemblages of natural communities that share a large number of common species, dynamics, and environmental conditions.[5] The Pacific Ocean flows into Sulu Sea in northern Mindanao and between Sangihe-Talaud Archipelago, North Sulawesi. Surface waters from one basin overflow to the other every two weeks and through-flows through the Tawi-Tawi-Sulu Archipelago occur during monsoons. An internal wave moves back and forth from the Tubbataha Ridge towards the east coast of Palawan Island. (Figure 2) The Celebes-Sulu Sea LME is synonymous to the Celebes-Sulu Sea Marine Ecoregion.[6]

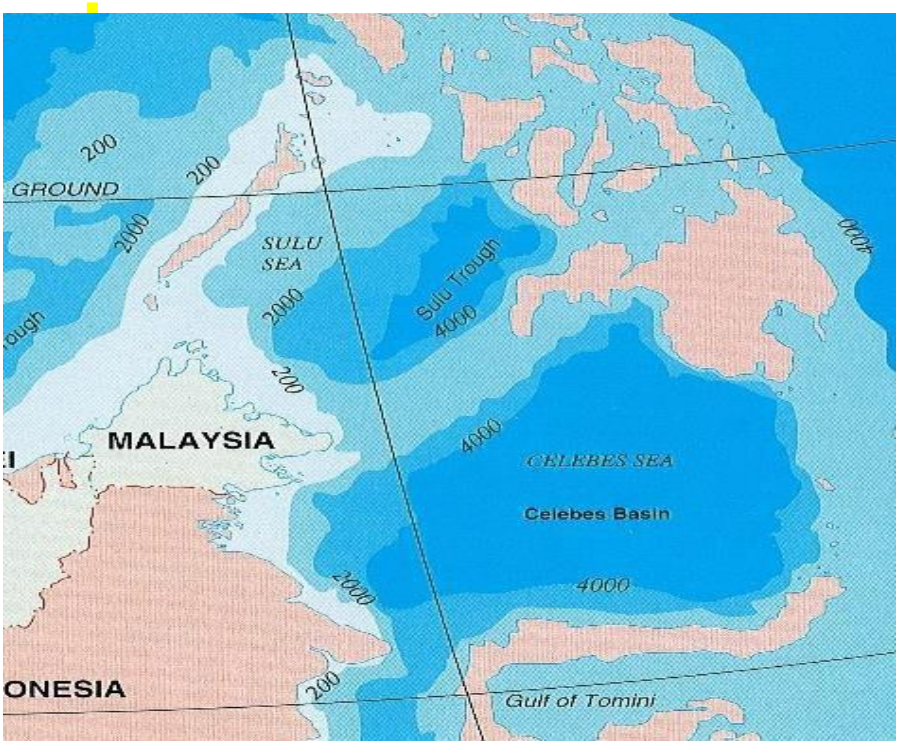


Figure 2: Simplified bathymetry of the Celebes and Sulu Seas
(*Source*: An extract of a map prepared by the present author)

The marine biological diversity has been studied and its range and richness has been documented extensively.[7] The interests, challenges and perspectives of the littoral states are the focus of numerous academic studies designed to bring to the attentions of the political masters over many decades.[8] Often the jurisdictional limits, as perceived, have been challenged by actions of illegal activities that include kidnapping, piracy, smuggling of goods and terrorism and environmental agencies.[9] Then there are the claims and counter-claims over territory and sovereignty by States or state-sponsored agencies.[10]

Territorial Sea Baselines and Base Points

In order to establish maritime jurisdictional limits and zones in accordance with the provisions contained in the 1982 *United Nations Law of the Sea Convention* (1982 Convention) a coastal and/or island state is required to define, by the relevant national authority, its Territorial Sea basepoints, and if deemed essential, straight baselines.[11] The geographical coordinates of the basepoints and/or charts drawn at a suitable scale must be deposited at the United Nations Office of Ocean Affairs and Law of the Sea.[12]

Indonesia defined its territorial sea basepoints in 1960 with subsequent revisions in accord with, and to take advantage of, the rules for the constructing archipelagic straight base lines as provided in Article 47 of the 1982 Convention (Ref: Figure 3).[13]

Figure 3: Indonesia's archipelagic straight baselines and territorial sea limit.
(*Source*: present author and Felix Lim)

With the general acceptance by the international community of the archipelagic principle of a state, the successive governments of Indonesia promulgated at least four revisions, the latest was in 2009 which was enacted through *Government Regulation* No.37 of 2008 and deposited with the United Nations Secretary-General on 11 March 2009.[14] The revision was for an area simply known as 'Ambalat', the precise meaning of which is un-defined by relevant authorities in Indonesia. (See Figure 4) The deposit of a list of geographical coordinates of base points in pursuant to Article 47, paragraph 9, of the 1982 UN Law of the Sea Convention by the Republic of Indonesia was made on 11 March 2009. In particular, the location of Points identified as TD 036, 036A and 036B and TD 037. The geographical coordinates for these points, in the northwest corner of the Sulawesi Sea are listed in Table 1 and portrayed in Figure 4.

Point ID	Latitude N	Longitude E
036	4° 10' 10"	117° 54' 29
036A	4° 09' 58"	117° 55' 44"
036B	4° 09' 34"	117° 56' 27"
037	4° 00' 38"	118° 04' 58"

Table 1: Revised base points off the coast of Pulau Sebatik, Sulawesi Sea
(*Source*: No. 37, 2008 *Penjelasan dalam Tambahan Lembaran Negara, Republik Indonesia*, Nombor 4854)

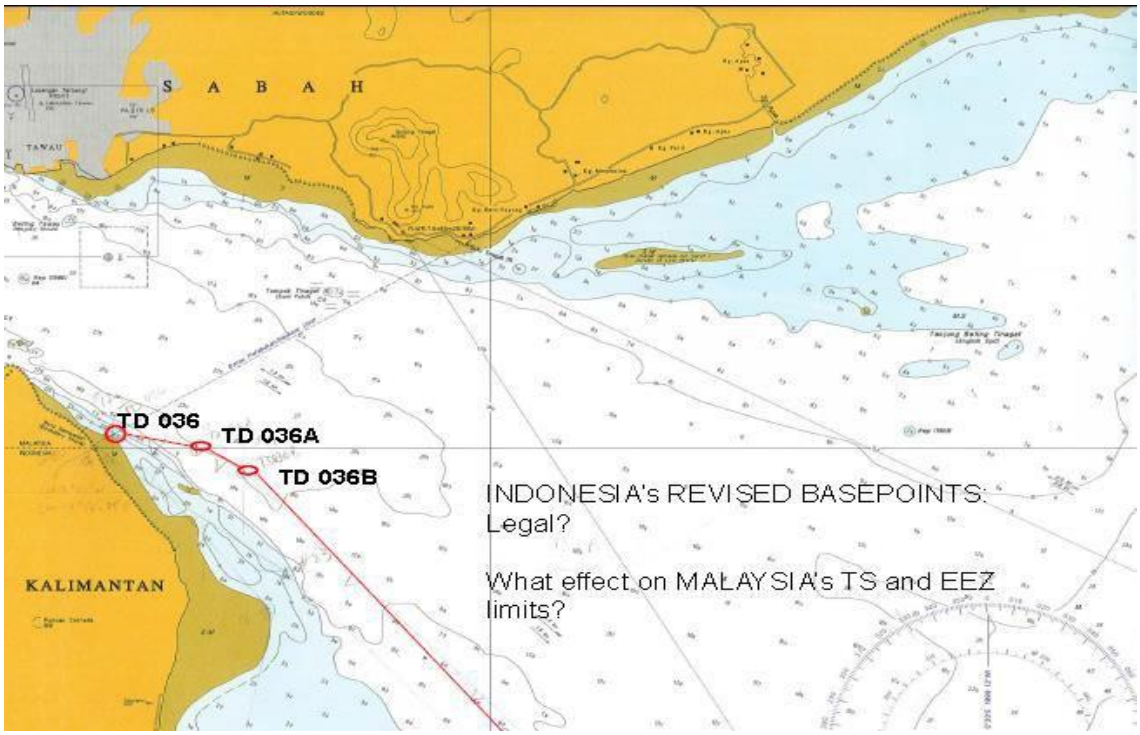


Figure 4: The 2009 revised basepoints straight baselines off Sebatik Island in an area termed 'Ambalat' by Indonesia

The location of the revised basepoints namely TD 036 to TD036B have been queried by Malaysian authorities and by the present author on several occasions, however, the lack of accurate and updated nautical charts held by one agency and reluctance of the opposing agency to release bathymetric information hinders a factual assessment of the situation.[15] The straight baselines connecting the points TD 036 to TD 056 in the Celebes Sea and into the western South Pacific Ocean are depicted in the illustration at Figure 5, below.

Figure 5: The revised basepoints baselines of Indonesia in the Celebes Sea

Malaysia's Territorial Sea Basepoints

By 19 March 2019, Malaysia had not promulgated the geographical coordinates of its territorial sea basepoints nor delineated straight baselines although by inference it is the 'low water line that indicates the territorial sea datum, which is marked on the officially authorised largest scale nautical chart' produced by the national authority. However, legislation has been enacted. The National Hydrographic Centre of the Royal Malaysian Navy is designated the official authority.[16] A classic response by authorities is that base points have been published by virtue of a submission made to the Commission on The Legal Continental Shelf (CLCS) on 8 May 2009. This is acknowledged, however, the submission only focuses on the South China Sea. It can be inferred that straight baselines are utilised by examining the *1979 Peta Baru* graphics that purports to show the outer edge of Malaysia's territorial sea.[17] However, these straight base lines are open to conjecture and interpretation. Hence, it is not possible for this present study to offer an analysis of the basepoints that would be employed by Malaysia in the Celebes and Sulu Seas.

The Philippines' Archipelagic Baselines

On 28 July 2008, the Congress of the Philippines, Metro Manila, presented Republic Act 9522 to amend certain provisions of *Republic Act* No. 3046 as amended by *Republic Act* No 5446 which

defined the archipelagic baselines.[18] On 10 March 2009 the Act received the Presidential seal of approval. The enactment of the legislation followed 15 days later by which time it was published in the Official Gazette and advertised in newspapers in the Philippines of general circulation. Enactment affirmed the Republic's dominion, sovereignty and jurisdiction over all portions of the national territory as defined in the *Constitution of the Republic of the Philippines* of 1978 and by provisions of applicable law including, without limitation, *Republic Act* No. 7160, otherwise known as Local Government Code of 1991, as amended. (Section 3, R. Act 9522).[19] Deposit of the list of geographical coordinates of points as contained in *Republic Act* No. 9522: *An Act to Amend Certain Provisions of Republic Act* No. 3046, as Amended by Republic Act No. 5446, to define the Archipelagic Baselines of the Philippines, and for Other Purposes.

The Act, together with the geographical coordinates of the base points and relevant maps and charts have been deposited and registered with the Secretary-General of the United Nations, New York in accordance with the 1982 Convention (Section Four). The production and publication of charts and maps, at the appropriate scales, clearly delineating the archipelagic base points and baselines (Section Five) were undertaken by the National Mapping and Resource Information Authority (NAMRIA). Funding for this task was provided in a supplemental budget and included in the *General Appropriations Act* in 2009 (Section Six).[20]

The Act re-defined the archipelagic straight baselines in accordance with the provisions of the 1982 Law of the Sea Convention. The geographical co-ordinates of the basepoints based on World Geodetic System 1984 (WGS 84) were published on 8 November 2006. Section 1 of the proclamation listed 101 Points commencing with Point 1 (PAB-1) which is located at Amianan Island located at Lat. 21° 6' 57.73" N and Lon. 121° 57' 27.71" E. Thence clockwise and southward to Cap St Agustin and thence westerly, into the Sulawesi Sea to the southeast tip of Sarangani Island, Frances Reef (Point PAB-40, Lat. 4° 24' 53.84" N and Lon. 119° 14' 50.71" E), thence trending northerly and into the Sulu Sea connecting numerous islands and reefs till the point of Balabac Great Reef (PAB-55, Lat. 7° 54' 36.35" N, Lon. 116° 53' 16.64" E). Figure 6 portrays the location of the revised territorial sea basepoints of the two archipelagic states in the Celebes Sea (Sulawesi Sea for Indonesia and the Philippines) in the Sulu Sea for the Philippines.[21]

Figure 6 also portrays the EEZ boundary between Indonesia and the Philippines in the Celebes Sea and Malaysia's continental shelf claimed boundary in the Sulu Sea which is aligned with a series of straight lines that was inferred as a limit of spatial allocation, that is discussed, below. The scale of the map presented in this narrative cannot offer a true representation of the role that geography should play in employing international law to delimit an international political boundary in a region burdened with historical baggage and linkages and vague descriptions of a terrestrial boundary and irregular boundary markings on land and especially at the land/sea interface.[22]

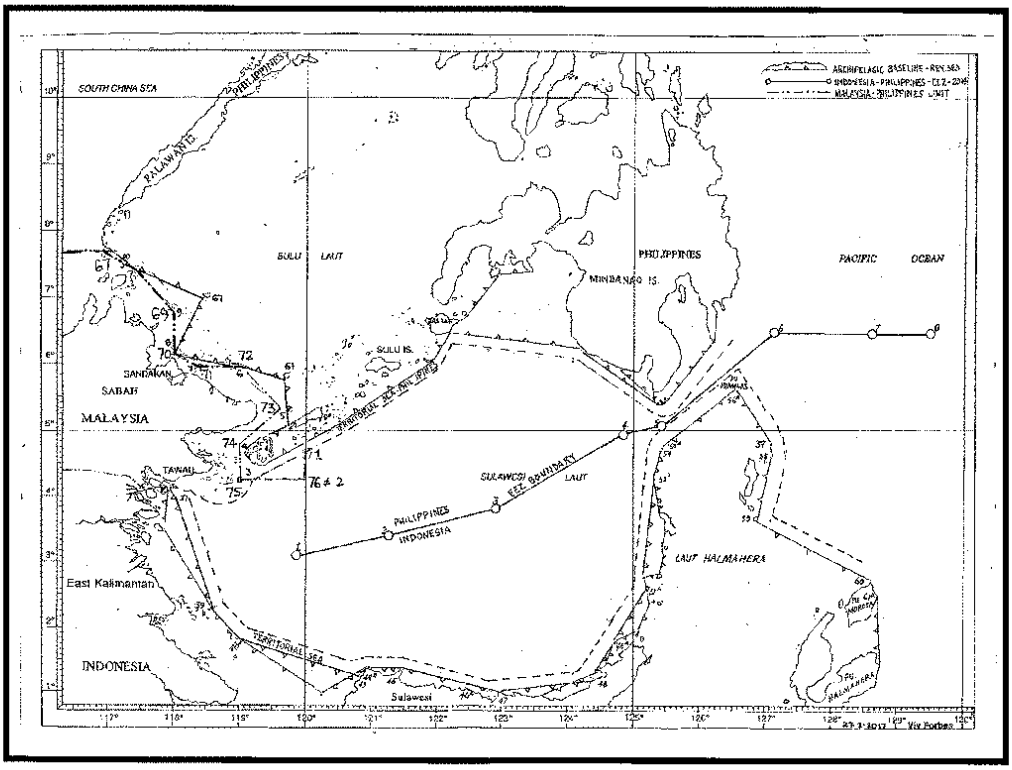


Figure 6: Territorial Sea limits and EEZ boundary in the Celebes Sea.

(*Source*: Present author)

Historical Links and Geopolitical Limits

Having described and defined the physical limits of this semi-enclosed sea and the territorial sea datum employed by the littoral States, it is now appropriate to examine the international political boundaries and national jurisdictional limits of the Celebes and Sulu Seas. Three States share these waters and the resources contained in the seas and the sub-stratums thereof. To gain an appreciation of the contemporary issues that are obstacles to finalisation of maritime boundary delimitation and the associated problems it is necessary to peek into the past and specifically the case of cession and sovereignty claim.

Figure 6 illustrates the alignment of Malaysia's claimed continental shelf boundary in the Sulu Sea – in essence the series of line that purport to be a maritime boundary between Malaysia and the Philippines – is based on three treaties and two Protocols that the two countries inherited as listed below. However, these agreements were not drafted to delimit a maritime boundary but were a means of allocating sovereignty over the islands in the western sector of the Sulu Sea:[23]

1. The *Treaty of Peace between the United States and Spain of 1898* (also known as the 1898 *Treaty of Paris*).
2. The *Treaty between the United States and Spain, for the Cession to the United States of any and all Islands of the Philippine Archipelago lying outside the Lines described in Article III of the Treaty of Peace of 10th December 1898* of 1900 (also referred as the 1900 *US-Spanish Treaty*).
3. The *Boundary Agreement between Great Britain and the United States* of 1930 (known as the 1930 UK-US Border Agreement.

The line connecting Points TP 66 and 76 is in accord with Article III of the Treaty mentioned in 1, above. However, after the signing of this treaty, misunderstandings arose with respect to some islands that were west of the line because it was assumed that the islands of Cagayan Sulu and Sibutu should have been specifically mentioned as being part of the Philippine Archipelago. This was rectified by the explanatory treaty mentioned in (2) above, where it was agreed upon that those two groups of islands and their dependencies should be comprehended in the cession as fully as if they had been expressly included within the agreement as described by Article III of the Paris Treaty.[24]

The issue of sovereignty over the islands and parts of northern Borneo and the extent of Spanish control over parts of the archipelago was compounded with arrival of British and other European explorers and traders to the regional seas. An agreement concerning the territories in northern Borneo was concluded in 1878 (or the 1878 *Sulu Treaties*) between the Sultan of Sulu and Gustav von Overbeck which led later to the establishment of the British North Borneo Company.[25]

Refusal by the British and German Governments to acknowledge Spanish control over the southern Philippines led to the signing of the *First Protocol* of 1877. However, as a result of a *Second Protocol* of 1885, the same parties now recognised Spanish sovereignty over Sulu and *roughly* delineated the spheres of influence between the European powers.[26] This boundary was never surveyed nor precisely defined. Possessions of some of the islands and reef systems off the northern coast of Borneo remained uncertain even after the signing of the 1900 US-Spanish Treaty.

The British North Borneo Company took the initiative by obtaining from the Sultan of Sulu a Confirmation of Cession of Certain Islands in 1903 which were between Banguey (Banggi) and Sibuco Bay. A list of the islands is in Annex II, below. In the Confirmation it was clearly stated that the islands were specifically mentioned in the 1878 Sulu Treaty because they had already been included in that agreement.[27] The provisions of the 1930 Boundary Treaty specified the geographical coordinates of the turning points in Article I of an international political boundary alignment in the Sulu Sea. Malaysia's Turning Points (TP) 67 to 76 of its 1979 Continental Shelf limits coincide with the straight lines of the 1930 boundary. [TP 67: Lat. 7˚ 40' Lon. 117˚ 00'; TP 76: Lat. 4˚ 23' Lon. 120˚ 00' [depicted in Figure 7 and Annex II].

However, it would appear that the negotiators did not observe exactly the allocation of islands as established in the 1903 Confirmation but allotted the Turtle Islands (comprising Si Baung, Bo-aan, Lihiman, Langman, Bakkungaan, Taganac, and Babuan), according to the 1907 UK-USA arrangements to the Philippine Archipelago.[28] [Annex II, below]

The present boundary, as depicted on most maps presently produced by the relevant authorities in Malaysia, are delineated employing the geographical co-ordinates as published, by the present author, in Figure 7, below.

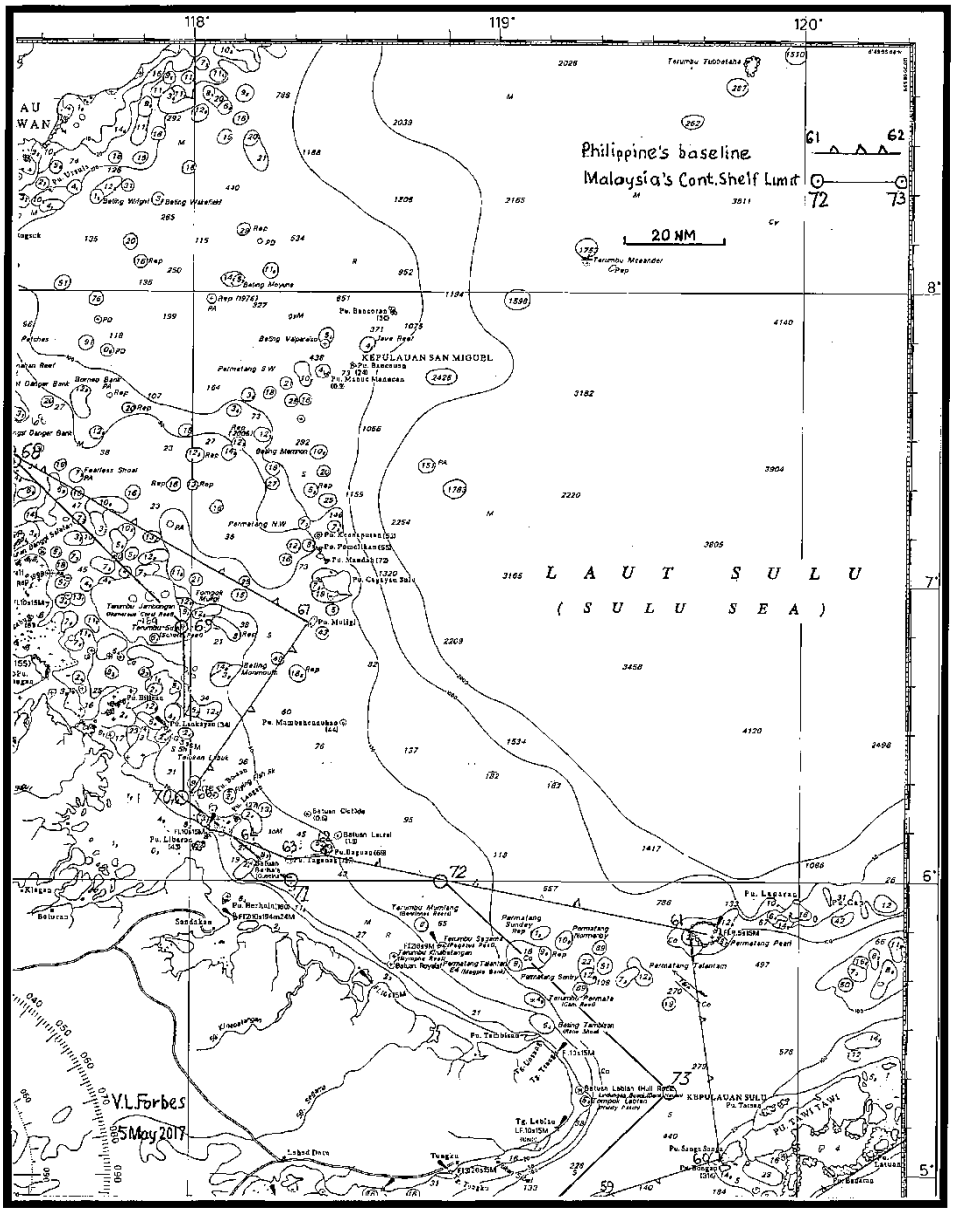


Figure 7: Philippines' archipelagic straight baselines in the Sulu Sea

The 1982 Convention on the Law of the Sea prescribes a suite of maritime jurisdictional zones measured seaward from a territorial sea datum which the State must define, proclaim and make public the geographical coordinates.[29] The jurisdictional zones are the territorial sea, the contiguous zone, the EEZ and the legal continental shelf if the natural prolongation of the land extends beyond 200M from the baseline system employed by the State.[30] Maritime boundaries have yet to be formalised between Indonesia, Malaysia and the Philippines in the north-western waters of the Celebes Sea (Sulawesi Sea).

Indonesia's revised territorial sea basepoints were re-defined and the geographical coordinates of the points was published in June 2002. Points 20, 21 and 22 would have an impact on the alignment of a maritime boundary between Indonesia and Malaysia. Indonesia chose to use Pulau Ligitan as base points 17 and 18 and Pulau Sipidan as Point 19, but this was prior to the judgement handed down by the International Court of Justice in December 2002 which recognised Malaysia's sovereign rights over these two geographical features. Points 17 to 19 (inclusive) are redundant for the

purpose of this argument. New Points numbered TD 036 to TD 037 (inclusive) were claimed by Indonesia.[31]

If one is to accept Indonesia's territorial sea basepoints, which to all intent and purposes, are in accordance with Article 47 of the 1982 Convention; that Malaysia can opt to use Batu Unarang, Pulau Ligitan and Pulau Sipidan as it deems necessary and most advantageous to its maritime jurisdictional claim; and, that the Philippines would adopt Frances Reef as one of its base points, then it is possible to determine and produce, on the equidistance principle, utilising the relevant base points and straight base line systems a series of turning points for the alignment of potential maritime boundaries between Indonesia and Malaysia and between Malaysia and the Philippines.

An equitable solution will only be achieved by the three States negotiating their boundaries. Such negotiations should take place sooner, rather than later, as there are potentials for serious implications in a number of marine-related issues, for example, surety of tenancy in offshore exploration and exploitation of hydrocarbon reserves. Should the Philippines' Government insist on using Frances Reef as a base point in its archipelagic baseline system and Malaysia employs Pulau Ligitan in the negotiations, the resultant maritime boundary alignment could impinge on the line joining Points 76 and 77 and by extension the line joining 75 and 76. Perhaps there would be a loss to Malaysia of some 2,400 square nautical miles of maritime space from its perceived claim. The alignment of a potential Indonesia/Malaysia maritime boundary would appear to align itself very close to the lines joining Points 79 to 83 and therefore minimal change in Malaysia's claim.[Refer to Annexe II]

The above summation is open to conjecture. Any resolution will only be realised through a better understanding of the geographical facts, legal interpretation and political will on the part of all three States. In any case, each of the States will be required to submit their claim to limits of a legal continental shelf to a Commission on the Legal Limits of the Continental Shelf in due course. For this reason alone they would need to give due attention to the definition and publication of their respective territorial sea basepoints and proclamation of the maritime jurisdictional limits.

Malaysia has not, as yet (by March 2019, to the knowledge of the present author), specified the base points and straight baselines which are to be used for the determination of the width of its legal continental shelf limit in the Sulu Sea and Sulawesi Sea. That said, legislation has been enacted which defines the territorial sea datum employed by Malaysia which is the Lowest Astronomical Tide level as depicted on the official charts produced by the authority of that State. Indonesia and the Philippines are archipelagic States. Indonesia, on 18 February 1960 and the Philippines, in 1961, proclaimed territorial sea baselines and attained archipelagic status: long before the concept was debated in the Third Law of the Sea Conferences during the period 1973 to 1982. These States subsequently revised their base points on several occasions and more recently by Indonesia in 2002 and the Philippines four years later. Indonesia once again revised its territorial base points in 2009 in the western sector of the Sulawesi Sea. With established baselines of the two archipelagic States negotiations between the committees began in earnest, albeit, prolonged.

Negotiation Process

The Philippines and Indonesia commenced negotiations on their overlapping EEZs at the First Senior Officials Meeting on the Delimitation of the Maritime Boundary held from 23-25 June 1994, in Manado, Indonesia.[32] The senior officials set the guiding principle for the maritime boundary delimitation talks and established a Joint Permanent Working Group on Maritime and Ocean Concerns (JPWG-MOC) with its Sub-Working Groups and the Joint Technical Team. The JPWG-MOC and Technical Team held series of alternating meetings from 1994 to 2014 in the Philippines and Indonesia to devise a delimitation line for the overlapping EEZs in the Mindanao Sea and Celebes Sea.

On 8 March 2011, Secretary of Foreign Affairs Albert F. del Rosario and Dr. R.M. Marty M. Natalegawa, Indonesian Foreign Minister, signed the Joint Declaration wherein they agreed to accelerate bilateral negotiations for the delimitation of the maritime boundaries of the Philippines and Indonesia. Secretary del Rosario and Minister Natalegawa also instructed the Technical Team to conduct a series of meetings to come up with an agreement on the EEZ boundary.[33]

A Joint Declaration was issued during President Aquino's state visit to Indonesia on 8 March 2011. During the State Visit, President Aquino stated, "The maritime boundary delimitation will enhance our cooperation in so many fields, from protecting the marine environment to being more efficient in regards to the security concerns in the region between Philippines and Indonesia in particular."(DFA, Press Statement) The JPWG-MOC held a total of eight meetings to reach an agreement on the EEZ boundary.[34]

The signing of the Agreement on the EEZ Boundary was the culmination of 20 years of negotiations by diplomatic and technical representatives of the two archipelagic States to find an equitable solution to their overlapping EEZs. Foreign Affairs Under-Secretary for Policy Evan P. Garcia, head of the Philippine delegation, and Ms. Wiwiek Setyawati Firman, Acting Director-General for Legal Affairs and International Treaties in the Indonesian Ministry of Foreign Affairs, endorsed the signing of the legal documents by their governments the "Agreement between the Republic of the Philippines and the Republic of Indonesia Concerning the Delimitation of the Exclusive Economic Zone Boundary."[35] [Appended below]

The two officials presided over the 8th Meeting of the JPWG-MOC held on 18 May 2014 in Jakarta where their delegations reviewed the text of the Agreement and the chart showing the EEZ boundary. "The conclusion of the negotiations attests to the friendship, patience, goodwill and commitment of the Governments of the Philippines and Indonesia to peacefully address maritime issues. This is a significant contribution to, and an example of, reasonable efforts to build a stable and peaceful regional community, in consideration of the interests of countries concerned and in accordance with international law," Under-Secretary Garcia noted in his opening remarks.[36] He also stressed in his opening remarks the importance of a clearly defined maritime boundary between the Philippines and Indonesia as it will "promote more cooperation in the EEZ in order to advance our common interest of managing and preserving the resources in the EEZ for the benefit of our peoples."

He further stated that the Government of the Philippines learned many lessons in the 20-year negotiations on the delimitation of the overlapping EEZs, particularly on the principles and the methods that were applied to reach an EEZ boundary line. Philippine Ambassador to Indonesia Maria Rosario C. Aguinaldo, and Mr. Gilberto Asuque, Head of the Philippine Technical Working Group on Maritime Boundary Delimitation and Deputy Chief of Mission of the Philippine Embassy in Tokyo, assisted Under-Secretary Garcia during the meeting, along with the other members of the Philippine delegation.[37]

The Eight Meeting of the JPWG-MOC was preceded by the Fourth Preparatory Meeting of the Technical Team held on 17 May 2014 also in Jakarta where the diplomats, hydrographers and the cartographers of the two countries prepared the text of the Agreement and the details of the chart for the consideration of the JPWG-MOC. Mr. Asuque and Mr. Octavino, Director for Political, Security and Territorial Treaties and Head of the Indonesian Technical Working Group on Maritime Boundary Delimitation, led their respective technical panels in the preparatory meeting for the Eight Meeting of the JPWG-MOC.[38]

Under-Secretary Garcia and Acting Director-General Firman exchanged copies of the Record of Discussion of the Eight JPWG-MOC that included the draft Agreement and the chart which they endorsed for signing by Foreign Affairs Secretary Albert F. del Rosario and Foreign Minister Dr. R.M. Marty M. Natalegawa. The charts depicting the EEZ boundary were signed for the Philippines,

by Dr Peter N. Tiangco, Administrator, National Mapping and Resources Information Authority (NAMRIA), and Captain Jacinto Cablayan, Director, Hydrography Branch, NAMRIA; and, for Indonesia by Mr. Asep Karsidi, Head of the Indonesian Geospatial Information Agency and Cdr. Dede Yuliadi, Chief Hydrographer, Hydro-Oceanographic Office, Indonesian Navy.[39]

The Department of Foreign Affairs (DFA) led the negotiations for the maritime boundary delimitation talks. The Philippine Technical Working Group on Maritime Boundary Delimitation (PH-TWG-MBD), chaired by the DFA, prepared the negotiating positions, the charts showing the area of the overlap and the possible delimitation options and other inputs for the talks. The PH-TWG-MBD was composed of representatives from the DFA, Department of Justice, Office of the Executive Secretary, Department of National Defence, Armed Forces of the Philippines, Department of Transportation and Communications – Maritime Industry Authority, Philippine Coast Guard, Department of Environment and Natural Resources – National Mapping and Resources Information Administration, Department of Agriculture – Bureau of Fisheries and Aquatic Resources, and the Department of Energy, among the key government agencies.[40]

Teams of negotiators from the Governments of Indonesia and the Philippines completed the negotiations on 19 May 2014 on the delimitation of their overlapping exclusive economic zones (EEZs) claims in the Mindanao Sea and Sulawesi Sea with the finalisation of the text of the Agreement and the chart portraying the EEZ boundary. The Governments of Republic of the Philippines and the Republic of Indonesia signed an Agreement between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia Concerning the Delimitation of the Exclusive Economic Zone (EEZ) Boundary on 23 May 2014.[41]

An Analysis of the Negotiated EEZ Boundary

The EEZ boundary as negotiated appears to be based on an equidistant principle. The geographical coordinates of two termini and six turning points were defined and are shown in Table 1.[42] The azimuths and distances between the points are illustrated in Table 2.

Table 1: Geographical co-ordinates of the Terminal and turning points

Point No.	Latitude N	Longitude E
1	3° 06’ 41”	119° 55’ 34”
2	3° 26’ 38”	121° 21’ 31”
3	3° 48’ 58”	122° 56’ 03”
4	4° 57’ 42”	124° 51’ 17
5	5° 02’ 48”	125° 28’ 20”
6	6° 25’ 21”	127° 11’ 42”
7	6° 24’ 25”	128° 39’ 02”
8	6° 24’ 20”	129° 31’ 31”

Table 2: Azimuth and Distances between Points.

Points	***Azimuth***	***Distance (M)***
1-2	075°	90
2-3	077°	98
3-4	055°	136
4-5	087°	36
5-6	051°	133
6-7	093°	88
7-8	093°	65

Total distance: 646M (derived from a small-scale chart).

The value of 646 M differs from the official statement which infers the overall length of the boundary is 657.21 miles or 1162kms. The official value is probably more accurate especially if it has been computed employing geographical coordinates based on the geodetic datum of WGS-84. Points 1 to 8, inclusive appear to be located equidistant from the relevant points on the coastlines of the opposites States. If a Common Point (CP) or tri-junction is to be negotiated between Malaysia, Indonesia and the Philippines it is possible that it will be about 44M westward of Point 1.

Benefits for the Fishers of the Philippines

With a clearly delimited EEZ boundary as guided by the official chart, Filipino fishing vessels and fishers are now able to operate and undertake livelihood activities in the Philippine EEZ knowing where the Indonesian EEZ begins. The Coast Guard and law enforcement authorities of the Philippines and Indonesia will now know the maximum extent of their respective EEZs, and thereby can implement rules and regulations referring to a clear jurisdictional area. Furthermore, Philippine fisheries authorities can advise fishing communities, especially in Mindanao, as to the limits of the Philippine EEZ. Filipino fishing vessels may exercise freedom of navigation through the EEZ of Indonesia pursuant to the relevant provisions of the 1982 Convention.

The EEZ boundary provides the basis for the DFA to conduct further discussions with Indonesia on the arrangements for the navigation of Filipino vessels into the EEZ of Indonesia in accordance with the 1982 Convention. Upon the signing of the Agreement, the DFA and DA-BFAR will organise meetings with various fishing organizations in Davao, especially with deep sea fishing companies, to discuss the details of the EEZ boundary and the rights and obligations arising regarding the delimited EEZ pursuant to the relevant provisions of 1982 Convention. The Agreement on the EEZ Boundary has achieved the vision of President Aquino when, during the State Visit to Indonesia on March 8, 2011, he said:

> *The maritime boundary delimitation will enhance our cooperation in so many fields, from protecting the marine environment to being more efficient in regards to the security concerns in the region between Philippines and Indonesia in particular.*[43]

The agreement institutionalised the principles applied by the Philippines and Indonesia in delimiting their overlapping EEZs based on international law, including the 1982 Convention. The EEZ boundary was agreed through a rules-based negotiation for a peaceful solution of maritime

issues. The conclusion of the negotiations attests to the friendship, patience, goodwill and commitment of the Governments of the Philippines and Indonesia to peacefully address maritime issues. This is a significant contribution to, and an excellent example of, reasonable efforts to build a stable and peaceful regional community, in consideration of the interests of countries concerned and in accordance with international law.

The Government of Malaysia will be required to negotiate with its counterparts in Indonesia and the Philippines to finalise its maritime boundary in the Sulawesi Sea and possibly clear any misunderstanding that may exist with reference to jurisdictional limits in the Sulu Sea.

Specific Issues That Hinder Finalisation of Boundary

During 2007, Indonesia accused Malaysian naval patrols of entering Indonesian territorial waters surrounding an area referred to as 'Ambalat' in the Sulawesi Sea. What and where is Ambalat? The name does not appear in a gazetteer or on a standard map or in any renowned atlas – well none that are in the present author's possession. It is an area of the Laut Sulawesi (Celebes Sea) which lies adjacent to Pulau (Island) Sebatik which in turn, is off the east coast of Borneo Island. Indeed, chart MAL 8425 would infer that it is within the confines of Teluk Sibuko (Bay Sibuko). Pulau Sebatik is politically divided, based on an Anglo/Dutch Convention of 1891, along the parallel of Latitude 4° 10' N. A border post is erected on this latitude at the east coast of Pu Sebatik. According to the Indonesian Military (TNI), Malaysia's had intruded on nine occasions to 2009. Malaysian authorities, however, countered by accusing Indonesia of breaching its borders 13 times to 2009.[44]

The accusations and arguments from both parties hinders the acquisition of reliable information about the accuracy of bathymetric information, territorial sea basepoints and limits of jurisdictional zones in the northwest sector of the Sulawesi Sea and in the Sulu Sea between Malaysia and the Philippines. In the instance of the latter, the general contention is that there are no problems with direct reference to the alignment of the 'present maritime boundary' despite the 'historic claims' by one particular group from the Philippines on part of Sabah and the far too frequent encroachment of fishers and alleged 'pirate gangs' entering Malaysian territorial waters.

Summary

The Agreement of 23 May 2014 on the EEZ Boundary was reached on the basis of international law including the 1982 Convention, state practice and decisions of international tribunals on maritime boundary delimitation. It is the result of a rules-based negotiation to peacefully resolve maritime issues between two archipelagic states. From 1994 to 2014, the two countries held a series of negotiations on the EEZ boundary through the Joint Permanent Working Group on Maritime and Ocean Concerns (JPWG-MOC) assisted by the three sub-working groups and the joint technical team. A clearly defined maritime boundary between the Philippines and Indonesia will promote more cooperation in the EEZ in order to advance the common interest of managing and preserving the resources in the EEZ and in strengthening security cooperation.

The Government of the Philippines, by its own admission, learned many lessons in the 20-year negotiations on the delimitation of the overlapping EEZs, particularly on the principles and the methods that were applied to reach an EEZ boundary line. With a clearly delimited EEZ boundary in the Celebes Sea, as guided by the official chart, Filipino fishing vessels and fishers are now able to operate and undertake livelihood activities within the Philippine EEZ knowing where the Indonesian EEZ begins. The Coast Guard and law enforcement authorities of the Philippines and Indonesia will now know the maximum extent of their respective EEZs, and thereby can implement rules and regulations referring to a clear jurisdictional area.

Furthermore, Philippine fisheries authorities can advise fishing communities, especially in

Mindanao, as to the limits of the Philippine EEZ. Filipino fishing vessels may exercise freedom of navigation through the EEZ of Indonesia. An equitable solution will only be achieved by the three States negotiating their boundaries in the western sector of the Celebes Sea. All that is desired is that the three littoral States of the two seas cooperate in resolving their maritime boundary alignments to ensure that their national laws and regulations can be enforced and implemented by those tasked to do so in an efficient and timely manner.

Endnotes

1. The author is an Adjunct Research Professor at the National Institute for South China Sea Studies, Haikou; Distinguished Research Professor at CIBOS, Wuhan University; and Adjunct Professor at the University of Western Australia.
2. The *Philippine Islands Pilot* and *Indonesia Pilot* Vol II published by the UK Hydrographic Office offer accurate descriptions of the seas, the coast and islands encompassed in this study.
3. A description of the geographical limits can be found in *Limits of the Ocean* published by the IHB, Monaco, 1935.
4. The extract of the map showing the limits of the two seas that are the focus of this study is taken from the volume *Limits of the Ocean* published by the IHB, Monaco, 1935. For a description of the geophysical structure of the basins a useful publication is USGS Open-File Report 97-470F.
5. Celebes Sea and Sulu Sea as a LME see Sulu-Celebes (Sulawesi) Sea, GIWA Regional Regional Assessment 56, UNEP, 2005; Sulu Sulawesi Marine Ecoregion, World Wildlife Fund, Final closeout Report, 2004.
6. See: Lyndon DeVantier, Angel Alcaia and Clive Wilkinson The Sulu-Sulawesi Sea; Environment and Socioeconomic Status, *Ambio,* Vol. 33, No. 1-2, Feb. 2004.
7. Indonesia, Malaysia and the Philippines endorsed a regional conservation programme on 29 October 2013 to sustainably manage the biological diversity of their adjacent seas.
8. Environmental law and policy in Sabah: From Ridge to Reef, Vol 4: Coasts, Islands and Seas; EFB Miclat and others, 'Planning Across Boundaries for the Conservation of the Sulu Sulawesi marine Ecoregion', *Ocean and Coastal Management*, 49, p 597-609, 2006.
9. See, for example, Reginald Ramos, 'Combating Piracy in the Sulu-Celebes Sea, The Strategist, ASPI 3 May 2017; Neil Thompson, Asia's Deadly Pirates, *The Diplomat*, 21 June 2017; see also Chapters 7 and 8 in this volume.
10. There are many examples of claims and counter-claims on territory by nation-states and state-sponsored agencies, for example in the South China Sea and in the Middle East region.
11. See the 1982 Convention (UNCLOS) articles relating to Territorial Sea base points and baselines for coastal and archipelagic States.
12. The Convention makes provision for the Deposit of basepoint coordinates and or charts as proclaimed by States.
13. Indonesia's 1960 basepoints are deposited at UN ref: IDN-MZN67-2009.pdf [UN webpage]
14. As above for subsequent revisions including the one of 2009.
15. The lack of information sharing makes it difficult to verify the claims made even as late as August 2017 when an enquiry was made by the present author.
16. The Malaysian National Hydrographic Centre is the authorized agency for nautical charts and hydrographic surveys.
17. The 1979 Map illustrates the limits of the continental shelf claim, the geographical coordinates of the turning points and the territorial sea limit of Malaysia.
18. The Act proclaiming the archipelagic straight baseline system can be found in Law of the Sea Bulletin No 70, 2009.; Limits in the Sea No. 141 'Indonesia: Archipelagic and other Maritime

Claims and Boundaries' US Dep of State, 15 Sep., 2014

19. The passage of the legislation was not without extensive debate. Comments by Senator Antonio F. Trillanes, S. No 1467, 14 August (? Year); LB Bautista, "The Philippine Treat Limits and Territorial Waters Claim in International law' *Social Science Diliman* Vo 5., Nos 1-2, p 107-127 2008/09

20. A useful discussion will be found in Mary Ann Palma's published by RSIS, Singapore, Working Paper No 182, 21 July 2009. See also: Lowell and others work

21. VL Forbes 'Philippines' Archipelagic Baseline System', *MIMA Bulletin*; Senate Bill No 2699, Committee Report No 225.

22. References to historical claim and maritime boundary delimitation problems see, for example, JRV Prescott, *E-W Environment and Policy Institute Research Report* No. 2, 1981

23. A fuller description is available in The treaties and in Haller-Trost, *The Contested Maritime and Territorial Boundaries of Malaysia*, Kluwer Law Int.1998; VA Santos and CD Lennhoff, 'The Taganak Island Lighthouse Dispute, *The American Journal of International Law*, Vol. 45, No. 4, pp 680-688, Oct 1951; LB Bautista, 'The Legal Status of the Philippine Treaty Limits in the International Law'*, Agean Rev Law Sea*, Vol. 1, pp 111-119, 2010

24. Haller-Trost, R. 'The Territorial Dispute between Indonesia and Malaysia…' *Boundary and Territory Briefing*, Vol. 2 No. 2, 1995; Butcher, JG 'The International Court of Justice and the Territorial Dispute', *Contemporary Southeast Asia*, Vol. 35, No. 2 pp. 235-257, 2013.

25. Haller-Trost, R 1998, *The Contested Maritime and Territorial Boundaries of Malaysia*, Kluwer International, p.146-153

26. as above, see page 125-126

27. as above, see pages, 154- 169

28. The relative islands were noted in the Agreement of 1907.

29. Refer to the provisions contained in The 1982 Convention, especially Article 16.

30. For details refer to The 1982 Convention on EEZ (Articles 55 and 56) and Continental Shelf (Articles 76 and 77).

31. The terrestrial boundary on Borneo Island between Indonesia's Kalimantan and Malaysia's Sarawak and Sabah is inherited from the Border Convention of 1891 of 20 June 1891. The seaward projection of this boundary was the subject of a major dispute that brought into focus the sovereignty of two islands further east in the Celebes Sea. New basepoints of Indonesia were incorporated with periodic revisions.

32. Refer to the delimitation of the EEZ by V L Forbes in *MIMA Bulletin*

33. Indonesia and Philippine news media reports re: meeting of 8 March 2011

34. Philippines' Department of Foreign Affairs Press Statement on same day Treaty was signed.

35. The Treaty is reproduced in its entirety in the Annex, below.

36. Garcia's comment following the delimitation of the EEZ boundary.

37. As above.

38. Indonesia and Philippine dialogue at the Meeting.

39. Philippines' comment at the above Meeting.

40. The issues were discussed at the Meeting, mentioned above.

41. Signing the EEZ Treaty signified its entry into force

42. Analysis by Forbes

43. Aquino's comments

44. Malaysia and Indonesia tiff re: the border issue off Pu Sebatik received wide coverage in the media, for example, *Kompas,* 22 March 2005 and *Bernama* 23 March 2005.

ANNEXE I

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC INDONESIA CONCERNING THE DELIMITATION OF THE EXCLUSIVE ECONOMIC ZONE BOUNDARY

The Government of the Republic of the Philippines and the Government of the Republic of Indonesia hereinafter referred to as the "Contracting Parties"; DESIRING to strengthen and enhance the friendly relations between the two countries; DESIRING further to establish the boundary line that delimits the overlapping Exclusive Economic Zone (EEZ) between the Contracting Parties; TAKING INTO ACCOUNT the provisions relating to the EEZ boundary delimitation in the United Nations Convention on the Law of the Sea signed at Montego Bay on 10 December 1082 (1982 UNCLOS) to which the Republic of the Philippines and the Republic of Indonesia are State Parties, and the principles of international law applied in the negotiations to achieve an equitable solution;

HAVE AGREED as follows:

Article I

(1) The EEZ boundary between the Contracting Parties is defined by geodetic lines connecting Points 1 to 8 expressed in geographical coordinates based on the World Geodetic System of 1984 (WGS84) Datum, and in the sequence given below:

Point	Latitude	Longitude
1	3° 06' 41 N	119° 55' 34 E
2	3° 26' 38 N	121° 21′ 31 E
3	3° 48′ 58 N	122° 56′ 03 E
4	4° 57′ 42 N	124° 51′ 17 E
5	5° 02′ 48 N	125° 28' 20 E
6	6° 25′ 21 N	127° 11′ 42 E
7	6° 24′ 25 N	128° 39′ 02″E
8	6° 24′ 20 N	129° 31' 31 E

(2) The Chart illustrating the EEZ boundary is attached as an Annex to this Agreement.

(3) This Agreement shall not prejudice any rights or positions of the Contracting Parties with regard to the delimitation of the Continental Shelf boundary.

Article II

(1) The actual location on the sea of the points and geodetic lines referred to in Paragraph

(1) of Article I shall be determined by methods to be mutually agreed upon by the competent authorities of the Contracting Parties.

(2) For the purpose of the preceding paragraph, the competent authority of the Republic of the Philippines shall be the National Mapping and Resource information Authority of the Department of Environment and Natural Resources and the competent authorities of the Republic of Indonesia shall be the Geospatial information Agency and the Hydro Oceanographic Office of the Indonesian Navy.

Article III

Any differences in the interpretation, application or implementation of this Agreement shall be resolved amicably by consultation or negotiation, through diplomatic channels.

Article IV

(1) This Agreement shall be ratified in accordance with the domestic requirements of the Contracting Parties.

(2) This Agreement shall enter into force on the date of the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at Manila, Philippines on the 23rd day of May Two Thousand and Fourteen in duplicate in English and Indonesian Languages, all texts being equally authentic.

FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES ALBERT F. DEL ROSARIO Secretary of Foreign Affairs FOR THE GOVERNMENT OF THE REPUBLIC OF INDONESIA DR. R. M. MARTY M. NATALEGAWA Minister for Foreign Affairs

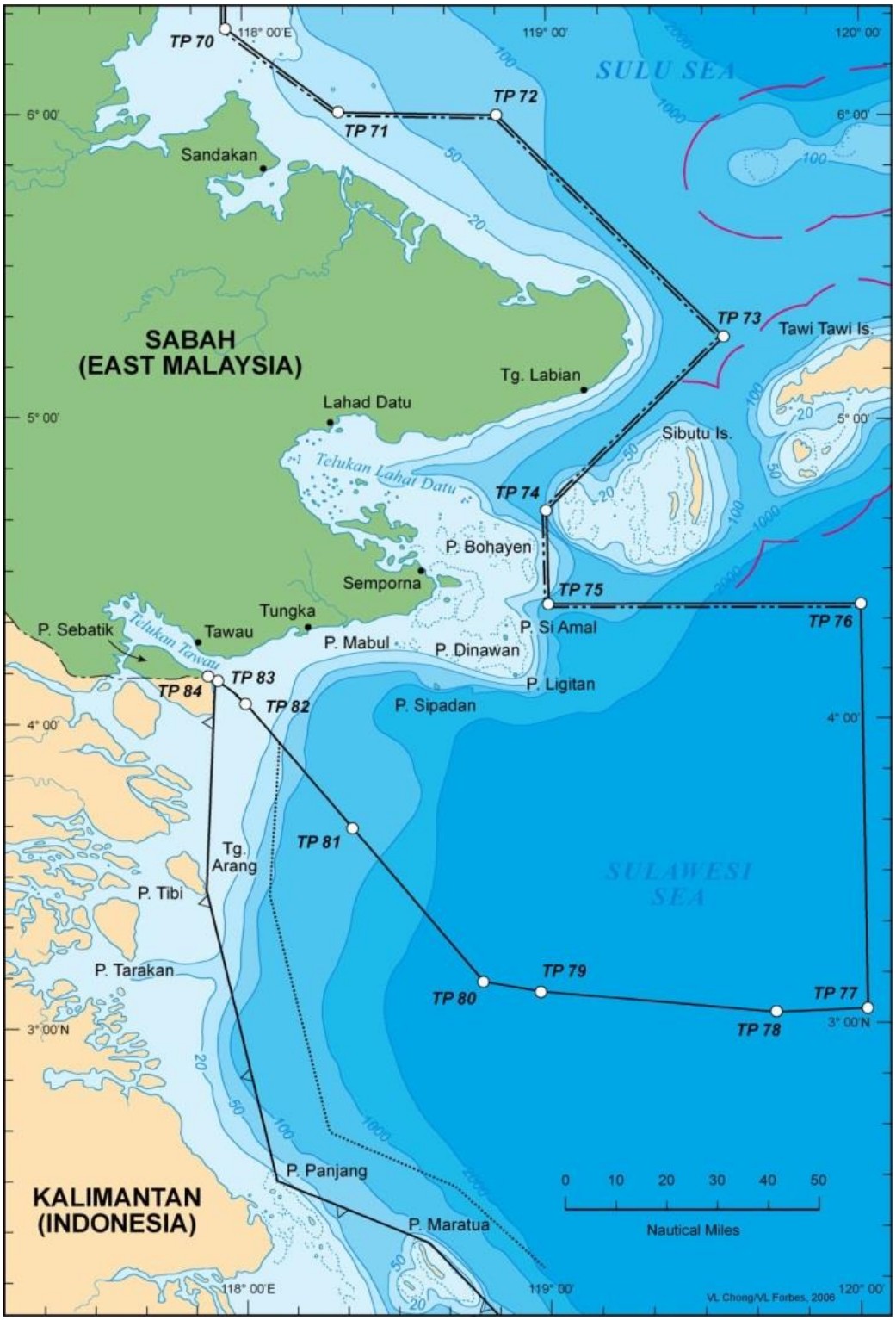
ANNEXE II

ISLANDS LISTED IN THE CONFIRMATION OF CESSIONS OF CERTAIN ISLANDS, 1903

It is possible that there are slightly different spellings to many of the islands listed below.

NAME	ADDITIONAL COMMENT
Mulayangin	or Molleagan Besar & Molleagan Kecil
Mulayangin Kecil	both islands are east of Pulau Banggi
Malawali	
Tigabu	
Bilian (Billean)	
Tagapil (Tegupil)	
Langkayan	Langgayan or Langaan; ‘an island east of Pulau Billean’ 1930 UK-US Border Agreement infer they are on the Philippine side lies NW of Langkayan
Lahiman (Lihiman)	
Boan (Bo-aan)	
Bakungan Kecil	
Libaran	
Taganak (Taganac)	
Baguan	
Mantanbuan	
Gaya	
Omadal	
Siamil (Si Amil)	
Mabul	
Kapalai	
Dinawan	

ANNEXE III



Malaysia's CS claim based on 1979 Map and maritime space in Celebes and Sulu Sea

(*Source*: Present author)

The Sulu Zone, the World Capitalist Economy and the Historical Imagination: Problematizing Global-Local Interconnections and Interdependencies[1]

James Francis Warren[2]

Introduction: Problems of Definition

Space

In contemporary ethnohistorical studies of Southeast Asia, the 'zone' and/or 'border' have recently become chosen metaphors for theorising the historically complex and contradictory ways in which cultural difference and ethnic diversity have been articulated in social relations and in political and economic practise across time. This paper aims to explore global cultural interconnections and interdependencies in the Southeast Asian world of the late eighteenth and nineteenth centuries with particular reference to the 'Sulu Zone' [Dick 1993: 6; Warren 1981]. The paper also aims to enhance critical understanding and discussion of historiographical methods and models used in problematizing of economic and cultural 'border zones' in a changing global-local context. My emphasis is on a 'zone' created through the intersections of geography, culture and history centered around the Sulu and Celebes seas, as well as China's and the West's complicated place within it.

As cross-cultural flows of trade goods, technology, people and information intensified in speed and volume in late eighteenth century Southeast Asia, the localised borders of states and economic regions were becoming ever more porous. Did the world capitalist economy at that time create borderless worlds'? Or did borders — cultural, national or otherwise prove to be more resistant and tenacious or vulnerable to the European presence and economic expansion? As some borders broke down, others were erected, both between and within nations, states and empires. For example, while Sulu desperately wanted to become a part of the East Asian global-regional economy and Britain's 'push' into Asia, Chinese exclusivism and xenophobia were on the rise in the region. The southern Chinese border was forced open to the west in the 1840s, but new `borders' had already been forged or imposed in the Sulu region and elsewhere in eastern Indonesia because of the China connection and economic conditions in that particular area. While captive labour power from all across Southeast Asia was introduced into the 'Zone's' space, comprising the Sultanate's fisheries and tropical forests, the boundaries of its economy, culture, and ecology were increasingly blurred by the rhetoric and practise of global trade, cultural pluralism and western Imperialism.

A 'Zone', like that of the Sulu Sultanate, was not just a 'spatial' site of economic, cross-cultural and symbolic contact. Such a zone was both a meeting ground and arena of potential antagonism and conflict in which peoples geographically and historically separated came into contact with one another and often established ongoing relations; a 'zone' where two or more cultures rubbed up against one another due to events going on beyond its geographic borders, where people of different origins and ethnicity came to occupy the 'contact' space and/or historical territory, where lower, middle and upper classes touched involving possible conditions of coercion, inequality and conflict. How were such 'zones' or 'border worlds', geographically and culturally defined, affirmed and contested, and

[1] Reproduced with permission.
This paper was presented at the International Symposium Southeast Asia, held at Kyoto International House, October 1996. I wish to thank Yoshikazu Takay a, Narifumi Maeda Tachimoto, Tsuyoshi Kato and Yoko Hayami for their comments and encouragement in preparing the final drafts of this paper.
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transgressed? What impact did the China tea trade and the world capitalist economy have on both the making, physical and symbolic, and unmaking, of Taosug society and culture and the 'Sulu Zone' from the late eighteenth to the end of the nineteenth century? The ethnohistorically based arguments, evidentiary examples and other presentations in this paper tackle these questions from a variety of theoretical, historical and empirical perspectives based on my earlier research on the world of the Sulu Sultanate. Together they vividly illuminate how contemporary culture and society was determined by ‘globalisation’; the continuous flow of cross cultural trade and interactions both within and between several large geo-economic ‘cores’ and smaller ‘zones’, involving in this case China, Britain and the Sulu Sultanate and thousands of separate smaller places.

The Sulu Zone constituted a Southeast Asian economic region with a multi-ethnic pre-colonial Malayo-Muslim state, and an ethnically heterogeneous set of societies of diverse political back-grounds and alignments that could be set within a stratified hierarchy of kinship oriented stateless societies, maritime nomadic fishers and forest dwellers (Warren 1981: xix-xxvi). In terms of the international trade economy, the 'Sulu Zone' was not an important economic region until the end of the eighteenth century. In part, the paper will attempt to explain how the 'Zone' emerged, acquired a shape and became as it was during the period under consideration. It is equally concerned to present the 'Sulu Zone' as an example of the way a redistributive economic system operated on the periphery of the global political economy of Asia in its heyday, before it fell under complete domination of the West. The key articulating unit in this seemingly small inconsequential economic network was a strong regional sultanate; in the case of Sulu, set in a political and ecological framework that served to integrate the economic activity and resources of ethnically diverse and often politically divided groups, and, smaller subregions, that would supply the larger markets in China and the west with exotic marine and forest commodities.

The Sultanate's entrepot, at Jolo, integrated supply and distribution of manufactured and exported industrial goods such as textiles, weapons, porcelain and opium emanating from powerful state systems in particular the core areas of Europe and China. In terms of economic multifunctionality, the Sulu Zone did not manufacture or export industrial products on any scale.[3]

Fig. 1: The Sulu Zone

[3] In terms of the geographical concept of 'central-place theory' and its implications for hierarchy and multifunctionality see the pioneering historical analysis of Skinner [1964; 1977]

However, the `Zone' and all of its subregions became part of the world capitalist economy with an international monetary system based on silver and gold; tea, slaves and opium were to play a critically important regional role in a global economic equation involving ever expanding markets, patterns of consumption and events going on beyond its geographic borders. The Sulu Sultanate is an important case study of an island entrepot state that suddenly grew over several decades from being a secondary principality based on fishing and 'piracy', located on the eastern edge of island Southeast Asia, into one of the most powerful and important pre-colonial trading states of the entire Malayo-Muslim 'zone' of Southeast Asia (present day Indonesia, Malaysia and the southern Philippines), where my earlier research was focused.

Two factors governed the aims of the international trade economy between the west and China, namely, the location of marine and forest products for the Canton market, and, the potential ways to acquire them, using the strategies of cross-cultural trade and access from the seas. Given available nautical technology and the application of naval strength the seas were the natural avenues for western traders and travelers to intrude into the affairs of Southeast Asia, as they were in Northeast Asia. Three water borne routes led into the heart of the Sulu Zone. The Chinese began with the Sulu Sea, an extension southward from their trade entrepots in the Philippines, but they also navigated across the South China sea through the Palawan Passage, while the Bugis mariners sailed north through the Celebes Sea into the Zone. In this context, if one ignores traditional political boundaries and views these seas as unifying rather than divisive agents — 'great connectors strategically extending across the regions key shipping routes, a strong case could be made for regarding the 'Zone' as one of the final, albeit, critically important extremities of the world capitalist economy in Eastern Asia.

Among the richest sources of marine and forest products in the Zone were the strand environments and wilderness regions situated just south of the Sulu Archipelago, along the northeast coast of Borneo. The economic processes and historical events bound up with the intensifying flow of trade commodities, people and technology must also take into account the specialist role of the more remote highlanders and insular maritime fishers as they were increasingly drawn into the collecting and processing activities associated with the world capitalist economy and the economic life of the Zone. Unlike other parts of Southeast Asia, the upland tribal economies of Borneo and Mindanao were not tangential to the accelerated commercial activity taking place between the entrepot at Jolo and the city of Canton, which were all part of an inter-related subsystem of a greater global-regional whole. Nevertheless, in spite of a particularly dense pattern of Bornean riverine settlement that supplied this larger market and seaborne trade with commodities like birds nest, camphor, wax, sago and gold, much of the interior of southern and eastern Borneo and the central dividing range was largely uninhabited, though parts were regarded as Bugis trading grounds and also served as a buffer between themselves and Taosug traders to the north (Warren 1981: 10-11, 76, 84-90)

Across the landscapes of the Zone cultural-ecological difference and social inequality facilitated trade between tribal uplanders and hunters and gatherers in the innermost recesses of the forest interior, who wanted to avoid conflict. Because the China tea trade centered on Jolo after 1768, Kenyah and Kayan speakers of Borneo's east coast tropical forests and the Subanun of Mindanao's southern plateau were increasingly drawn into more extensive trade contacts with Taosug and Bugis along the coastline and in the river mouths. The local economies and lifeways of these vigorous slash and burn agriculturalists were thoroughly commercialised as they sent down the rivers volumes of surplus wax, camphor and birds nest in return for salt, textiles and minor manufactured goods.

Hence, my approach to framing and re-presenting the ethnohistory of the Sulu Zone on its own terms from the late eighteenth century, rather than merely as a corollary of the history of western imperial expansion in Eastern Asia was to tease out the economic, cultural and ecological interconnections embedded in the world capitalist economy with particular reference to the evolution of the `Zone'. This broad conceptual schema aimed to enhance understanding of these global systemic links and interactions between geo-political core areas, notably China and Europe, and strategically positioned

'zones' with strong trading bases and thin populations like the Sultanates, which encompassed a variety of economic sub-regions and extremely specialised territories.[4]

Centre and Periphery

Initially, it was scholars of European social and economic history, especially those associated with the Annales School and its towering leader Fernand Braudel, who aimed to explore the complex system, structure and changes of the modern World Order [Burke 1990]. The Annales movement promoted a new kind of problem oriented interdisciplinary history which embraced an account of the whole range of human activities — 'total' history. The distinctive innovative concepts and methods of the Annales group were achieved by full collaboration with other disciplines notably geography, economics, sociology and anthropology [*ibid*.: 12-31; Bloch 1992 ; Braudel 1980 : 25-164]. The conceptual framework and spatial concepts of Braudel 'Mediterranean Europe' and his work on Material Civilization, Economy and Capitalism formed part of an increasingly complicated portrait of the origins of European expansion and capitalism [Braudel 1972 1979; *Journal of Modern History* 1972].

The absolutely unprecedented level of social and technological power of the West fostered the complex, internal changes which enabled it to emerge as the 'core' area or centre' of the world economic system after the fifteenth century with the growth of capitalism and of commercial agriculture in western Europe. By the nineteenth century, the modern World System was well established as the West took full advantage of the industrial revolution drawing most of the world into the orbit of west European and North American capitalism and colonialism. In contemporary historical studies, semi-periphery and periphery have become conceptual analytic metaphors for theorising and understanding the complex sometimes, albeit, contradictory parallel processes of integration and transmutation in Asia, Africa and Latin America between 'international and parochial systems, universal and local cultures" [Comaroff and Comaroff 1992 : 24]. But far less is known about the internal processes of change which accompanied and underlay the interlocking of Southeast Asian economic regions and sets of societies into the world capitalist system as 'peripheral', 'satellite' and/or 'secondary' states. The development of geographically and culturally distinct economic sub regions such as the 'Sulu Zone', was part of a global inter-regional process of integration and change with unexpected local implications and insecurities, as western core powers deprived the vast majority of states and societies of the rest of the world of some or all of their autonomy.

The concept of 'periphery' which stresses inter-regional relationships, processes and inter-connections, developed relatively recently out of the historiographical formulations and debates of the neo-marxist dependency theorists, particularly Andre Gunder Frank and Paul Baran, and the world system approach of Immanuel Wallerstein [Baran 1957 ; Frank 1978 ; Wallerstein 1974]. Like them, I was interested in the decisive altering of patients and contexts of historical action whereby a core or metropolis expropriated economic surplus from its periphery or satellites and appropriated it for its own economic development. This concept of a world system constructed from thousands of separate market transactions and exchange relations forming an integral part of some lock-step pattern of the global capitalist economy meant for most non-western societies that "the same forces that built up the economies and cultures in the advanced lands broke down theirs, and they became 'underdeveloped' lands, those with relatively low investment levels ' [Hodgson 1974 : 203] However, there were some economically powerful, peripheral, secondary states based on ascendant wealth and specialisation, notably Sulu, that proved an exception to the rule. In order to account for the local-regional dynamic of social arrangements and representations, values and events, and sequence of changes over several generations, I used a 'centre periphery' model; a conceptual framework that effectively integrated the histories of Europe, North America and Asia to comprehend the shifting nature of relationships involving internal and international social, economic and political changes both within and between

[4] For a comparable example of how economic multifunctionality, hierarchy and `globalisation' functioned in an earlier period using Southeast Asia' as the unit of reference see Curtin (1984: 128-129) and Reid (1988; 1993).

the core, semi-peripheral and peripheral societies of West Europe, China, and the Sulu Zone, respectively.

Careful examination of the inapplicability of certain western terminology and categories 'piracy', 'slavery' and the 'state' - enabled me to analyse the economic and political dynamics of a Malayo-Muslim state and how it was transformed by global trade, and the rapid advance of imperialism and modernity. I wanted to resolve an apparent paradox in Southeast Asian history about `piracy' and politics in the Malayo-Muslim world and European imperial policy and expansion in the region; the paradox that the rise of the Sulu Sultanate, increased maritime slave raiding, and, the opening and imminent decline of China at the hands of Europe took place at much the same time, at the end of the eighteenth and first half of the nineteenth centuries, as the introduction of tea in Europe, and the fact that tea was unknown in India or the West, except as an important consumable from China [Hobhouse 1992 : 95 ; Sutherland 1995 : 133-146]. Europe's insatiable desire for this commodity by the end of the eighteenth century was to change the face of Asian history and shape the future destinies of both Sulu and China as areas that could ascend to the 'core' or descend to the periphery of the world capitalist system. Combining the theories and concepts of Latin American economists and Annales historians, I demonstrated that the price of development of global trade in Eastern Asia included not only opium smuggling and the destruction of China but also intensification of slavery in the Sulu Zone as part of the new division of international labour between 'core' and `periphery'. In this context, the genesis of Sulu's seemingly paradoxical capacity for internal transformation and social reproduction as a 'traditional society', is perhaps, best understood as a series of intersections, encounters or historical accidents usually due to contact with foreign formations" [Meillassoux 1972 : 101] . In a very real sense, the history of late eighteenth century Eastern Asia was in fact a history of the continuing integration of the world capitalist system of ever more regions and specialised territories of the world.

The world system came to dominate the Sulu Sultanate and its environs. Chinese demand for exotic commodities, now of great interest to Europeans, encouraged both the establishment and `take off of subregional trade networks and the production of goods. New entrepots emerged, especially in the area of the Sulu Sea and Borneo. The island of Jolo became a major centre for cross-cultural trade in the recent history of Eastern Asia and the Sulu Sultanate flourished. The Taosug were suddenly locked into a vast web of trade and exchange involving the exploitation of the rich tropical resources of the area, with producers, distributors and controllers involved in a complex set of relationships and structural dependency. Within the Zone centres of distribution and exchange developed and, in association with the development of larger inter-regional markets capital flows and technology transfers international trade increased and the Sultanate established itself as a major entrepot. The trading networks in the Zone rapidly grew in scale and complexity and the fortunes of everyone involved in exchange and redistribution became linked with the political and economic fortunes of Europe and the China tea trade.

My initial thinking about how the late eighteenth century global economy created an orderless world' or 'zone', both spatially and historically, in the area of the Sulu and Celebes seas, owes much to the influence of John Small's thought, who, in turn, had been strongly indebted to the hemispheric cross-regional historical orientation of Marshall Hodgson. Templates for the 'zone' and possible center-periphery models were provided by the seminal works of E R. Leach, Fernand Braudel and Andre Gunder Frank. [5] The inherent advantages of such a theoretical evolutionary ecological approach for training and interpretation in an upland agricultural context were already apparent to me in Leach's pioneering work on the political systems of highland Burma. In the Sulu context, however, Southeast Asia was a region in which the sea served as a major means of communication for a wider inter-regional economy in which national boundaries were fluid and by no means fixed [Dick 1993: 1]. Following in the footsteps of Leach and Braudel, I abandoned the blinkered geographic perspective of

[5] On the impact of John Small's ideas about historical writing on Southeast Asia see Sears [1993] ; Braudel [1972] ; Frank [1978] ; Hodgson [1993] ; Leach [1954] ; Tachimoto [1995], for a discussion of the influence of the Annalistes on historians of early Southeast Asia see Aung-Thwin [1995].

earlier historians of the Philippines, Indonesia and Borneo, for a more dynamic definition of the Sulu Sultanate's boundaries. It was based on larger scale processes of social change and a ‘orderless' history of a global maritime trade network oriented toward China, Europe and North America as part of the same world system. To be released from the conceptual constraints of conventional historical geography, I called this wide ranging web of economic influence and interpersonal relations that centered on the Sulu Sultanate a `Zone'.

Time

I now want to speak briefly of a 'regional time', having examined the spatial system; the creation of a 'zone' delineated both by space and by time, whose essence and demarcation came with the spread of commodities, technology, ideas and practices of the world capitalist economy and western Imperialism, as two halves of the same process. The Sulu Zone as a regional 'spatial' system and social order, like the economy it represented, was not atemporal. My framing and interpretation of the `zone' as a spatial system rested on the axiom that it was "inherently unstable and generally dynamic" [Comaroff and Comaroff 1992: 22]. And, that it was thrust on to the global stage at a specific moment or era in 'regional time'. Leach's remarkable work on state and community structures in highland Burma aimed at tracing the pattern of the shifting balance between two representations of political order and social phenomena over some 150 years. Similarly, for myself, the 'Zone' was also 'a process in time' [Leach 1954: 4, 212]: a recognition that all ethnic groups and communities were being shaped and re-shaped by the interplay between internal social and cultural coming and ongoing, external courses of action. In a very real sense, the peoples of the `Zone' were in fact 'products' of large scale processes of global socio-economic change which had made than what they were and continued to make them what they would become in reaction to the uncontrollable and rapid impact of these forces. The holism of the zone as a 'spatial system' was posited, both as a model and a necessary analytic fiction, not given. The invisible connections linking the process of structural change and dynamic movement of local systems and networks of this 'Zone' to the wider economic and political world (s) of which it was becoming a part had to be traced and explained in 'regional time'.

Braudel and his French colleagues writing what some called 'geohistory have emphasized long term patterns rather than 'eventism, devoting considerable attention to social and economic developments. In his work on the Mediterranean world (a cross-regional spatial system), in the later sixteenth century, Braudel argues that historical changes took place at different speeds. He distinguished three speeds and devoted a section of his masterpiece to each [Burke 1992: 152]. First, is the time of `Geohistory'; the relations between humans and their environment, a history whose passage is almost imperceptible." Braudel in describing the sea basin as a complex ecological mosaic called this ‘lastorie structurale'. Secondly, was the time of 'economic systems, states, societies and civilizations', with its 'slow but recognisable rhythms’? Here, he analysed an extraordinary variety of topics including patterns of migration and trade, town life, crafts, festivals, the lives of peasants and the activities of merchants, and demography. Finally, there was the fast moving time of events and individuals. The Sulu Zone focused on the period from the end of the eighteenth century to the end of the nineteenth. The basic pattern over this period was one of phenomenal growth for the Sultanate leading to gradual decline but which in turn did not lead to recovery at the beginning of this century. Braudel's time of `geohistory', . . . a history of constant repetition, ever-recurring cycles," was essential for the creation of the regional 'space' or 'Zone', but it was the second time, `historie conjuncture and, which was most relevant here, concerned as it is with historical changes to economic, political and social structures [Burke 1990: 39-42]. For example, the economic, social and environmental ramifications of Sulu and China's inextensible involvement in a dynamic global economy were an important harbinger of the momentous changes beginning to occur all over Eastern Asia between 1768 and 1848. With explosive speed, West Europeans spread out to trade and colonize various regions and states of Southeast Asia. When Englishmen like Dalrymple, Rennel, Forrest and others first came to Sulu in the 1760s they recognized that the Zone' was a potentially inexhaustible source of natural commodities for the China tea trade. They soon learned too that Taosug datus and other leading inhabitants of this

region would exchange these products for manufactured industrial goods in return. Eager to extract natural resources from this virtually unchartered area, European merchants extended their international trade network and knowledge of the world to the Zone', after 1768. The speed of historical change is important here. The reverberations from the shock waves of Braudel's time of 'economic systems and states' emanating from events on the southeast coast of China, as a result of the intersections of the world capitalist economy, were felt especially early in the Sulu Archipelago. Britain's efforts to increasingly open up China to foreign trade while trying to negotiate the impossibility of ving with difference' between discrepant empires and cultures in the first half of the nineteenth century, led to a '*historie conjuncturelle*' by which the 'Sulu Zone' came to reveal itself as it was.[6] For me this new age or 'regional time' was first of all in my mind; I had needed new eyes to see the one' now taking shape so rapidly after 1768 in the area of the Sulu Archipelago.

These central factors of space and time highlighted the methodological difficulties involved in conceptualizing a history of Southeast Asia that stressed internal and international inter-relationships while, at the same time, integrating the global scene with the local one, with particular reference to an economic sub-region like the 'Zone'. In the beginning, I faced a serious challenge, since it seemed almost impossible to master all the sources and knowledge required in order to develop a well-documented ethno-historically oriented world system analysis.[7] Only with a radical shift in my historical and geographical perspective and thinking about that part of the maritime world was it possible to seriously contemplate undertaking this pioneering revisionist task. Both Leach and Hodgson carefully demonstrated in their stimulating books that the initial step was to avoid use of geographical terms and units necessarily defined by the political boundaries of the time and the epistemological assumptions of orientalist and civilizational studies [Hodgson 1993: 2951. Like the Annales Group, I am fascinated by geography — I have been researching a history of Philippine typhoons for the past 15 years. However, the making of The Sulu Zone was closer to an 'ecohistory' than to the Annales School's geohistory', because a primary concern of the monograph is with the relation between social groups, like the Samal Laut, Iranun, Balangingi Samal and Taosug, and their physical environment. I also placed more emphasis on demography than Braudel did in his classic study of the Mediterranean basin because the 'real motor of social change was population. Slavery and dependent labour were not solely economic institutions which enabled the late eighteenth century expansion of the Sulu state and domination of the regional trade network and/or `Zone'. Slavery and the accomplishment of ethnicity had virtually become the very basis of organized society in the Sultanate.

I also had to focus paradigmatically on identifying the salient threads of the local, inter-regional and global patterns and their inter-connections in order to render the history of the Zone as more than the sum of its parts. The maritime populations that were dependent on the sea for their economic pursuits — trading, raiding, collecting and fishing — remained largely caricatures in the historiography of the region, their origins and development, relationships with each other, their loosely integrated regional economies dominated by the institutions slave raiding and cross-cultural trade, and their adjustments to external forces were largely written about from between 'insular blinkers'. To rectify the errors and pre-suppositions of earlier studies, I developed a methodologically self-conscious ethno-history utilizing a global, cultural-ecological perspective where all states and societies could be seen at once and their inter-connectedness to one another within the framework of the world economic system became clear [Warren 1981: xi–xvi, 252-2551. It is crucial to understanding the more flexible inclusive approach required to write The Sulu Zone that it was based on devising a new explicit conceptual framework. A paradigm of sorts — a broad, loose but nonetheless coherent explanation and model about the nature of a Southeast Asian economic region that grew out of connections and relationships with the modern' world system from the end of the eighteenth century. Apart from offering an overall perspective and understanding of these global-regional inter-relationships, the role of the Zone

[6] The exact phrase from Dumont is 'It story is the movement by which society reveals itself as what it is" [Dumont 1957: 21].
[7] I used 24 archives or other repositories, located on three continents, whose manuscripts were used in the preparation of the thesis on which my book is based.

configuration provided the major principle of framing and organization of the narrative; it was the essential background against which to begin unraveling the main elements in the development of these separate but increasingly related inter-regional and local histories of society and culture in Eastern Asia.

Redistribution

The works of Wallestem, Frank, Wolf and Curtin postulate cross-cultural trade and exchange as arguably the most important extrinsic factor in stimulating the development, change and inter-connectedness of societies and cultures around the globe [Curtin 1984 : 41 ; Wolf 1982]. Their view of the modern world as a complex changing macro system must take account of a wide variety of local factors to understand center-periphery relations — the political economy of power, patronage and privilege being the most critical factor — in studying the world capitalist economy as the dominant force in the evolution of the modern world. There is also a common desire in the holistic explanations of these global historians and social theorists to demonstrate how social, political and economic change of core areas and peripheral societies were shaped by their 'central value system' and the central institutional system which it legitimated [Burke 1992: 82]. Like the above advocates of global history and the world system approach, most scholars of the region see the late eighteenth century Southeast Asian world, consisting of several types of central institutional systems or state formations. The American sociologist Edward Shils is perhaps the best known exponent of the 'central value system' concept which so profoundly influenced Clifford Geertz in his provocative interpretation of divine kinship in nineteenth century Bah and the theory of the 'exemplary centre' [Shils 1975 : 2]. This first type of political system was characterized by the sacrality, drama and organized spectacle of the ruling social order — by what Geertz calls the 'expressive nature' of this kind of centrality [Geertz 1980: 121-123].

The second type of political system is based on redistribution. Braudel's work on material life and capitalism in early modern times, Curtin's formulations about economic change in pre-colonial Africa in the era of the slave trade, and my own study of change over more than a century which focuses on the seafarming populations of a Southeast Asian economic region all owe an intellectual debt to the economic theory and ideas of Karl Polanyi about modes of exchange [Polanyi *et.al.,* 1957 Polanyi 1966].[8] One important mode was 'reciprocity', another was `redistribution'. It is important to note too that in Polanyi's view both these types of transactions as historical modes of organizing economies were neither mutually exclusive of one another nor the market economy. Polanyi's system of redistribution depends on social hierarchy and a tributary mode of production and exchange where goods flowed into the 'center of an empire, state or 'zone' engendering distinctions of rank, privilege and patronage among tribute takers and flowed out again to the producers of tribute on the ‘periphery' in the provinces, hinterlands or frontiers. The mobilization of social labour to reproduce the dynamic and social conditions for the proliferation of a political system based on 'redistribution' gives rise to military and political competition between contending social groups and segments of society, to control trade with the outside world, and, labour power [Wolf 1982: 386].

A central institutional system based on a redistributive mode of production and exchange enabled traders like those of eighteenth century Dahomey and the Taosug *datus* of the Sulu Sultanate to acquire and monopolize both the goods and trade of outsiders — wealth — that built influence and prestige-power. In both these 'peripheral' societies redistribution became the dominant pattern of integration and mode of transaction as they were drawn into economic exchange relations of a world market economy and trade with Europeans. Jolo as a 'port of trade' was an entrepot and town where cross-cultural trade had often taken place but the scale of this type of commerce was always comparatively small up until the latter part of the eighteenth century[9] For the Sultan, with his capital located on the seacoast, the entrepot and 'Zone' incorporated a set of cultural-institutional practices

[8] See also Bohannan and Dalton [1965]; Curtin [1975: 235].
[9] On the concept of the 'port of trade' see Curtin [1984: 12-14]; Polanyi et al. [1957: 38-63, 114-1 3 11 187]

typical of centralised states based on 'redistribution' for the production and acquisition of goods, on the one hand, and kinship, warfare and other forms of organisation and culture on the other.

The south Fukienese people occupying one end of a busy north-south maritime trading route and world — the Amoy network on the South China coast — had maintained direct contact with the Sulu Sultanate and eastern parts of the archipelago since the beginning of the eighteenth century [Chin-Keong 1983]. For the Taosug this contact provided the initial outlet for their marine and forest produce, especially *tripang*, pearls and birds nest for the return cargo of the south China junks. More importantly, for the coastal leaders the expanding trade by mid-century made Jolo a key 'port of trade' for shipping directly to China. While the scale of this type of commerce was still comparatively small in the first half of the eighteenth century and it remained chiefly in south Chinese hands, Europeans, especially British tea traders, in order to expand their commercial contacts with China, actively encouraged a smuggling trade with Taosug merchants and Bugis traders from 1768 onwards which rapidly built up this small state and its redistributional economy [Warren 1981: 17-66]. The organisation of the economy of the Sulu Sultanate and its 'Zone' were increasingly based on the distribution of imported goods and the corresponding centralisation of their products for sale and exchange in the global trade network of the region, and, on sea not land power. These relations between Jolo's emerging inter-regional economy and society and the numerous smaller towns, villages and trade centres scattered throughout the Zone were effectively controlled by the Taosug elite. The commercial activities of even the most far flung communities dotting the margins of the Zone's redistributive economic system were often dominated by Taosug chiefs or their representatives. Local notables emerged as formal political relations with communities involved in inter-regional trade were forged through bonds of kinship and marriage. Slaves collected from the Christian population of the Philippine provinces and eastern Indonesia were also recruited into a meritocratic system of local administration as the trade frontier of the Zone appeared to expand indefinitely [*ibid*: 223]. Jolo as a rising 'port-polity' could only sustain cross-cultural trade on a large scale for an extended period by exploiting the natural resources and labour power of these peripheral communities. The collection of the products of the archipelago from dominated settlements paid for itself because it enabled the Sultanate to sustain its organised maritime military power until the supply of captive slaves for recruitment into the redistributive economy began to dwindle from 1848 onwards.

The ascendancy of the Taosug merchants on the northeast coast of Borneo was in part at the expense of rival trading interests, especially pioneering Bugis from towns further south along the Mahakam River pushing north towards the edge of the Zone. Ethnic integration into the inter-regional procurement trade was no less remarkable than the extent and complexity of the system itself. Maritime nomadic fishermen and trained slaves specialised in harvesting the seas and reefs surrounding numerous islets and atolls. The Islamised *orang sungai* were mobilised to procure camphor, wax and rattan, while coastal and riverine dwelling groups seasonally collected birds' nest of uncommon value for Taosug. Effective authority at the southern extremity of the Zone was limited. The Buginese did not allow the Taosug to gain full political control on the southern rivers. Nevertheless, despite Taosug-Bugis conflict and trade rivalry there developed a lively local traffic between contested areas as well as with Sulu's redistributional economy centred on Jolo.

This late-eighteenth century intrusion of the world capitalist economy was not resisted by the Taosug who made their society relatively open to outside influences and social change, but, largely on their terms. The coastal traders were mostly aristocrats who recognised the advantage in accepting and 'borrowing' foreign technology, new ideas, luxury imports and trade goods. The impact of this maritime expansion and growing influence of the outside world on Taosug political organisation was significant. The rapid increase in trade goods and revenues, and the control and dissemination of improved firearms to mobile marauding communities residing in the Zone, encouraged the development of a more coercive bureaucratically organised economy and state [Lieberman 1995: 797].

What the Europeans and Chinese sought at Jolo and from the fisheries and forests of the Zone was, above all, *tripang*, pearls and birds' nest. Between 1768 and 1848 hundreds of vessels visited Jolo, almost all of them trading in either one or two seasons. *Tripang* was obtained, at first, in return for

cloth, clothing, iron and other metals; soon after for gunpowder, musket and cannon. The Taosug traders were mostly coastal *datus* or 'chiefs' who mobilised their factions and contacts throughout the Zone to deliver the products, and whose power and wealth grew together with the development of the trade. One must note here, however, that this rapid trade expansion did not entirely dovetail with pre-existing Sulu circuits of exchange, as their basic structure was altered somewhat by global-regional trade, Islam and the way slavery could be used to bring in more commodities. Of particular importance for Sulu were guns and gunpowder and other imported manufactures, textiles and also opium which contributed to the Sultanate's centralising coercive power and integration of the economy with other social institutions. Taosug merchants or chiefs on the coast and their descendants developed an extensive redistributive trade in which they wrested the function of the collection and distribution of commodities for the China tea trade from traditional competitors the Sultanates of Brunei and Cotabato. This inter-regional commerce involving trade with the Bugis of Samarinda to the south, with Manila to the north, and with Singapore to the west — formed a complex set of inter-relationships, entangled commodities and transactions through which the Sultanate was able to consolidate its dominance over the outlying areas of the Zone along the northeast Borneo and western Mindanao coasts.

However, the relationship between trade, power and culture the meaning of force was wholly different in the Sulu world of the 1760s that Dalrymple encountered than that depicted in Marryt's stunning portrait of an 1840s 'Malay Chief of Jolo whose wealth and power was by then based on the careful regulation of global-local trade. It is clear that particular goods traded to a Taosug data in 1768, goods that carried prestige as well as consumption value, were catalyst for a wholly different set of possible political and social interactions from those traded to Taosug merchants in the 1840s. In the 1760s, for example, never far from the surface was the intent of gaining alliance and wealth by redistributing merchandise such as opium for purposes of politics and prestige. Opium in the 1760s had not yet been adapted into a Taosug system of practice and belief; it had no ritual or ceremonial role. Opium traded to a Taosug leader at the peak of the redistributive network of the 1840s was a different matter. In less than two generations, partly due to the interdependent ecological balance of the Zone, the China tea trade and the world economy had become a road to riches and power for the strategically located Taosug; both aristocrats and merchants could make an exceptional living. Yet, ironically to many of these wealthy Taosug, opium was now less a business than an addiction — a sinister friend and a new way of life. The trade in opium by then had wreaked a devastating social transformation almost as significant for understanding the meaning of force, and, refraining the idea of culture itself and heterodox practices, as the technological and social innovations introduced by improved firearms.

By 1800 redistribution had become the organising pattern of the regional economy of the Sulu Sultanate. Indirectly, it was a demand for tea that could not be satisfied that animated European interest in Sulu's commodities and its sudden rise to regional primacy. During the eighteenth century tea replaced ale as the national beverage in England and was especially popular among the artisan and labouring classes. China was almost the sole supplier of aromatic tea to England. The British were quick to recognise the potential of participation in the long standing Sino-Sulu trade as a means of redressing the one-way flow of silver from India to China. Marine and jungle products, highly valued in China, were needed to stem it. Sulu's ascendancy towards the end of the eighteenth century developed out of global economic inter-connections and inter-dependencies of the world capitalist economy between British India, Southeast Asia and China. Commercial and tributary activity became linked with long distance maritime slave raiding and incorporation of captured peoples in a redistributive system which made Jolo a principal entrepot for large scale delivery of natural commodities for the China tea trade.

Problems of Explanation Trade and Commodities

I now want to shift the emphasis from models and concepts to the entangled objects themselves commodities that were physically present, whenever two or more cultures and economies with their respective institutions and underlying organisations edged up against one another, in this 'borderless world' or Zone that the late-eighteenth century world capitalist economy created. The inter-connectedness of these commodities: tea, opium, textiles and firearms, on the one hand, and, on the other, *tripang*, birds nest and pearls, illuminates how the structure and function of money, markets, and cross cultural trade, and a repertoire of practices in contemporary life were deter-mined by their continuous negotiation within this 'borderless world'.

Critical regional transitions began in the late eighteenth century with Britain's involvement in the intra-Asian trade. British merchants in the search for wealth bartered all metals, textiles, opium and specie for an enormous variety of local commodities to balance the economic drain of their China trade. As British power increased in the late-eighteenth century, trading settlements and outposts along the coasts of Southeast Asia developed rapidly, and along with places like Penang and Balambangan came the unfolding of the China trade and the search for profitable commodities [Warren 1977: 73-93]. This quest for *tripang*, birds nest, pearls and other desirable commodities was to have a profound impact upon the various peoples of the Zone and their way of life and much of the rest of the eastern archipelago, constituting one of the most dramatic and fascinating episodes in the history of China's tea trade and the world capitalist economy.

By 1700, tea had become, along with coffee and cocoa, one of the 'great non-alcoholic drinks' for all those Europeans with a sound grasp of epidemiological principles and fear of water borne diseases and pestilence. Within a century, the English, rightly reluctant to go beyond the bounds of epidemiological common sense, were each consuming 2.1/2 pounds of tea and 17 pounds of sugar [Hobhouse 1992: 115]. The right lessons and examples from history about global economic-cultural inter-connections and inter-dependencies tend to explain patterns and events which have been fog mally glossed over. For example, sugar demanded slaves and the Atlantic slave trade. Similarly, tea, inextricably bound to sugar as product and fate, would also inadvertently demand' slaves in the Sulu Zone and the advent of Iranunan and Balangingi slave raiding. Since the British primarily wanted sea cucumber, sharks fin, pearls and birds nest for the trade in China tea, the issue of the nature of productive relations in Sulu or slavery suddenly became primary, the demand for local commodities in return for imports affected the allocation of labour power and the demand for people throughout the Zone. In this globalising context, tea was more than simply the major commodity in the development of trade between China and Britain, it was also a plant that was instrumental in the rise and transformation of the Sulu Sultanate as a regional power, permanently influencing the economic organisation and integration of the Zone.

Nor did the impact of the insatiable demand for the commodity tea end there with the stunning systemic development of trade, power and demography in the Sulu Zone, which changed the regional face and history of insular Southeast Asia. The East India Company which had established a near global sector monopoly in China tea was restricted for the proper conduct of business to a small enclave at Canton. By 1820, it is estimated that probably 30 million pounds of the Company tea was consumed in Britain alone [*ibid:* 96]. What was the cost of this mildly addictive non-alcoholic beverage, drunk throughout the Bntish Isles and re-exported all over the world, to London trading houses? In 1801, at retail, tea cost importers about two million pounds in China. Or, as Hobhouse puts it "an extraordinary sum of money (equivalent to about a billion dollars a year in today's value)' [Mid.: 115] had to be found annually by the factors and supercargos who traded in Canton. China at this time furnishes us with a fascinating and instructive account of a civilization seemingly self-sufficient in technology, minerals, textiles and most other necessities of life. A necessary commodity, all this China tea arriving in Europe had to be paid for in species. Dermigny describes the flow of silver to Canton and the East as a 'chronic haemorrhage' [Dermigny 1964: 724]. Despite the English selling on average 27 million pounds of raw Indian cotton and textiles between 1785 and 1833, they still could not obtain enough capital to purchase all the tea Europe demanded [Wolf 1982: 257]. After

1768, however, a partial financial answer had been found by British traders handling a variety of local commodities collected from the forests and fisheries of the Sulu Zone. But the definitive devastating answer and financial prayer to the amount of silver flowing into China was an ultra-addictive drug from India — opium. The exchange of opium for tea accelerated the disintegration of China at the very same time that it contributed to Sulu's ascendancy. However, this commodity ultimately also sowed discontent among an increasing number of addicted Taosug coastal chiefs which culminated in a manifest loss of will on the part of key individuals in the 'chiefly' class as the Spanish swept out of the Visayas into the Mindanao-Sulu region with steamboat gunships, after 1848. No longer complete masters of either themselves or the seas, these dates now willingly collaborated with their arch political rivals and enemies — the Spanish — against the so-called 'pirates' and 'ruthless people' — the Samal Balangingi in order to retain control over 'redistribution' in the Zone [Cojuangco 1993 ; Warren 1981: 104-125]

My emphasis here, as we follow various entangled objects with their readily defined characteristics of 'modern' and singular `magicalities and enchantments' [Comaroff and Comaroff 1992: 6] from Europe and India to the Sulu Zone and China and back, is on the complicated role commodities of the world capitalist economy played in creating and breaking down the 'borders' of cultures across Eastern Asia-cultures, usually regarded as non-capitalist and `traditional'. Ample evidence of the expanding stock of commodities, especially textiles and clothing, signifying progress and modernity, that also were part of the traffic of the tea-silver-opium syndrome, can be found in the British East India Company and Spanish trade data for the Sulu Sultanate, and arranged in series over time [Warren 1981: 59-263, 265-280].

The importance of the hand loom weaving industry in the regional economy of the Zone has been understated in various historical studies. The significance of the 'industry' in Basilan and Mindanao was evident in its role in providing a basis for local reciprocity and exchange, a source of trade and export revenue on an intra-regional basis, and more crucially, a form of entrenched commodity production. While the art of weaving was well developed among interior tribes of the Zone this was not the case among coastal people and traders at the end of the eighteenth century. Both the Chinese and Europeans quickly learned that the Taosug were highly skilled in working metal, leather and wood. But since they lacked textiles these soon became a staple commodity of the inter-regional trade. Cotton cloth from China, India and America were imported in many forms: primarily in bolts, and finished into sarongs, skins, shawls, jackets, trousers, pants, handkerchiefs and ribbons. This imported cotton cloth was often better for ordinary clothing than indigenous-made cloth because it was lightweight, easier to sew, fashionable, and washable. Textiles, particularly Indian cottons, rapidly became one of the most important trade commodities [*ibid*.: 49-50]. Hand loom manufactured textiles became insignificant by the 1840s in the redistributive economy of the Zone as commercial materials replaced the local woven cloth. Here again, to understand the relative decline and/or absence of this traditional local handicraft industry in the life of the Zone we must focus attention on interdependent inter-regional developments affecting the China tea trade on a global-wide basis. Commercial textiles as commodities changed traditional productive processes such as hand loom weaving, altered peoples sense of fashion, domesticated their bodies, and fostered a deep seated material dependency that bound local consumers in the Zone to the interventions of an expanding world capitalist economy, as flows of 'modem' objects intensified in speed and volume. Ironically, neither the contemporary 'modern' society that was being forged within the Zone nor the Taosug *datus* themselves were the complete masters of its fate. This history of commodities crossing and transforming regional boundaries must also concern itself especially with the politics of value: the phenomena of the power and meaning ascribed to these objects by both harbingers of these cross-cultural trade encounters, the heads of British tea firms and importing houses, and, the protagonists on the spot, the hongs of Canton and the peoples of the Zone, caught up in this hemispheric drama.

Finally, the acquisition of 'powerful' new commodities, most particularly evident in the form of advanced gunpowder weapons led to quite dramatic changes in the possibilities for future predatory development and decline in the case of the Sulu Sultanate and its rival neighbours after 1768. To

meet the increased demands for labour power in the Sulu Zone between 1768 and 1848, Taosug *datus* equipped Iranun and Samal slave raiding vessels and also provided credit advances in powder and ball, cannon, muskets, opium and additional crew. The spread of the European arms trade in conjunction with the China tea trade and its centralisation and regulation by the Taosug was particularly critical, since the political careers of these 'chiefs' on the coast as skillful traders and, ultimately, the very survival of the state depended on their monopolising the purchase of European war stores. The *datus* economic role as redistributors of these commodities — arms, powder and lead — was vitally essential to the maintenance of their political hegemony in the Zone, and for understanding the inseparable link between a trade commodity and the meaning of force in a world in transition.

Exotica: Tripang and Birds Nest

The emphasis thus far has been on commodities, the constitution of culture and the economic, social, fiscal and environmental ramifications of linking China's and Sulu's traditional economies to the global market. I now want to take two commodities found in the zone — *tripang* and birds nest — to give an even better idea of how Chinese need, or greed for these products, changed the face of the ecological history of the Zone and shaped the destinies of hundreds of thousands of Southeast Asians, at a time of radical global economic transformation. In order to understand how these commodities altered the course of cross-cultural trade and historical events it is necessary momentarily to switch the location of interdependent economic sites; we must leave behind the boardrooms of London's tea importers and China's urban coastal enclaves, for an encounter with the banquet halls of the Emperor of China, and the fisheries and forests of the Sulu Zone.

Food has always been a major aspect of Chinese culture. In terms of ideals and forms of cultural expression, variety of foods, rituals and institutions few people except, perhaps, the French derive as much pleasure from eating at their dinner table, as the Chinese [Chang 1977 ; Lai 1984]. During the Qing Dynasty (1644-1911) a first class imperial banquet served by the emperor or empress would offer 34 varieties of meat, fish and fruit, a second class banquet 31 varieties, and a third class banquet 26 [Lai 1984 42]. Many types of exotic foods or commodities from the South Sea Islands are mentioned as standard fare of Chinese Imperial cuisine by mid-eighteenth century. Particular cooking styles and special foods such as sea cucumber and birds nest seem to have made a considerable impact on the tastes, variety of dishes and extravagance of Manchu court life, by then [ibid.: 6]. Lai in a brief work illustrates the effects of texture and other factors, notably visual harmony on the Chinese palate, and thereafter furnishes us with an instructive history of how the Chinese went to great lengths to prepare certain dishes more for decorative or medicinal purposes rather than consumption. He demonstrates from the accounts of literary persons, food connoisseurs and critics of the time how the burgeoning demand for a number of these exotic commodities can be explained by the term bit, foods rich in high quality protein, which were also said to possess the essence of the sheer vitality of life, or aphrodisiac powers [*ibid*.: 11] .

The burgeoning trade in 'exotica' for Chinese cuisine and medicine led the Sulu Sultanate to begin to specialise in the production and collection of particular commodities in exchange for other commodities from Europe and China, especially textiles, opium and firearms. However, a factor of particularly striking importance here is how the Chinese table became a critical meeting point of the paradoxical dilemmas and contradictions generated by global market transactions, especially the intense demand for China tea in the farthest extremities of Western Europe. To pay for the tea, *tripang* or sea cucumber, super-abundant throughout the Zone, began to flow in huge quantities towards South China.[10] *Tripang* or *beche de mer* (literally 'sea slug') is a tasteless substance. The dried or pre-soaked body of this edible holothurian, cooked in a rich chicken stock was generally valued for its texture as a food and as an aphrodisiac. This increase in the production of sea

[10] For another important contribution to the maritime and commercial history of the region centering on the tripang trade see MacKnight 1 Sopher 11965: 123— 147-1 239-243]

cucumber due to new eating habits and styles of Chinese cooking had direct repercussions throughout the Zone, where it highlighted the importance of the labour power of maritime nomadic fishers and slaves in the local regional economy and further altered the balance of power between sedentary coastal trading populations and these maritime nomadic 'masters' of the seas.

The collection of *tripang* for the China tea trade demanded the exceptional diving skills of Samal boat dwellers. Certain Taosug communities linked to the Sultan and his kindred claimed the services of these local specialists solely for the procurement of *tripang* and pearls. Dotting the gulfs, bays and reefs of the Sulu and Celebes seas were fleets of sailing vessels from Jolo and elsewhere which each year sailed to collect cargoes of *tripang* throughout the zone for the kitchens and banquet halls of Qing China. Diving trips, involving hundreds of small craft and lasting several months at a time, were organised and led by these coastal Taosug *datus*. The collecting and processing of sea cucumber was exceptionally labour intensive. For most of the maritime populations of the Sulu Zone *tripanging* was a major activity of the global-local economy. But demand for labour in the *tripang* fisheries outstripped supply as China harvested mountains due to the rapid expansion of the tea trade in the early to mid-nineteenth century. Direct archival evidence, and, my own observations and experience of living in a Samal Laut coastal village on the margin of the former Zone in the 1960s, enabled me to estimate the overall number of people involved in the *tripang* industry and their annual output at small establishments around the Zone. I suggested that the Taosug with their retainers and slaves normally collected around 10,000 piculs of *tripang* in any one season in the first half of the nineteenth century. This conservative estimate tends to support the conclusion that the collection of a picul of *tripang* required the average annual labour of two able bodied men. This means that in the first half of the nineteenth century an estimated 68,000 men laboured each year in the Zone's *tripang* fisheries alone, to provide this popular Chinese exotica that was standard banquet fare and appeared on so many menus, sometimes braised with geese's feet or abalone [ibid.: 31].

One can hardly discuss Qing cuisine without mentioning birds nest. This exotic food seems to have come into favour slightly earlier than *tripang*. If the labour intensive economy of the Sulu Zone relied on the sea as an abundant source of *tripang* for the world capitalist economy, the wilderness of Borneo was its second mainstay. It was principally from this environment that the Sultanate was supplied with specialties for the China trade. Birds nest, collected primarily from limestone caves were obtained in abundance by thousands of local specialists and slaves who initiated expansion of settlement and harvested the riches of the forests of east Borneo for their Sulu overlords. Birds nest is formed from the white saliva secreted from the mouths of tiny golden shrikes, a bird which abounds in east Borneo, to bind its nest to the walls of caves [ibid. : 30]. The nests were usually attached to the sides and roof in incredible quantities, and in seemingly inaccessible spots. These caves and shelters were often part of limestone cliffs over hundreds of feet high; for example, the mammoth Gomantan caves situated in the vicinity of the Kinabatangan River some two days journey from Sandakan Bay were part of a sheer cliff complex 900 feet high (*about 300 metres elevation*)! The entrance to the largest limestone cave was over 100 feet wide by 250 feet high, and the roof sloped upwards 110 feet more, forming a magnificent natural cathedral some 360 feet in height. Soaring high above in the ceilings recesses were hundreds of thousands of golden shrikes [Warren 1981: 82]. The Taosug *datus* attempted to exercise direct authority over the collection of nests from particular cave sites. The nest gatherers in their thousands erected semi-permanent light stages, scaffolding and ladders of bamboo and cane everywhere, with which they pursued their hazardous occupation in the heart of the tropical forests of the Zone. Birds nest collecting in east Borneo lasted from February to June at which time Sulu *prahus* returned to Jolo in the midst of the inter-regional trading season. The nests were harvested as soon as they had dried, either still full of feathers, or free of them. Traditionally, the nests from east Borneo sites were divided among the 'cave owners', who collected them at great risk, the Taosug river lord, and the Sultan at the apex of the system of redistribution.

As noted earlier, throughout the late-eighteenth and nineteenth centuries, the main competitors of the Taosug in the birds nest trade were the Bugis on the Mahakam, and their successors on the Berau River. Even after the Taosug seized control of the major rivers at the southern extremity of the Zone,

Bugis traders and their predatory ‘dayak’ allies competed as fiercely with the Taosug over this commodity as their Samarinda based predecessors had done several decades earlier [*ibid*.: 84-93]. The demand for this exotic food for the Chinese table led to a comparatively high incidence of violence and warfare, performed by the same competing groups that organised and did the collecting. The evolution of the China tea trade also had a great deal to do with rapid commodity depletion and environmental degradation on a hitherto unprecedented scale. Both the reefs and forests of the Sulu Zone were `open access' sites, where natural commodities such as *tripang* and birds nest were there for the taking. The Taosug and their rivals tended to over-collect, failing to conserve for the future in the heat of global-local competition and market demand. Unexpected fortunes and lack of environmental sustainability were a contemporary phenomenon along with the theft and raiding of such sites. Faced with a range of changing global economic demands, and, Chinese food and eating habits, the Taosug and Bugis destroyed parts of the natural world of the Zone and abused its environment in exchange for other commodities — textiles, opium and war stores. In 1812, Hunt described the seasonal efforts of Taosug 'visitors' to exploit the birds nest caves of the Kinabatangan and its numerous tributaries:

> It is the practice of the industrious *datus* and chiefs to proceed to this place with all their slaves for the season; in which case they are sure to make great profits; formerly the birds' nests caves in this district were considered royalties, and the produce immense, at the present time they are plundered *ad libitum* and the quantity decreases every year. [Hunt 1967: 54]

Here, once again we can trace the laser-like local-regional impact created by the intersections of the China tea trade in the world capitalist economy; the dramatic shock of Imperial China's cuisine on the fauna and people of the Zone, the associated violence, environmental degradation and other problems caused by the need to feed increasing numbers of affluent Chinese with extravagant tastes, and the changing pattern of labour power use with an inexorable growth of slavery and slave raiding. The unprecedented demand for these two entangled commodities — exotic natural foods — demonstrates the deep-seated range of problems the Sulu Zone faced and underlined the importance of the interdependent nature of the world capitalist economy with both the environment and society of the Zone.

Trade and Society: Two Worlds

I now want to analyse the relation between cores and zones or centers and peripheries in cultural rather than economic and political terms. I want to detail the impact of these entangled commodities upon the relationship between material culture and everyday life in the Zone. The boundaries between aspects of both Chinese and western culture and Malayo-Muslim culture, practice and belief were explainable in the late eighteenth century Zone. Indeed, Jolo was the site of repeated complex cultural exchanges linked to the China tea trade that highlighted the ways cultural difference and diversity were increasingly blurred. For example, in the Sulu Zone of the early nineteenth century, high fashion on the Chinese model was predominant among datus in the capital Jolo, and in key trading centres. On the margins of the Zone, on the other hand, what prevailed was the Pasisir culture of Malayo-Muslim mariners, merged together with facets of a 'modern created by new commodities that signified global cultural interconnections and interdependencies, linking the Zone directly to the world capitalist economy. From trade documents, journals and illustrations left by traders and travellers we can learn more about how certain commodities bridged two worlds and in the process changed people's cultural attitudes and practices towards daily life However, we must exercise extreme caution in the use of these source materials based on the privilege of partial perspective [Sears 1993: 21]. Nevertheless, such sources can still provide singular insight to help establish the continuity of cultural similarities and differences with respect to the principles and practice of everyday life. The social-cultural traits and material culture of the Taosug and Samal were part of the constitution of a trading 'zone' that was rapidly changing both its form and content as it encountered

the 'modern world'. A careful reading of such documents can reveal the level of economic integration achieved by Sulu and its Bornean dependencies in the wider global-regional network, the magnitude of change in material culture and lifeways that occurred after 1768, and possible reasons for shifts in consumption patterns over time.

The move from wearing sarongs to Chinese silk jackets and pants by Taosug *datus*, from local prints to Indian cottons by their Samal retainers, signifies the 'cultural texture' of an age, according to Samuel [Samuel 1989: 23]. The Comaroffs note in their discussion of the 'history' of a commodity and its impact on social and cultural life, that from the analysis of the career of valued everyday goods, we can comprehend the evolution of complex social processes and individual intention action [Comaroff and Comaroff 1992: 14]. Ideas about fashion, work, property, value, class and authority all changed and were changed by the relation between particular commodities and 'Zone' life.

New commodities, material objects such as silk jackets, colourful handkerchiefs, cotton shorts, cutlery, porcelain, opium and guns, all came into widespread use at this time and, arguably, as instruments of 'modernity' or civilisation began to inaugurate local changes in the history of material culture and the history of social behaviour at the beginning of the nineteenth century. For example, the history of the cultural interconnections between the China tea trade, textiles as a commodity and the history of the body in the Sulu Zone both as sites and objects of intercultural and symbolic contact is not supposed to be a new discovery. It is worth reminding ourselves that Dalrymple, Forrest and Hunt's pages on this particular aspect of cultural influence and the more general domain of the representation of the body and its political, historical and social consequences in the Zone were written between the 1760s and early 1800s [Dalrymple 1808 , Forrest 1779]. The lack of any other garment except a coarse cotton loincloth was characteristic of the maritime populations of the Zone before the advent of the China tea trade, and some fishers frequently went naked. As late eighteenth century China increasingly opened up to foreign trade and investment, the long term historical experience documented here takes on renewed importance in the history of the material culture of the Zone. It is of particular interest because shifts in the material repertoires for the clothing, representation and management of the body constitute important moments in the history of ‘cultural’ fashion, global-trade, and phenomenology of the human body.

By 1812 the dress of a person in the Zone no longer was determined necessarily by their status. The poorest were still said to have gone about naked, some wore grass skirts, but it was far more common for an ordinary person or slave to have at least a Chinese jacket or sarong in coarse white cotton cloth. In 1834, Samal villagers at Siassi were described as being almost in a state of nudity, except for a *nankin* (cotton) skirt or a pair of loose trousers of the same fabric, cut off at the knees. The children were naked. Hunt had observed two decades earlier that coarse white and brown cotton cloth "was in universal wear among all classes." Some *banyaga* or slaves in the capital, however, managed to make their clothes out of imported silk and satin. At Jolo it was difficult for Europeans to distinguish *banyaga* from Taosug because of this radical change in fashion behaviour linked to new material objects, such as the handkerchief:

> As a head dress, most of the Sulo men prefer the Publicat red handkerchief: a few only the fine Javanese handkerchief . . . the middling classes and slaves are however partial to handkerchiefs of the most lively and shewy colours of the French and American patterns . . . they also wear the China baju, full sleeves without buttons, either of rich gauzes, silk and sattens of all colours from China, or Europe and coast Chintzes of the largest and liveliest patterns; and some wear Manilla grass cloth. The lowest slave, in this respect, vies with the *datu* in splendour of apparel…[Hunt 1967 : 39]

Most *banyaga* could expect to have their clothing provided by their masters:

> Through the influence of this woman I was bought the same day by her husband Unkud for a lilla the weight of one picul. Immediately I received from my new master a pair of trousers, a Chinese *baju*, a sarong and a handkerchief [Pieters 1858: 310]

Some people, like the coastal *datu* depicted in Marryt's travel account (see Photo 1), were clearly even more tied to several worlds. His costume is a flamboyant mixture: Chinese in style but also made up of material objects from Europe and the Malayo-Muslim world. Here fashion, as a statement, was an extrapolation of globalising social, political and economic forces. Social patterns for the production, normalisation and manipulation of fashion were of central interest to my attempts to understand ways that the Taosug and other 'cultures' of the Zone produced specific norms of subjectivity and social organisation.

For other more ordinary people these worlds were likely to meet in their families and things they made and used in their everyday life. For example, as I witnessed in 1967, a Samal Laut mother may have made a cradle strap for her new born child from a bolt of unravelled brown cotton cloth and sewed a pattern on it by hand with a new trade needle. The *taoutan*, boat cradle, would have been made with Chinese and European materials. Here too, material objects have been fashioned together locally to bear witness to the flow of commodities and information between two or more worlds and across the generations. Acquisitive hardworking people around the Zone transformed aspects of their way of life with these commodities that played a key role in Chinese and European efforts to dominate Sulu's intra-regional networks of trade and exchange. Cheap mass produced earthenware of every conceivable shape and size (cups, saucers, kettles, bowls, platters, dishes and basins) and exquisite porcelain along with metal utensils captured the markets and imagination of the Zone.

Photo: Taosug *datu*, dressed in high fashion, in the early 1840s, who controlled the redistributive trade of the Sulu Sultanate

Chinese potters had not only mastered singular glazing techniques but they proved more efficient in mass producing crockery on a hitherto unprecedented scale than their regional competitors or the Europeans themselves. The junks from Southeast China dominated the transport of these new material objects that were fast becoming essential to the maintenance of the pace of life in the Zone.[11] Cooking methods and utensils changed in the late-eighteenth century. Fish that was formerly roasted on an open fire, or salted, was now boiled in iron or copper kettles and served with aromatic spices and rice in ornate earthenware basins and dishes.

I have already discussed the sinister impact of opium as a trade commodity on the decisions and behaviour of key individuals and small groups of coastal *datu* that critically influenced the social development of the Zone during the 1840s and 50s. Here we must see the history of opium in Asia, as not simply a matter of a plant, an ephemeral material object, forging a global-political economy based on capitalism and addiction, but also as literally planting seeds of local change and destruction.[12] One can only be stunned by the sudden ubiquity of opium in the history of Sulu. It seems that the drug touched many aspects of everyday life in the Zone as well as relentlessly altering the course of European and Chinese history. Apart from mapping out the rise and fall of the opium trade and measuring its magnitude in Sulu, one should also be able to document its impact on the social and cultural processes of the Zone, as the drug partially reshaped its political economy. A comprehensive view of opium, in the entangled history of the China tea trade and the Zone, needs to include the Asian mainland but specifically treat Sulu, where it was traded and consumed, in order to understand the various manifestations and shifts between the representation and meaning of culture and power, on the one hand, and, on the other, the history of a commodity and the history of the body.

Let me close this discussion about the history of the China tea trade, material culture, and cultural change by tracing the journey, albeit, briefly, of two commodities — a pearl and a steel knife — between the worlds of Europe and the Sulu Zone. The journey of the pearl began in the late 1700s; at the bottom of a reef, an expert Samal diver collected it for shipment back to Europe. The pearl was exchanged for a steel knife manufactured in Sheffield by a master smith. The Sulu pearl was sent back to London as a priceless commodity of the China trade to be crafted into a ring or necklace that became a symbol of royal authority and the European class system. The Sheffield knife brought by the English trader to Jolo did not at once change the Taosug and Samal's life as opium had done. Instead, this steel bladed weapon as a tool improved their artisan skills and fighting methods, as wood carvers, boatbuilders, and warriors. Things alien to their way of life and of little or no practical value were rarely exchanged or bought. The light weight dependable knife represented the highest quality merchandise Sheffield technology could produce There was prestige involved in owning such a tool and its use became habit forming. However, the trade knife now served different needs than either the manufacturer or trader could have envisaged. The knife now became a Samal, not European, weapon on long distance maritime slave raids; one of many new material objects that was responsible for the expansion of Taosug power and culture throughout the region. In this context, the Sheffield knife became both a strikingly ironic symbol of the material ties between two worlds, and, the market driven forces of the world-capitalist economy.

Society: Trade and Slave Raiding

A cacophony of new sounds, sights, objects and tastes, along with an accelerated, materially oriented life in the Sulu Zone created a new demand for slaves, by the early nineteenth century. The labour power demand was derived, based on a European demand of tea, which Chinese peasants cultivated in the mountains of Fujian [Gardella, 1994]. Hence, at the same time, there was also this

[11] For a list of the ceramic and earthenware that comprised the cargoes of Amoy Junks circa 1776 and 1814 see Appendix B in Warren [1981: 259-260].
[12] For a discussion of the impact of opium in an urban colonial context among labourers and prostitutes see Warren [1986: 240-249 1993 : 42, 46, 154, 293, 366-367], see also Rush [1990] ; Trocki [1990].

interdependent parallel rising demand for slaves to work in the fisheries of forests of the Sulu Zone. The demands of European and Chinese for exotic commodities like sea cucumber and bird nest increased slaving activity among certain groups in the Zone, who were lords of the sea and skillful warriors. To obtain more guns and ammunition, metal tools, textiles and opium for the Taosung, these maritime marauders had to obtain more and more slaves to collects and process particular commodities to sell to the China tea traders. Thus, there was a rising demand for tea in Europe and a concomitant increase in regional-wide slave raiding in Southeast Asia. Taosung *datus* partially repatterned the life of particular maritime groups to meet the soaring European and Chinese demand, and to gain direct access to western technology and Chinese trade goods.

The efforts of ambitious *datus* to participate in this burgeoning world-capitalist economy, with its extraordinary profits and markers of differential status and prestige, forced the demand for additional labour up and swelled the flow of global-regional trade. The need for a reliable source of labour power was met by the Iranun and Samal Balangingi, the slave raiders of the Sulu Zone.

Photo: An Iranun sea warrior armed with a boarding spear and *kampilan* or long sword

Indeed, the rapid growth of slave raiding was to keep pace with Sulu's global trade by providing the essential requisite for the continued growth of commodity collection and processing in the Zone labour power. One extraordinary feature of the interconnections between Sulu slave raiding and the advent of the world-capitalist economy was its rapid movement across the entire region as one Southeast Asian coastal population after another was hunted down. From the end of the eighteenth century to the middle of the nineteenth, Southeast Asia felt the full force of the slave raiders of the Sulu Zone.

Their harsh exploits were carried out on a large scale; manning well-organized fleets of large, swift *prahus*, they navigated along the west coast of Borneo and crossed the South China Sea to the Straits of Malacca and the Bay of Bengal. In the south, their raiding vessels thrust through the Makassar Strait and fanned out over the Indonesian world. They crossed the Banda Sea to New Guinea, made raids along the coasts of Java, and circumnavigated Borneo. In pursuit of captives, Iranun and Balangingi terrorized the Philippine archipelago. They preyed on the poorly defended lowland coastal villages and towns of southern Luzon and the Visayan Islands. They even sailed and rowed their warships into Manila Bay, their annual cruises reaching the northern extremity of Luzon and beyond. They earned a reputation as daring, fierce marauders who jeopardized the maritime trade routes of Southeast Asia and dominated the capture and transport of slaves to the Sulu Sultanate [Warren 1981: 147-211]. Captive people, from across Southeast Asia in their tens of thousands, seized by these sea raiders were put to work in the Zone's fisheries, in the Sultan's birds nest caves, or in the cultivation of rice and transport of goods to markets in the local redistributive network. Thus the Sulu state created and reproduced the mate and social conditions for the recruitment and exploitation of slaves in the Zone. More than anything else it was this source and use of labour power that was to give Sulu its distinctive predatory character in the eyes of Europeans in the nineteenth century as a 'pirate and slave state'.

Southeast China's tea trade and the global capitalist economy changed the pattern of maritime warfare and economic and social relationships among certain Zone populations, increasing its intensity and scope across the region. It led to widespread decimation and displacement of entire populations throughout the Christian Philippines and much of the rest of Southeast Asia. Sulu was primarily an ascendant commercial state, standing at the centre of a widely spread redistributive economy. But it was under Taosug sponsorship and in the service of that interdependent global-regional economy that others raided throughout the Malay world. It is worth emphasizing again the powerful economic forces that were pushing the Taosug aristocracy in the direction of acquiring more and more slaves; in the first place, their demands for all kinds of products coming in from external trade had to be satisfied — demands that were constantly increasing. These demands were both a consequence and cause of slavery. In order to trade, it was necessary for the Taosug to have something to give in exchange. Hence the collection and redistribution of produce was dominated by those *datus* with the largest number of slaves; that is by the Sultan and certain *datus* on the coast who were most directly involved in Sulu's global trade. Secondly, the more dependent Sulu's economy was on the labour power of slaves, the larger loomed the question of its supply of slaves. The only way for the Taosug to obtain the commodities which formed the basis of their commerce was to secure more slaves, by means of long-distance raiding. In the early nineteenth century the rate of growth of the Sultanate's population had not kept pace with its expanding international trade economy. Since it was the labour of slaves that made possible global-regional trade, slavery rose markedly from this time and became the dominant mode of production. This also explains why Jolo quickly became the principal centre in the Zone for the importation of slaves and the outfitting of marauders.

Thus, the cross-cultural combination of Chinese tea and the latest European firearms as commodities, within the context of expanding inter-regional trade and improved maritime military organisation, set the stage for the explosive emergence of key marauding populations in the space of just several decades. Moreover these mobile raiding populations took it upon themselves to 'modernise' and acquire foreign technology, especially gunpowder arms, to rapidly strengthen their strike force and social organisation, as well as enhance their ship building techniques and nautical skills. Indeed the post-1780 era saw slave raiding more widespread and intense than at any earlier time as the Iranun and Balangingi borrowed both knowledge and technology from European and Chinese traders; Chinese compasses, European mariner's charts and brass telescopes were all widely used to great advantage as 'weapons of war' by these sea raiders.

I have noted earlier that the control and possession of firearms by Taosug on the coast profoundly altered ethnic inter-relations, the local-regional balance of power, and accelerated the formation of the

'Zone' at the expense of neighbouring polities. The English, who wished to protect their financial interests in China, distributed firearms and gunpowder on a large scale to the coastal chiefs, who controlled the redistributive trade of the Zone. The early acquisition of cannon, gunpowder, flintlock rifles and shot from European China traders in return for exotic commodities led to increased traffic in slaves, warfare, and, at the same time, ever rising levels of arms imports into Sulu after the last quarter of the eighteenth century [*ibid*.: 48-49]. The supply of firearms to the Zone escalated dramatically in the first quarter of the nineteenth century. New England yankee traders and whalers from the northeastern seaboard of the United States sold arms freely to the Taosug and Samal, giving them a forceful advantage over this particular channel of trade at the expense of coastal rivals and interior tribal groups in the Zone, and much of the rest of Southeast Asia. The *datus* quickly recognised that large scale possession of western firearms enhanced their prestige and consolidated their position and power in the redistributive economy of the Zone.

The Taosug demanded the highest quality firearms and weapons. To satisfy them, traders and manufacturers searched for better weapons and ways to custom produce them on consignment. English industrial technology in Sheffield, Birmingham and Manchester developed beautiful, dependable Kris, and firearms. Inexpensive British manufactured muzzle loading flintlock rifles and other arms imports led to the reframing of Southeast Asian political boundaries, especially in the area of the Zone and eastern Indonesia. The Taosug could sustain organised maritime military power on a large scale and consolidate control over trade for an extended tune because of the strength and discipline derived from the improved guns and industrial technology of Europe; firearms that would threaten the social order and stability of much of Southeast Asia when placed in the capable hands of the Iranun and Balangingi. Huge quantities of lead were shipped into the Sulu Zone in the form of shot, musket balls and unworked blocks. Gunpowder, which had been discovered in China as a propellant and explosive for wartime use and moved to Europe as a weapon of war, was brought in huge quantities to Sulu by European China traders. By the early 1830s, Gamaliel Ward, captain of the brig *Leonidas*, revealed the extent to which the arms trade had been expanded at Jolo since Dalrymple's time in the 1760s. A leading *datus* firearm's request included: "1,000 25-pound kegs of gunpowder, 6 swivel guns, 6 large cannon preferably brass, 600 muskets, 100 pistols, 4 bags of shot of varying sizes, gun flints, 2 dozen boxes of percussion caps and 8 dozen matchlets."[13] By 1835, gunpowder and muskets were the principal trade commodities desired by coastal intermediaries. These figures must be considered as only a small estimate of the volume of war stores furnished at Sulu's market — the tip of the iceberg, because large quantities of gunpowder and firearms also reached the Taosug as a consequence of Bugis enterprise.

Demand from China tea traders for exotic commodities, introduction of firearms by them, and intensified slave raiding led to major changes in Samal Laut social organisation and ecological adaptation. Slave raiding, warfare and boat building became increasingly important activities for these traditional fishers as the Taosug became more involved in the China tea trade, and ever more dependent upon it for commodity exchange. The Iranun and Samal Balangingi armed with the latest firearms struck fear into the hearts of coastal and riverine people throughout Southeast Asia; local populace were soon afraid to live along unprotected stretches of the seacoast or come down to the ocean front from the interior. The regularity of these raiding sweeps for slaves were as predictable as the winds which carried the Iranun and Samal Balangingi boats to their target areas. Customary warnings were issued each year by the Dutch, Spanish and English to coastal towns and small craft on the approach of the 'pirate wind' in August, September and October that brought these lords of the eastern seas and fishers of men to the straits of Malacca. Scattered along the coastline of the Philippine Archipelago one is still able to find — sometimes with some difficulty — the remnants of the 100 year long terrifying presence of these raiders — an old stone watchtower, a crumbling church cum garrison, or the remains of a Spanish fort and cemetery decaying monuments to the export of *tripang* and birds nest and a host of other commodities and the import of firearms from the

[13] 'Goods for Sooloo Market', Ms Peabody Museum see Warren [1981 : 50-53]. Figures are lacking for the earlier period, but the value for the gunpowder alone which is in excess of the total worth of Dalrymple's order, shows expansion.

Euro/American core and some Chinese goods. The remains of such neglected sites, primarily concentrated along the coasts of Catanduanes, Albay, Leyte and Samar, bear silent witness to the advent of sudden affluence in the Zone and deep despair throughout the Philippines [ibid. : 174-181, 237-245].

Slave Raiding in South East Asia

The formation and prosperity of the Sulu Zone, as this account of the interdependent relationship between particular commodities and its economic and cultural history indicates, was based above all else on slaves. It was the role of the Sulu state, within its large trading Zone, to maintain the material and social conditions for the recruitment and exploitation of slaves. Equally important, the political and commercial growth of the Sulu Zone was reflected in the enormous increase in war stores in the Jolo market at the beginning of the nineteenth century — lead, iron, shot, gunpowder and cannon. The Taosug aimed at monopolizing control over the exchange and distribution of these goods which, with slaves, enabled the reproduction of the social formation; the European firearms supplied by global-regional trade enabled coastal dwelling Taosug to advance their commercial interests in the inter-societal network, promote raiding on a large scale and keep the Zone free of undesirable intruders and competitors. As Terray emphasizes, it is only in this sense that external trade is a vital element in the overall functioning of the social formation: "like every distributive mechanism, it created no wealth that was born in the process of production; but it gave distributive mechanism, it created no wealth that was born in the process of production; but it gave a concrete form appropriate to the requirements of reproduction" [Terray 1974: 335-336]. The Sulu state was geared to continuous acquisition of slaves and slave raiding as a consequence of the intersections between the China tea trade and the world capitalist economy. The problem for the Taosug by the mid 1850s was that this kind of preying on peripheral communities could not be sustained any longer and the frontier (s) of the Zone expanded indefinitely. When long-distance slave-raiding and warfare declined, the Taosug economic and political system began to slowly disintegrate and even aspects of the social structure began to change, along with the shape and character of the Zone.

Society: Globalisation and Slavery

Slaves were reported by travellers, traders and emissaries to be engaged in every conceivable domestic, agricultural and industrial occupation in the Sulu Zone. As Taosug trade became interlocked with the world capitalist economy, and the economic and political problems posed by the China tea trade and imperialism grew, so did the amount of work which required literacy and strategic knowledge of local regional affairs. Paradoxically, few Taosug aristocrats could either read or write in any of the languages pushing into the Zone and *banyaga* with education who could serve as scribes, translators, and language tutors were much sought after [Warren 1981: 222-228]. The rate of upward social mobility for *banyaga* in early nineteenth century Sulu was higher than that in the early nineteenth century Christian Philippines or other parts of colonial Southeast Asia. In Jolo and elsewhere, slaves could have family roles as husband or wife, they could own property, including other slaves, and often filled a variety of political and economic roles — as bureaucrats, interpreters, warriors, and farmers, as concubines and traders — by virtue of which they were entitled to certain rights and privileges accorded to other members of the dominant society.

A *banyaga* could purchase his freedom in the Sulu Zone. This was frequently the case among those *banyaga* who had an aptitude for trade. The likelihood of manumission was essentially a function of occupation. *Banyaga* who provided immediate and indispensable services to their masters, who served in their households or on their trading vessels, had better chances of manumission than those who laboured in the forests or fisheries. Their owners often found it best to allow such slaves to acquire property so as to encourage initiative and establish their loyalty. Certain segments of the maritime-military and local administrative elites in the Zone were recruited from the Christian slave population. Adolescents selected on the basis of their abilities were given a thorough education by their Taosug masters and required to turn Muslim. Conversion to the dominant religion of the Zone cut these slaves off from their cultural roots, making them ever more dependent on the Sultan [ibid. : 228-229].

`Slavery' in this sense was a means of incorporating people into the social and economic system of the Zone. I have argued elsewhere that 'open' systems of slavery, such as the Sulu Sultanates, were those which acquired labour through capture or purchase of slaves, and assimilated them as `insiders' into the dominant group. The most recently acquired slaves were those most clearly demarcated from other dependent groups and the wider society. But within the first generation, those individuals most likely to be incorporated in an 'open' system were female slaves, in terms of the relative importance of productive and reproductive activities, adolescents, and children [Warren 1997]. *Banyaga* were strategically enrolled in the following of dates for political and economic support, but far more than anything else they were needed to labour in the forests and fisheries to maintain an expansive redistributional economy and the flow of global-regional trade. They were predominately Visayan, Tagolog, Minahassan and Buginese speakers, although almost every major ethnic group of insular Southeast Asia was to be found among their ranks. Some inherited their status. Others were obtained in fulfilment of debt obligations. But all *banyaga* or their ancestors had been seized by professional slave raiders and retailed in communities throughout the Zone.

While the Sulu Sultanate had for several centuries been integrated into the political and economic trade system of China, British expansion in Eastern Asia after the 1760s drew the emerging state into a systemic network of economic traffic on a global scale. The rising demand for Southeast Asian slaves reshaped the character of the political economies of Sulu and China, and, as part of the same process, gave birth to the Zone and the advent of highly mobile specialised communities of slavers. Thus the history of the slave trade and the rise of the Iranun and Balangingi must be framed as part of a unitary historical process, which emphasizes the intrusive role played in their sudden development and expansion by the global capitalist economy and singular commodities such as tea, birds nest and firearms. Slave raiding, or what the Spanish, Dutch and British called piracy, was not a manifestation of decay and dependence but rather the result of phenomenal economic growth and strength. It was part of a vital effort to partake in and control a rapidly increasing volume of cross-cultural commerce caused by the arrival of Europeans in the China tea trade in the late eighteenth century. Accusations

of cultural decadence and barbarism directed against Sulu by the leading European participants in that trade are both ironic and erroneous when approached from the perspective of a unitary historical process. The Sulu Sultanate was able to marshall its resources in the direction of slave raiding when the new circumstances of the China tea trade suddenly made collecting and processing of exotic commodities so profitable in the Zone.

Two major conclusions can be drawn from this discussion of the place of the slave and slave hunting in the economy and society of the Sulu Zone The first is the decisive importance of the exploitation of slaves in the functioning of the social formation in the Zone: "A social formation cannot be understood except by beginning with an analysis of the relations of production which are at its base" [Terray 1974: 340]. Global-regional trade spawned slavery in the Sulu Zone. The enormous increase in external trade which affected state formation and economic integration made it necessary to import captives from outside the Zone to bolster the work force population. As commodities from China, Europe and North America flowed to Jolo, the Taosug aristocrats thrived, and the Iranun and Balangingi, strong, skilled maritime people who were the scourge of Southeast Asia, raiding in 90-foot long *prahu*, emerged. The sea and tropical forests were the life force of the Sultanate, where tens of thousands of *banyaga* laboured annually to provide the exotic specialties for the China trade. Secondly, the arrival of captive slaves on a hitherto unprecedented scale for intensive labour or skilled work and their gradual 'disappearance' through incorporation into the lower levels of Taosug and Samal society was central to the development and the expansion of Sulu culture and the redistributive system.

By arguing for a broader global economic perspective interesting complex questions are raised about what constitutes our conception of 'culture'. While thousands of captive people were allocated throughout the Zone each year as slaves in the period under consideration, the borderlines of race, 'culture', and ethnicity were increasingly blurred by the practise of incorporation and pluralism. I maintain in The Sulu Zone that the Taosug and Samal not only lived in an increasingly interdependent world but that they lived in an emergent multi-ethnic society, the multicultural inhabitants of which came from many parts of Eastern Asia and elsewhere in the world. How are identities — single or multiple — forged? What symbols, rituals and perceptions create a strong sense of collective identity? The traditional assumption of a 'culture' as enduring over time despite outward changes in people's lives and value orientations is both empirically misleading and deeply essentialist" [Keesing 1991 : 46]. As Roger Keesing noted, there is no part of Eastern Asia where both the production and reproduction of 'culture' and cultural meaning can be characterised as unproblematic, without glossing over or disguising radical changes in relation to ethnicity, power and hierarchy that have deferentially affected states like Sulu and urban-rural settings like the Zone [*ibid*]. In terms of not exaggerating the boundedness, discreteness and homogeneity of a way of life taking shape in the Zone at the end of the eighteenth century, the power of language, memory and commodities as symbols in the construction of new identities and communities was increasingly recognised, by myself.

Filling a conspicuous gap in the literature this aspect of my ethnohistorical research explored the reinventing of ethnicity in light of tightening ties to the global-capitalist economy and the wider world of *darul* Islam. The question of the conditions under which these new identities were formed, and ethnicity accomplished, creating a semblance of cultural homogeneity throughout the Zone, especially in the first half of the nineteenth century, has aroused considerable subsequent interest. I stressed in *The Sulu Zone* the inextricable relationship between slave raiding, forced migration, ‘homeland’ and identity as being critical factors that led to the emergence of new communities and diasporas.

The expression of 'ethnicity' was suddenly recognised to be bound up with the accelerating process of global-regional trade, especially in the classical case of the Samal Balangingi. The only historical work which deals with the Balangingi does not consider their ethnic origins [Tarling 1963: 146-185]. Avoidance of this question presents a deceptive picture of a static ‘society’ with a homogeneous population. Samal groups in the Sulu archipelago were emergent populations; the success of the Balangingi as slave raiders was due in large measure to their ethnic heterogeneity. Captives' statements present a picture of Samal populations undergoing constant readjustments until 1848. At

the beginning of the nineteenth century, there was an infusion of ethnically diverse captive people among the Balangingi mostly through demands for their labour on raiding *prahus* and in the *tripang* and pearl fisheries that complicated the identity of the Samal populations.

Many of the captives or slaves who were brought to Balangingi turned Samal borrowing language, religion, and customs. Insufficient data prevents a precise reconstruction of the overall size and origin of Samal populations at that time. What information there is for the nineteenth century has survived in the statements of fugitive captives; these show that the incorporation of foreign elements took place on a large scale, especially the second and third generation. In 1836 it was estimated that only one tenth of the male population were 'true' Balangingi Samal; the remainder were *renegados* (renegades), more particularly Visayan and Tagalog or other captives [Warren, 1978: 477-490]. The Taosug economy was expanding rapidly enough at this time for Samal populations to absorb larger and larger numbers of captives. An apparently conscious recruitment policy of the *datus* changed the numerical structure and ethnic composition of Samal groupings in less than two generations (1820-48). Barth considers a ten percent rate of incorporation in a generation drastic [Barth 1969 22]. By those standards, the flexibility of the system was incredible. Village populations in 1836 appear to have risen from Just over 300 people with 10-12 raiding *prahus* (*garay*) at Tunkil to more than a thousand people, with 30-40 *prahus*, at Balangingi. In less than a decade, Balangmgi s population roughly quadrupled; in 1345 the village had an estimated 4,000 people and 120-150 large vessels. The overall Samal population devoted to slave raiding reached an upper limit in 1848, of 10,000 people with 200 raiding *prahus*. The consequence of extraordinary growth was the creation of an 'emergent' slave-raiding population within the Sulu Sultanate the Samal Balangingi.

Central to my approach about demographic expansion and the advent of a vast number of newer societies in the Sulu Zone was the notion that ‘cultures’ are dynamic rather than static. Migratory rythmns and population patterns depended significantly on the dynamics of international trade. A population explosion took place in the first half of the nineteenth century, followed by pioneering expansion and settlement on the margins of the Zone, the exploitation of the wilderness and marine gardens, rising market incentives, and a victory for the Taosug entrepreneurs at the expense of their arch rivals, living from the profit of trade and redistribution. While this model of change is fundamentally economic, ecological and demographic, there is a central place in it for exploring the relationship between these critical factors and the historically specific social and economic contexts in which 'culture' is constituted and reinvented across regional dividing lines.

Tens of thousands of people were not only members of an emergent trading zone; they were also members of an expansive multi-ethnic state where two or more cultures regularly existed side by side and, undoubtedly, clashed with one another at times. The Taosug worked hard to protect certain aspects of the overall integrity of their original culture in the face of the demographic explosion and material onslaught but the (im) possibilities of living with difference raged everywhere in the Zone. As they became ever more thoroughly enmeshed in the world capitalist system, *banyaga* populations internalised the differential cultural norms and formative ideals of the coastal elites. *Banyaga* were encouraged to adopt Islam and marry. Some slaves who thoroughly accepted the dominant culture were permitted to purchase their freedom. Manumission was commonly practised and freed slaves were merged into the general population, assuming a new ethnicity and status. For *banyaga*, conversion and marriage were prerequisites to manumission. This expedient reinvention of ethnicity resulting from the interconnected force of circumstance generated by the China tea trade compels us to think about related notions of society and 'culture' in more processual ways [Wolf 1982 : 387]. Historians of the region need to locate the emergence, maintenance and abrogation of populations and the 'cultures' they encompass within the framework of a series of historically changing, imperfectly bounded, multiple and branching integrated sets of local, regional and global social and economic alignments. This case based discussion of the concept of Asian cultures as problematic, and the crucial factors which gave rise, in one common process, to the accomplishment of ethnicity in the Sulu Zone provides the basic building blocks for future comparative and theoretical analysis.

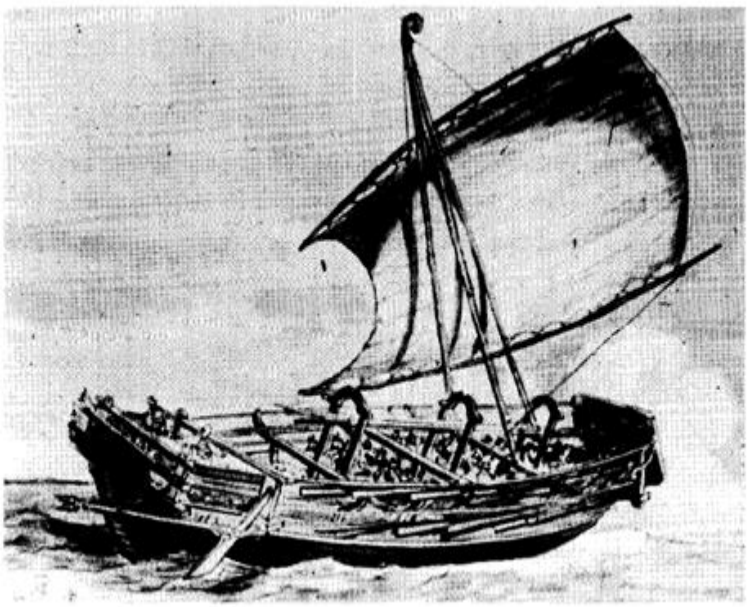

Photo: Garay, Balangingi slave raiding vessel, under full sail

On Sources and Methodology

The challenge facing the ethnohistorian of modern Southeast Asia is to locate the right combination of sources to establish a more comprehensive interpretation of the place of 'societal' development in the global economy; a macro system that itself was ‘developing’ but whose social political and economic structures or segments and alignments did not necessarily follow parallel paths across time. In many respects, these sources, that can create a global political economy framework to provide a view of the world as a complex rapidly changing macro system, while still affirming that the evolution of various parts or 'societies cannot be understood without studying micro-social change within its global-local context, are extremely difficult to locate. This is especially the case when one pushes further back in time, and resurrects more peripheral non-western, pre-industrial networks and states, like the Sulu Sultanate, and attempts to link them to a hemispheric structural view of the whole over several centuries.

A chronic problem facing ethno historians of Asia, Africa and Latin America is the uneven nature of the source material available for certain people, places and times. How can one provide a well detailed historical reconstruction and measure change if the documents as 'instruments of measurement are scarce, non-existent, or themselves changing? [Burke 1992: 38-39] The effort has to be made to bring to bear as wide a range of evidence as possible, on critically specific points, to emphasize the global interconnections and interdependencies of particular societies and regions, in order to fashion a holistic explanation of their mutual interactions and clashes in a contemporary 'borderless world', created by an evolving world capitalist economy. It was necessary to seek out as much evidence wherever it could be obtained because of the accidental generation and destruction of historical records concerning the ethno history of the Sulu Zone. I used an extremely varied, in fact eclectic, body of documentation from around the world to resolve the problem of the significance of the China tea trade for the transformation of Taosug society and culture of the late eighteenth century: all arms of evidence archeological, anthropological and historical.

While the archeology of the Zone is comparatively poor solid anthropological fieldwork had been done over the course of several decades among the Taosug of Jolo, the Samal Balangingi, the Samal Bajau Laut, and the Yakan of Basilan in the Sulu archipelago and northeast Borneo, and among the Maranao and the Subanun of Mindanao. Without the ethnographic materials that were published as a result of this fieldwork, it would have been difficult for me to assess the value of European historical

source materials, especially the diaries and journals of explorers and traders like Dalrymple, Rennell, Forrest and Hunt with some important additions from the Spanish officers of the small neighbouring garrison settlement of Zamboanga.[14] There were ample sources for the study of the commercial marauding patterns of the Sulu Zone in the period 1768-1898, but they were scattered, still unrecognized, in several European archives, and in Manila and Jakarta. While much of the material in English on Sulu had been exploited, primary source material in Spanish and Dutch archives had yet to be systematically investigated. There remained then a need for extensive archival research to present a coherent picture of Sulu's commercial position in a changing global-regional context from the mid-eighteenth to the late nineteenth century.

I have drawn upon anthropological concepts, European documents in several languages with excerpts and examples from official reports diaries, letters, journals and newspapers, and local accounts to examine the economic vitality of the Sulu Sultanate, in its role as an entrepot for European and Asian commerce in the China trade from the late eighteenth to the late nineteenth century. Among the most important sources I have used are the manuscripts in the archives of Spain (principally the Archive of the Indies) on trade from Manila to the Sulu Sultanate between 1768 and 1848. When compiled and ordered as a time series, these documents (particularly the *estados* and the *almojartfazgo*) suggest the overall level of commercial activity, shifts in market preferences, and the economic interdependence of Canton, Manila and Jolo. The statistical analysis of these official trade 'series' were employed to show changes over time in the economic life and broader patterns of the zone's global-regional commerce. These Spanish sources were tailor made for my need to compile an economic `serial history' (*histoire serielle*), showing the speed, volume and flows of commodities and people created through the regional intersections of the China tea trade, of which the pursuit of the slave trade across Southeast Asia was a sub-system of the broader economic pattern.

In the late eighteenth and nineteenth centuries, the population of Sulu was heterogeneous and changing — socially, economically, and ethnically. This was a direct result of global trade. The populating of the Sulu Zone by captives from the Philippines and various parts of the Malay world and their role in the redistributional economy centred at Jolo cannot be under-estimated. Previous historical studies of the Sultanate depended largely on published colonial records and accounts to understand the economic and social role played by slaves in the economy rather than on records produced by the slaves themselves. Slavery in Sulu was observed through the eyes and preconceptions of European observers and writers who viewed Sulu as the centre of a world fundamentally hostile to their interests — an Islamic world whose activities centred about piracy and slavery.

A unique alternative to this Eurocentric perspective is presented by the scattered statements of fugitive captives from the Sulu Sultanate. Carlo Ginsburg, a gifted Italian historian, whose classic works have challenged us to retrieve social worlds that more conventional history does not record, describes particular types of legal-juridicial documentation, as "written records of oral speech" [Ginsburg 1989: 156]. For instance, according to Ginsburg's methodology, the written proceedings and statements of the fugitive slaves of the Sulu Zone could be considered comparable in certain respects to the notebooks of an anthropologist who studied a cultural system where violence and slavery were an everyday occurrence; or to put it another way, the Spanish naval officer as anthropologist, performing a type of 'fieldwork' in the Zone, centuries ago. All sorts of details of material life and social activities recorded in the official proceedings of these officers were often incidental to the main purpose of gathering naval intelligence on the strength and social organization of the fiercely independent and intractable Sulu slave raiders, their communities, and the nature of material life and market transactions. Hence, the tangential information was not likely to have been

[14] Extensive ethnological research had been conducted among the Taosug by Thomas Kiefer, among the Balangingi Samal by William Geoghegan; among the Samal of Cagayan de Sulu and Palawan by Eric Casino among the Samal Laut by Ham, Nimmo, Clifford Sather and Carol Warren; among the Yakan by Carol Molony; among the Maranao by David Barradas; and among the Subanun by Charles Frake.

distorted. It is precisely because this historical evidence could be used to tease out hidden information embedded in it to recapture the broader patterns, while also building up a picture of the lives of slaves across the Zone and their pivotal role in shaping that environment that these testimonies proved so invaluable. Sifting through the broad body of official statements of the *cautivos fugados* generated by Spanish and Dutch naval officers and merchant traders between 1836 and 1862, documents most historians considered to have been among the archival 'curiosities' of a pirate principality and 'clash of civilisations', it proved possible to construct a history from below; a stunningly different type of social history based on documents of seemingly little consequence.

What the direct testimony of the fugitive captives contained was 'life': a freshness and wealth of small scale detail that could be used to explore the mental and material world of several generations of slaves; an exceptionally rich source, containing singularly invaluable textured accounts around which to base on a cultural level case studies and a collective biography. I made extensive use of this neglected source of Southeast Asian social history to reconstruct the social organization of Sulu slave raiding, slave life in the Zone and to make slave voices speak [Warren 1981: 299-315]. The trade data and the statements of the fugitive slaves complement one another, and together enable us to resolve many fundamental questions about the magnitude of the Sulu Zone's global-regional trade, its flourishing slave population, and how these changed over time as a consequence of the impact of the China tea trade and the world capitalist economy.

The scarcity of particular types of sources to study the ethnohistory of the maritime people of Southeast Asia has encouraged the growth of new interdisciplinary historical techniques and methods. To discover the links between the experience of coastal Taosug *datus*, slave raiders and slaves and the larger events in their lives, I have depended on different branches of social enquiry. Ethnohistory and micro-history have been critical in showing how empirical research can be shaped and changed. This methodological approach to the ethnohistory of the Sulu Zone and slavery has necessarily combined the broader concerns of economic and social transformation with tracing the experiences of these men and women's lives. By expanding both the spatial and temporal reach of analysis it was possible to provide an account of the typical career pattern of a coastal chief or Visayan slave and how they lived the 'big changes' in the Zone at the turn of the nineteenth century. An obvious result of this approach has been to clarify the process of moving the boundaries in historical methodology and thought, as the questions asked about the history of the Sulu Zone in my volume changed, and new expectations of the craft were imposed.

This search for a way to link individuals and events to larger, impersonal systems is tenable at the intersections bridging the “narrative space of ethnography” [Marcus 1986: 190], the use of quantitative methods for the prosopographer, and the study in depth of the small scale. In this way, I adapted the methods of social anthropology and historical computing to ‘do’ ethnography in the archives, in order to understand the 'otherness' of a previous era and place, or as the French social historian, Robert Darnton, phrased it, to do "history in the ethnographic grain' [Darnton, 1985: 3]. This inquisitive and provocative methodology linking history and anthropology calls upon us to join culturally configured actions, nuances and contradictions in society and history to individuals and events by a variety of historiographical means. I isolated one critical approach prosopography.

My key problem in focusing on the collective identity of particular social groups - slaves and Samal marauders — was to choose a sample which represented the total regional and social population (s) of the Zone. Spanish naval officers, specialists in 'contemporary Sulu affairs', interrogated the fugitive slave informants, and more than a century and a half later, I used the methods of content analysis and analysed these interviews statistically to create a multi-sourced and integrated data base as a prosopographer. The difficulties that attended an analysis of the social and ethnic complexity of the historical situations of the slaves and the Taosug and Samal Balangingi and the contradictions inherent in their lives — the exact combination of motives, pressures, values and feelings — perhaps, could only be depicted through a prosopography: a collective biography, resting on a scaffolding of empirically integrated fragments of life histories. This technique compelled me to pay close attention to the disparate experiences, values and motives of a relatively small group of slaves (180+) in

diverse contexts and sequences of actions, in order to piece together in a convincing manner the pattern and meaning of their lives for the majority of slaves throughout the Sulu Zone. The social relationships between Taosug *datus* and slaves were shaped by the China tea trade, imperialism and the rapid growth of the world capitalist economy. In this context, the 'collective biography' I constructed from statements made by the slaves who escaped, were rescued, or were ransomed, at one and the same time defined the slave 'community', explored its history, and presented with sensitivity and human interest the great variety of life experiences and fate of some of its women and men. By adopting these ethnohistorical methods it was possible to show not merely what the 'faceless masses', little people who often have left few documentary traces of their lives or careers, thought, but why they thought it, and acted, accordingly.

In my examination of historical perspective in the Sulu Zone a primary concern was 'angle of vision' or how one views a particular event, phenomena or individual(s) [Sears 1993: 6-7, 298]. What is the consequence for the conventional practice of history of looking at events and actions from other subject positions, that of slaves, for example? I immediately became aware of the potential offered by the testimony of the fugitive slaves for exploring new subject positions and perspectives on the past of the Sulu Sultanate. My approach to historical perspective in The Sulu Zone would shift the focus in the debate about state formation and trade away from the western challenge to the indigenous local-regional response to that challenge, establishing slaves as primary historical actors. From the beginning of my book I announced my intention to see history 'from the other side', and not cast my narrative in conventional moulds [Warren 1981: xi-xii). From the angle of vision of this alternative analytic perspective to 'top person's history' one can better understand what might be termed 'experience'. This is most apparent in the riveting portrait of the slave's 'collective biography' [ibid. : 237-251 ; Sharpe 1991: 25]. One thing this methodological approach has taught me about 'experience' that the ethnohistorian should try, whenever possible, to read the lives of 'little people' positively, instead of reducing them to mythic-tragic categories like 'the oppressed' or 'the down-trodden'. Once the a-priori mythology of hierarchical inversion was removed, the lines of experience and power within the society and culture of the Zone appeared more complicated and interesting. The Sulu Zone shows traces of this lesson by looking at the slaves and slave raider's lives in terms of the potential embodied in the fullness of their experience, that is of their history of success and failure, and, the optimism, albeit boundless at times, of these men and women contending with a world that was changing in China, a new one being born in the Zone, and cultural values that no longer functioned among drug addicted Taosug overlords and their families. The role and life experiences of Samal marauders and slaves in the face of changing fortunes as portrayed in my work, has an inherent historical significance for helping to establish and consolidate a reworking of Sulu's history, and, equally important, in the context of present day Malaysia, the Philippines and Indonesia, for redefining the notion of what is historical.

The approach I wished to pursue combined close attention to a specific period with a desire to understand how and why economic and social transformation occurred, and, to place the trader, slave raider and slave in context and circumstance. In time, I confined myself to that of late eighteenth — and nineteenth — century global-capitalism. Within this framework I wanted to also situate my enquiry 'in as local a setting as possible' in order to reach the marginal and out of the way places of the Zone, to map its dimensions, to explore the big towns concerned with the lives of thousands and the social life of tiny atolls, to understand how the society of the Zone of which the slaves were a critical part worked, to describe on a minute scale what had not yet been described in the manner of the ethnographer or 'microhistorian' [Samuel 1981: 414]. Firth used the term 'micro-sociology' in 1938 to describe such an approach, "much of the anthropologist's work [and I would add historian of maritime Southeast Asia in this case] has lain hitherto in what may be called sociology — the study of small groups or small units in larger groups; of how relationships operate on a small scale, in personal terms" [ibid.: 413 ; Freedman 1979 : 388].

From a unity of collective experience of individual slaves flesh-and-bone characters emerge, events take shape over time paralleling their lives, and in doing so the narrative crosses the boundaries

between slavery and freedom, life and work, kinship and culture, trade and war, politics and place in Malayo-Muslim maritime state. Microsocial analysis which hinges on building up layer upon layer of fully reliable detail enabled me to provide an account of the process of conducting slave raids across the seas of Southeast Asia, and an ethnographic image of what actually happened to people seized by the raiders in a particular time and place; we learn about what slaves routinely ate, how they dressed, the range of occupations and the experience of women and families, and of that flicker of a dream for some of escape, and letting days' work into weeks and weeks into years with loneliness, sickness, old age and death following them — the evidence of one's eyes and heart that cannot be disregarded. Terms such as 'history from below' and 'history of the inarticulate' have been used by historians to describe this approach to history writing. The structure of experience is discernible, but the ethnohistorian must search for it in the Zone's past through the lens of the microscope. Historiographically, the danger lurks in relying solely on the telescope, the traditional method of macro-systemic historical enquiry, to discover, record and analyse the 'inner history' this maritime cosmos. To be traditionally minded meant that important elements in the cosmos of culture of maritime traders, marauders and slaves, that had remained remote, blurred or hidden from history, would be passed over or missed completely.

To write about an institution, 'culture', workplace and life as lived, the ethnohistorian must devote attention to the concrete and specific, using the techniques of microsocial analysis to see the past before him with new eyes. By reducing the scale of observation, microhistorical research revealed startling critical factors previously unobserved. Scanning the slave's universe at point blank range allowed me to explore a whole variety of contexts and key turning points in their lives. This technique provided a microscopic view, a window onto the world of the slave's history and society in the Zone, and a rich source of detailed material to map out the economic setting urban-rural terrain, the specific character of slave raiding, and an acute sense of the complexity and variety of the slave's experience. In this way, I could move from what we can call 'microscopic examples' to the interpretation of the macro-'culture' of the Zone with its global-regional economic interconnections and interdependencies in the contemporary world of the late eighteenth century. The historiographical implications of this approach, dealing with the experience of a slave community at a particular moment in time, as if under a microscope, was "to enlarge upon the ways in which one's forbears have made a difference in history" [Emmerson 1980: 67]. To create such a history is to understand a totality of social and economic relations, and the historian must range widely to match new questions to new knowledge.

Clarity, balance and the sifting of historical fragments is required in piecing together scraps of information about events, reactions and influences to shed light on the past of such a group, largely inarticulate and rarely documented as individuals. The effort to recover their story from abstruse sources, the raw material for both history and anthropology is based on the capacity of a creative imagination to evoke the daily patterns and practises of a 'little people', slaves, and the conviction that carefully accumulated detail or 'thick description', emphasising both experience and explanation, is the best way to take the true measure of their times. This interpretive technique of layering description was used by myself to compile information on events, intentionality and structural change in the lives of slaves from their statements, in order to 'thicken' aspects of the narrative, and to also reach a sector of the Zone's population whose outlook and experiences had not been adequately represented. The specific advantage claimed for this 'braided approach' [Burke 1992: 163][15] to historical writing, which interweaves narration and analysis, is that it offered a means of reconciling a searching interest in the fate of the ordinary people of the Sulu Zone, and, local events, with a global understanding of the 'borderless' world of which they were fast becoming an integral part. The historian need not renounce the human element in history in pursuit of structure and process. The simplicity of this combination of historiographical approaches and a new form of narrative technique enabled me to construct a methodology capable of organising and explaining the world of the Sulu Zone while, at the same time, stripping away the colonial rhetoric from certain parts of the historical record of all its pretentiousness and mythic resonance.

[15] On theoretically informed historical analysis and narrative or story-telling see Fischer [1970].

Towards a Synthesis

After 1768, the forces of the global capitalist economy and imperialism pushed into the world of Eastern Asia, giving rise to a set of interconnected societies set out in a double context: on the one hand, strong core states, and, on the other, middling or weak peripheral ones, and, their relative position in this world system being either set on the global stage or in a local setting. During the late eighteenth century, a powerful secondary or peripheral state emerged within the Sulu Zone, an extensive economic region encompassing the southern rim of the Sulu Sea and the whole of the Celebes basin. My understanding and discussion about global economic-cultural interconnections and interdependencies between the Sulu Zone and the China trade was based on the premise that these intersections were governed by particular economic systems and set in a specific era and locality The Taosug lived in a singular time and time meant change. The Zone was a place where borders were becoming ever more porous, less bounded, less fixed, stimulated in large measure by global-regional flows of commodities, people and ideas; a kind of powerful magnet whose force European and Chinese traders were attracted to because that's where a great deal of the exotica for Chinese cuisine and medicine and other commodities for the Canton market were being collected and processed. The Zone was fast becoming a vitally important Southeast Asian economic region at a periphery of the world system that both reflected and transcended its locality. What then is the importance of the Sulu Zone, as well as the China tea trade's complicated place within its borderless' history? It has been an argument of my book that we cannot think of societies and cultures in isolation, as sell-maintaining autonomous, enduring systems [Wolf 1982: 390].

The rythmn of Chinese history has helped fashion the contours and patterns of Southeast Asia as a region both prior to and after the late eighteenth century European intrusion in the Zone. Unlike some historians, I felt it important not to ignore half of the economic activity of the Zone's international trade, the half initiated, organised and administered by the Taosug and Samal. An ethnohistorical strategy sent me back to the trade records and vital statistics to ask what was really going on in this state that had been labelled by various colonial powers as a hot bed of despotism, piracy and slavery. I developed a strong interpretive line in advocating the importance of the Sultanate creating ‘clusters’ in the development of global-local enterprise in the Zone. Porter argues `clusters' create 'competitive advantage' by concentrating a state's industries in specialised, closely related areas of commerce, technology and social organisation, and location [Porter 1990]. Certain sets of economic and cultural practises that built regional competitive advantage were put into play because of the Sultanate's key location astride one of the main north-south China sea routes; notably, the specialised cultural-ecological adaptations of various peoples to the Zone's water borne way of life, and, their mastery of the seas; and, the systematic harvesting on a hitherto unprecedented scale of the unusual concentration of key commodities of the China trade (sea cucumber, pearls, birds nest) throughout the Zone. In his concept of ‘competitive advantage’, Porter describes 'clusters' as existing in a conceptual 'diamond' structure, one which links production factors, such as the skilled labour of pearl divers, the infrastructure necessary to compete in a particular industry, for example, slave raiding, the nature of the domestic demand for the industry's products or services slaves, and the presence or absence of suppliers, to the local conditions governing how such industries were created, organised and managed, for example, by the Taosug. In addition, there was the level of domestic or regional competition.

To what extent did the English discovery of tea as one of the great universal non-alcoholic drinks accelerate the decline of China, contribute sharply to the rise of Sulu slave raiding, and create a man-made catastrophe with the widespread trade of opium for tea throughout Eastern Asia? The argument as you now know runs roughly as follows. The end of the eighteenth century was an age of 'economic revolution' in the Zone in which labour demands grew larger and larger. To meet the unprecedented needs of the Chinese markets, Taosug rulers had to find more and more labour power. Sulu's 'principle number one' was specialisation. It found for the populations of the Zone a few key areas where the Sultanate set out to be the best in the local-regional context, the best in Southeast Asia and then, also, the best in the world. Those areas were highly focused local specialisations relating to

Taosug social organisation of slave raiding as a permanent activity, and their local extractive industries, bringing key people and social groups together to build economic relationships, in order to then facilitate the process by which they called on the redistributive economy. The slave raiders also in turn helped to enforce the collection of exotic commodities, thus establishing a coercion-extraction cycle which was an intended consequence of competition for resources and power by this go ahead state in the global economic arena.

The mingling of commodities served not only as motors of change but as realised signs, signifying that two or more worlds met as well. This meeting of commodities and peoples highlighted in different ways the interconnectedness of the modern world. These commodities led to a continuous redefinition of belonging to a place as either 'here' or 'there' and/or as markers of social identity. Lives and cultures blended wherever commodities changed hands in the Zone. The Sultanate's trade had started along the coast of northeast Borneo when Europeans and Taosug found that each had key items of global commerce the other wanted. The Sulu and Samal desired European firearms, knives, kettles and textiles. The Europeans valued the Zone's natural products, especially birds' nest, sea cucumber and pearls. They traded, and both parties thought they were often getting a bargain. But their worlds and lives had been altered in the process, sometimes irrevocably so. After 1768, the consequence of `globalisation accelerated by the world capitalist economy was that areas, from remote maritime villages and tribal long houses in the Zone to entire continents, were "caught up in processes which linked them to events that, though geographically distant, [were] culturally, economically, politically, strategically, and ecologically quite near [and] the distinction between 'here' and 'there' [broke] down' [Prewiti 1996: 15].

The individuals in this economic arena changed one another's lives by means of tens of thousands of transactions conducted over nearly a century, involving artefacts and goods that reflected the people who manufactured them, and the global economic imperatives that bridged two worlds to facilitate trading them. When they traded commodities, Europeans and Chinese exchanged part of the signs and practises of their societies as well, which could turn out to have complex, devastating social consequences in the world of the Zone, as in the case of opium. Increasingly, particular artefacts played a role, albeit a critical one, as a bridge between their respective cultures and worlds. The impact of these unanticipated marrying' processes could be discerned in a myriad of everyday choices over such things as appropriate language and speech, fashion, interior decoration and the characteristics of food and eating habits. The importance of stratification symbols brought luxuries from Europe and China like Waterford crystal, bone china and porcelain to trading enclaves in the tropical wilderness of the Zone. The Sultan of Sulu and leading *datus* had their own stores of wine, chocolate, brandy and cigars and served their guests on Chinese porcelain. In terms of what Mann calls a 'history of power' many of these commodities and artefacts were outward symbols of hierarchy and social distinctions among the Taosug, and critically important to the self-maintenance of the trading world of the Zone [Mann 1986: 490) [16]

The large scale progressive intake of captive peoples from various parts is of Southeast Asia and beyond also reflected Sulu's moving closer to Europe and China, economically and culturally. In the pages of my volume the world has changed through the intersections of the global trade economy centered around the Sulu and Celebes Seas, as well as the Sultanate's critical place within it. Here, ordinary Southeast Asian farmers and fishermen are traumatically uprooted and forced to live in a distant economic region. A world comprised of winners responding to new economic opportunities of `globalisation' and losers, those forced to live in ways unanticipated before that moment of capture and enslavement. Trade debts in Jolo are paid off by slaves serving Taosug masters in the fisheries and forests of the Zone. The point is that tens of thousands of ordinary Southeast Asians lived among maritime peoples completely removed from those with whom they had been born and grew up. They found themselves abroad in the land/seascape of the Zone, first, because advanced technologies and new social alignments made long distance slave raiding relatively easy and, second, because

[16] On the relationship between production, coercion and consciousness in history see Gellner (1988).

revolutionary economic historical developments forcefully landed them in an unintended place — the Zone. European traders joined with Taosug *datus* to spark one of the largest population movements in recent Southeast Asian history with hundreds of thousands of individuals sent into slavery across the Zone. By the start of the nineteenth century, slave identities in the Zone were being shaped and changed by the forces of `globalisation' as distinctions of race and culture blurred and broke down; thousands of 'outsiders' were being incorporated into the lower reaches of a rapidly expanding trading society. Sulu provides an exceptional case study of how a collective identity was established, made real, and took on a particular cultural content [Comaroff and Comaroff 1992 44].

Culture and collective identities embodied many things for those who lived them, such as language, music, dance and custom, as well as literature and philosophy. Learning a language (Taosug, Samal, Malay, Spanish or Chinese) was more than just a means of communication for individuals being incorporated, or their masters. It was also a vehicle for learning about different thought processes from their own, enabling them to look at things from wholly different angles and to broaden their cultural vision and life chances in the Zone. Music is yet another example. As a Taosug, some *datus* were profoundly moved whenever they heard Spanish violin music played by their slaves. This was because the sound of the viola was now part of their cultural heritage due to social and economic processes of 'modernity' and the construction of new identities. There is no doubt in my mind, whatsoever, that by forcefully embracing such diverse peoples and cultures, the Taosug had the opportunity to enrich the fabric of their own lives and society. At the beginning of the nineteenth century they could count themselves extremely fortunate to be living in a ‘multicultural’ environment. This assumption in turn assumes that the experience of `the fugitive slaves of Sulu', cannot be separated from direct considerations of cultural practise, social structure and social power in any wider conception of the Zone's history. Finally, another focus of attention for myself was on the process of interaction between major economic trends and events involving Europe with China on one side and the structure of everyday life in the Zone on the other. How were these individuals and events constituted in diverse social contexts across the Zone, historically and culturally? [ibid.: 39, 44] The China tea trade from the standpoint of these individuals made the populating of the Zone yellow, black and white rather than just brown. All this ethnic edging up against one another and establishing ongoing relations involving conditions of slavery had been for the sake of a widely consumed mildly addictive commodity which had become a necessity in the European diet and way of life — tea.

Let me return now for a brief moment to Highland Southeast Asia. In The Sulu Zone, I stressed that domination involved control over the productive and reproductive power of human beings rather than over land as in Europe. The manipulation of ethnically diverse groups was crucial in this process. I compared the shifts of ethnic diversity in island Southeast Asia with the persistence of ethnic distinctiveness in parts of mainland Southeast Asia. But the mainland groups, situated pre-dominantly in the highland areas, have developed and elaborated ethnic distinctiveness in response to the homogenizing advances of lowland states which, unlike their island counterparts, could often enforce their power within their domains. The highlands tribal peoples resisted incorporation into the larger traditions in lowland modernizing states by rejecting cultural assimilation through ethnic differentiation and by deliberately living on the edge of the periphery of these states. The island states, like Sulu, could not assimilate a wide variety of societies beyond the boundaries of their own trading ports and the upland client ethnic groups which did emerge across the Zone from the steam roller expansion of cross-cultural commerce and slave raiding, maintained their independence and cultural distinctiveness. However, with respect to the development of ethnic inter-relations, indigenous markets and regional-local commerce, it must also be appreciated that marauding and cross-cultural trade were not always maritime-coastal. Slave raiding also extended over land in the interior of the large islands of Borneo and Sulawesi. In this context slave raiding and warfare provides insights into the pioneering migrations, life ways and world views of vigorous proud tribal peoples, who were slash-burn agriculturalists and ardent head-hunters, like the Kenyah, Torajah and Iban. Violent raiding coerced trade for jungle products and debt bondage are all problematic areas with respect to tribal autonomy to which some sort of response is also required by their insertion in the regional global political economy.

For 80 years (1768-1848) the trade of the Zone flourished. Slavery drew more and more groups of people into the process of commodity accumulation. The 'culture' (s) and society of the Zone were fluid, with a global-regional trade system, attracting ever new objects and ideas into circuits of commodity exchange, with 'borders' that were often contested, redefined and contextually shifting. Then, in the aftermath of the Spanish conquest of Balangingi in 1848 and the exile of the Samal marauders to the far away Cagayan valley in northern Luzon, the redistributive economy reached a threshold. The western grooved cannon and gunpowder, which had attracted the Samal to Jolo as clients and suppliers of slaves, were now operating to drive them apart. There was a further progressive fragmentation of Samal groups because of Spanish incursions and disruption of the Zone's economy. The total collapse of the economic system only came with the concerted effort of Spain to end Sulu's autonomy. By 1878, the demise of the trading-raiding system stripped the Sultanate of any trace of its former importance as a major entrepot in the global-regional economy in Eastern Asia.

The Sulu Sultanate was an exceptional case for ethnohistorical investigation because the history of the Zone demonstrated clearly the links between large economic and cultural systems and social mechanisms and institutions, on the one hand, and, on the other, the making of collective worlds of more localised smaller communities. In short, as Kenneth Prewitt, Head of the Social Science Research Council, puts it: “The global-local notion is not a metaphor invented by social theorists” [Prewitt 1996: 16] rather it was the lived experience of millions of people in the Zone and on several continents, inextricably bound to one another as product and fate. Part of the challenge for me had been to identify and link broad patterns and variations in interactions of the global economy and macrohistorical trends with the autonomous local history of a barely recognised economic region in Southeast Asia. The long term changes that occurred in these patterns and trends, based on economic interconnections and imperatives of the world capitalist economy could only be perceived through their interdependent effects in the environment, on ideas, on events, and social and cultural transformation in the making of the world of the 'Zone'.

The patterns I revealed throw up some unavoidable conclusions. The first is that the implications of my analysis of the economy, culture and society of the Sulu Zone perhaps, could be applied in a wider framework not only to elucidate the development of states and the elaboration of ethnic diversity in insular Southeast Asia, but also to develop a comparative framework with mainland states and cultures [Lieberman 1995 796-807]. A second conclusion concerns generalisations that can be made about the nature of Southeast Asian history. It is this trans-historical trans-cultural — trans-disciplinary methodological approach of linking detailed research of a local situation to wider global-regional economic systems and issues, with particular reference to agency or 'experience' that underpins my work. Thus, an examination of the structure of life of slaves in the Zone at the micro-social level challenges certain generalisations which have been made about the nature and historical evolution of the Sulu Sultanate. In addition, the long historical period of 130 years, 1768-1898, reveals ways in which the global economy, trade commodities, population growth, environmental sustainability, economic transformation, colonial warfare and influence, were all reflected in the 'microcosm of the slave's experience in the Sulu Zone. Finally, a third inescapable conclusion of The Sulu Zone entails something more: my ethnohistory not only involved an extension of the content and meaning of 'culture' and history, it also implied a revision of that content. What I have suggested in this volume is that in a new history of island Southeast Asia, the ‘little people’ — fishers, 'raiders', divers, traders, highlanders, forest dwellers, pioneers and slaves — both, men and women, should be visibly present, as part of the cultural landscape and environment of a series of regional-economic 'zone's, enmeshed in the hemispheric framework of the larger changing contemporary world of global cultural flows and economic interactions. The fundamental problems in the everyday lives of such maritime and tribal peoples — making their livings and losing them, entangled in globalising events beyond their own local geographic borders and worlds, is the work of future ethnohistorians of Asia, east by south.

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Looking Back on "The Sulu Zone": State Formation,

Slave Raiding and Ethnic Diversity in Southeast Asia

James Francis Warren

Introduction

My initial encounter with the Sulu Zone, located between the Asian mainland and the large islands of Mindanao, Borneo and Sulawesi, began twenty-eight years ago.[1] I first learned of the Sulu Archipelago and the maritime world of the Samal Bajau Laut when I received my Peace Corps posting in 1967, assigning me to Semporna, Sabah, on the east coast of Borneo I lived for two years in Semporna (1967- 69). The period from January to November, 1969, spent in Kampong Bangau, a Samal Bajau Laut village comprising a flotilla of boat dwellers and a semi-sedentary population of Bajau Laut in varying stages of adaptation to a house dwelling way of life was particularly memorable. It was the rapid abandonment of sea nomadism, a life-style which has characterised the Samal Bajau Laut as a people and from which they drew their sense of identity and purpose, that first motivated my interest in Southeast Asian History. The search for historical antecedents to contemporary social change among the Samal Bajau Laut, whose maritime nomadic culture was being inexorably extinguished by political and economic development involved me in a study of the interaction between a relatively weak quasi-colonial agency, The North Borneo Chartered Company, and the maritime nomadic people of the northeast coast of Borneo between 1878 and 1909. Much of the research was performed during vacation periods while I served in Sabah as a Peace Corps Volunteer. Despite its limitations in wealth and power, the Chartered Company's administration presided over the emergence of a new social and political order at the beginning of the twentieth century. This transformation affected the Taosug of the Sulu Sultanate, the overlords of the coast in earlier periods; the Chinese, most of whom came to Semporna as a result of Chartered Company rule; and had an even more profound impact on the Samal Bajau Laut.[2]

My experience of attempting to my write my Master's thesis in 1970 on the Samal Bajau Laut under Chartered Company rule, a history involving a non-western marginalised people based primarily on written (British) records, highlighted the extreme difficulty of presenting a balanced interpretation, using only traditional historiographical methods. It impressed upon me the vital importance of oral traditions and an ethnohistorical methodology in any future effort to investigate historical changes in values, social and patterns of the maritime people of Southeast Asia.[3]

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[1] Reproduced with kind permission.This paper was initially presented to the National Conference of the Japan Society for Southeast Asian History in June 1993. A revised version was delivered to the New Zealand Asian Studies Association Conference in July 1995.

[2] See James Francis Warren, The North Borneo Chartered Company's Administration of the Bajau, 1878-1909 (Athens: Southeast Asia Series, No. 22, Ohio University Press, 1971). On the radical nature of change experienced by the Samal Bajau Laut see Carol Warren, Ideology, Identity and Change: The Experience of the Bajau Land of East Malaysia, 19694975 (Townsville: Southeast Asia Series, No. 14, James Cook University, 1983)

[3] On the method and importance of a theoretically informed practise for `doing ethnography' and 'history' see John and Jean Comaroff, Ethnography and the Historical Imagination (Boulder: Westview Press, 1992) pp. 3-45; see also James Francis Warren, At the Edge of Southeast Asian History (Quezon City: New Day Press, 1987), pp. XIV-XVIII; 'Lives of the Ah Ku and Karayuki-san of Singapore: Sources, Method and Historian's Representation', Review of Indonesian and Malaysian Affairs, Vol. 26, No 2 (1992), pp. 1-16; `A Strong Stomach and Flawed Material: Towards the Making of a Trilogy, Singapore, 1870-1940' Southeast Asian Studies, Vol. 33, No. 2 (1995), pp. 245-264.

The Sulu Zone

Map 1: The Sulu Zone

There still remained the need then to attempt to integrate my small-scale investigation of displacement and cultural adaptation of the Samal Bajau Laut with the study of world historical events and experiences, and to show how they linked together. I also felt the necessity to expand the temporal reach of analysis in order to better understand the response of the Sulu world and the rest of eastern Indonesia to the ascendance of global capitalism, modernity and the colonial state. Maritime trade and exchange has dominated island Southeast Asia for thousands of years. The peoples of the archipelago have long been locked into a web of exchange involving the exploitation of the rich tropical resources of the area, with producers, distributors and controllers involved in a complex set of relationships and structural dependency. Within the archipelago centres of distribution developed and, probably in association with the development of larger markets, capital flows and technology transfers in mainland Asia, trade increased and states were established in various port-entrepots. With the growing influence of India, and later China, the trading networks grew in scale and complexity and the fortunes of everyone involved in exchange and distribution became linked with the political and economic fortunes of the mainland states. So trade balances and growth rates and the power of states in the archipelago ebbed and flowed The late arrival of predatory Europeans in Southeast Asia disrupted the regional agenda and established patterns of trade, particularly the spice trade, as the Portuguese, the Spanish and especially the Dutch attempted to monopolise both commodity production and distribution that was occurring all over Southeast Asia - in Malacca or the environs of Makassar, in Manila or the center of Java.[4]

[4]On maritime trade and exchange in Southeast Asia see O.W. Wolters, Early Indonesian Commerce. A Study of the Origins of Srivijaya (Ithaca: New York, 1967); Kenneth R. Hall, Maritime Trade and State Development in Early Southeast Asia (Honolulu: University of Hawaii Press, 1985); .M.A.P. Meilink-Roelofsz, Asian Trade and European Commerce in the Indonesian Archipelago Between 1500 and 1630 (Hague: Martinus Nijhoff, 1962); J. Kathirithamby-Wells and John Villiers (eds.) The Southeast Asian Port and Polity Rise and Demise (Singapore Singapore University Press, 1990); Anthony Reid, Southeast

With the re-emergence of political stability in Xing China in the late seventeenth century Chinese trade flourished again. Chinese demand for exotic products often of little initial interest to Europeans encouraged both the re-establishment and 'take off' of regional exchange networks and the production of goods. In some areas the Dutch did attempt to control this determined expansive trade but with limited success. In Sulawesi they succeeded in bullying the Makassarese and Bugis into signing trade treaties, but these were easily circumvented. New entrepots emerged, especially in Borneo and in the Sulu Sea. The latter area was particularly well placed as a no-man's land wedged between competing Spanish and Dutch claims and ideally suited to receive the junk trade from China.[5] At the same time it was within easy reach of the exotic marine and forest products demanded by the traders and other agents of modernity. The island of Jolo became a major center for cross-cultural trade in Southeast Asian history and here the Sulu Sultanate developed and flourished in the second half of the eighteenth century.[6]

Despite the stress Jacob Van Leur gave in the 1930s to illuminating the study of the region's numerous maritime traditions, few since then had looked beyond the European experience to the more expansive stream of Southeast Asian development.[7] The maritime populations that were dependent on the sea for their economic pursuits — trading, raiding collecting and fishing — remained largely caricatures in the historiography of the region; their origins and development, relationships with each other, their loosely integrated regional political economies dominated by the institutions of slave raiding and cross-cultural trade, and their adjustment to external forces were largely written about from between 'insular blinkers' I gradually realised, both from earlier personal experience and a reading of hitherto neglected historical records in Spain, the United States, the Philippines, the Netherlands and England, that the Samal Bajau Laut's marginalised view of Taosug or Sulu history and interpretation of past events, was a historical perspective from the very edge of a wide-ranging trading sphere that centred on the Sulu Sultanate. To be released from the conceptual constraints of conventional historical geography, I called this web of economic influence and interpersonal relations a 'Zone'. Following in the footsteps of Braudel, I abandoned the insular geographic perspective of earlier historians of the Philippines Indonesia and Borneo, for a more dynamic definition of the Sulu Sultanate's boundaries based on larger scale processes of social change and a borderless history of a wide-ranging maritime trading network oriented toward China, Singapore and Europe. The inherent advantages of this theoretical approach in an upland-agricultural context were already apparent to me in E.R. Leach's pioneering work on the political systems of highland Burma.[8] In this context, Southeast Asia is a region in which the sea serves as the major means of communication for independent go-ahead states and the land forms the major impediment to it. It is often easier to sail considerable distances from one island to another, than to walk across the smallest island. Until recently dense rain forest and rugged mountains have provided a natural

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Asia in the Age of Commerce 1450-1680, Volume I: The Lands Below the Winds (New Haven: Yale University Press, 1988; Volume 2: Expansion and Crisis (New Haven: Yale University Press. 1993).

[5] See Leonard Blusse', 'Chinese Trade to Batavia during the days of the VOC', Archipel, Vol. 18, (1979), 195-214; Strange Company — Chinese Sealers, Mestizo Women and the Dutch in VOC Batavia (Dordrecht: KITLV, 1985); Anthony Reid, 'The Unthreatening Alternative: Chinese Shipping in Southeast Asia, 1567-1842', Review of Indonesian and Malaysian Affairs, Vol. 27, Nos. 1 and 2 (1993) pp. 13-32; Sarasin Viraphol, Tribute and Profit: Sino-Siamese Trade, 1652-1853 (Cambridge: Council on East Asian Studies, Harvard University, 1977); James Francis Warren, 'Sino-Sulu Trade in the Late Eighteenth and Nineteenth Centuries', Philippine Studies, Vol 25 (1977), pp. 50-79.

[6] See James Francis Warren, The Sulu Zone 1768-1898 The Dynamics of External Trade, Slavery and Ethnicity in the Transformation of a Southeast Asian Maritime State (Singapore: Singapore University Press, 1981).

[7] For Jacob C. Van Leur's pioneering work on the trading world of Southeast Asia see, Indonesian Trade and Society Essays in Asian Social and Economic History (Hague: Van Hoeve, 1967).

[8] My initial thinking on how the late 18th century global economy and inter-regional cross-cultural trade created a 'borderless world' or 'zone', both geographically and historically, in the area of the Sulu and Celebes seas owes much to the influence of John Smail's thinking, who, in turn, had been strongly influenced by the hemispheric — cross-regional historical orientation of Marshall Hodgson. Templates for the study were provided by the seminal works of ER. Leach and Fernand Braudel. See, E. R. Leach, Political Systems of Highland Burma. A Study. of Kachin Social Structure (London: London School of Economics and Political Science, 1954); Fernand Braudel, The Mediterranean and the Mediterranean World in the Age of Philip II 2 Vols. (New York: Harper and Row: 1972); A recent invitation to write a paper for an international symposium, 'Southeast Asia: Global Area Studies for the 21st Century', organised by the Center for Southeast Asian Studies, Kyoto University, October 1996, has provided me with the opportunity to further elaborate my thinking on a number of key issues about writing the history of modern Southeast Asia. See, 'The Zulu Zone, The World Capitalist Economy and the Historical Imagination: Problematizing Global Cultural Interconnections and Interdependencies'.

barrier behind which tribal populations have been able to preserve a remarkable degree of autonomy into the modern era. This autonomy should not mislead us though into assuming, on the one hand, a complete lack of contact between tribesmen and state systems, nor on the other, should extensive trade lead us into treating peripheral areas and states as belonging to a single, lightly integrated system. It is precisely the importance of cross cultural trade in the history of the Zone, associated with a pattern of predatory raiding, and mobile populations which has allowed the complex articulation of fundamentally diverse cultural and political systems.[1] Thomas Gibson stresses that violence and commodities are truly inter-cultural phenomena, which can have very different meanings for neighbouring populations, without for all that failing to exert decisive influences on the development of each trading or raiding partner.[2] This is a point I would like to return to shortly. Certainly, much of the history of 'the Sulu Zone' had to be rewritten making use of colonial records, ethnographic materials and comparative perspectives. I hoped these entangled sources, insights and approaches, especially an ethnohistorical perspective, would lead to a new level of historical analysis and synthesis in the study of Southeast Asian modern history.

I found theorizing the Sulu Zone to provide an invaluable framework for thinking about complex socio-historical processes. By foregrounding the conceptual-theoretical importance of the 'Zone', (as Braudel had done in his masterpiece on the Mediterranean) I was able to place the various maritime peoples — the Taosug, Balangingi Samal, Samal Bajau Laut, Iranun, and Magindanao — in their proper socio-historical contexts and, in particular, examine and illuminate the larger ecological, economic and political processes of structural change in which they were embedded —the 'big changes' — and how they helped to fashion these changes. I began to understand for the first time the actual process by which maritime trading states evolved and single-mindedly expanded in Southeast Asia. By altering the spatial and temporal dimension, a far more comprehensive history of how a maritime 'frontier' region resisted and responded to the impact of global trade and western imperialism began to emerge. I had created a radically distinctive cultural-ecological 'framework' for re-interpreting and re-presenting the inter-regional history of a Malayo-Muslim Sultanate situated at the edges of the territorial boundaries of three colonial states. My attempt to experiment with such a different form of framing and contextual presentation enabled me to concentrate on the real historical complexities and connections to construct an autonomous angle of vision for interpreting Taosug society and culture in the late eighteenth and nineteenth century. This 'context' was both an essential and convenient point of departure, and, metaphor, to explain complex conditions of cultural difference and diversity and processes of daily life and circumstance of maritime traders, marauders and fisher folk and the nature of a slave system and the state and society that supported it.

[1] On militarised trade diasporas see Philip D. Curtin, Cross-Cultural Trade in World History (Cambridge: Cambridge University Press, 1984) pp. 158-172; and, Eric R. Wolf, Europe and the People Without History (Berkeley: University of California Press, 1982) pp. 158-194.
[2] Thomas Gibson, 'Raiding, Trading and Tribal Autonomy in Insular Southeast Asia', a paper presented at the Conference on 'The Anthropology of War', sponsored by the Guggenheim Foundation, 24-28 March 1986, p. 2.

Slave Raiding in South East Asia

Map 2: Slave raiding routes in Southern Asia

Previous historical studies of the Sulu Sultanate depended largely on published colonial records and travel accounts to understand the economic and social roles played by slaves rather than on testimonies produced by the slaves themselves.[1] A unique alternative to this Eurocentric perspective was presented by the discovery of the scattered statements of the fugitive captives of the Sulu Sultanate — suppressed voices from the past - powerful echoes of marginalised speakers and a history of silence. From over one hundred and eighty fugitive slave accounts, manuscript sources and travel literature clear patterns of social life and economic activity could be reconstituted as part of the slaves' own histories, and as a testimony of what they were doing to the Sulu Zone. As an ethnohistorical source the published and unpublished accounts of the fugitive slaves of the Sulu Sultanate were invaluable. The statements told me much about the 'inside' experience of slavery in the Sulu Zone that could never be found in more traditional colonial texts and sources. Indeed, without them much of the de-centering view of everyday life in the Sultanate would have been lost. The experience of captives from the moment of their seizure, and their passage in the slave *prahus*, to their settlement, life and labour in Sulu emerged from anonymity in the slave testimonies. The total effect of these individual lives and cases of fugitive slaves was to throw very considerable light on the internal processes, the ethnic and social transformations, in the Sulu zone during the nineteenth century.[2]

Equally important, the possibility of historians engaging in field work akin to anthropologists seemed to me to be an exceptionally important consideration at that time. And it still is now. For example, the history of the Balangingi Samal and the Samal Bajau Laut had been clouded by confused ethnic distinctions, but more by the accepted myth that the Samal slave raiders were forced into piracy because European trade had largely destroyed the Malay maritime coastal economy. Had I not had an intimate working knowledge of the society and history of these maritime strand communities I would not have been in a position to expose the myth. Having discovered the astronomical size of the demand for marine products destined for Chinese markets in the Spanish archival sources, especially

[1] See Cesar A. Majul, Muslims in the Philippines (Quezon City: University of the Philippines Press, 1973); Nicholas Tarling, Piracy and Politics in the Malay World: A Study of British Imperialism in Nineteenth Century Southeast Asia (Singapore: Ronald Moore, 1963); Sulu and Sabah: A Study of British Policy towards the Philippines and North Borneo from the Late Eighteenth Century (Kuala Lumpur: Oxford University Press, 1978).
[2] See Warren, The Sulu Zone 1768-1898, pp. 215-251.

tripang (sea cucumber) and mother of pearl shell I was immediately aware of how much Samal Bajau Laut labour would have been required to procure it, and that this was far in excess of the existing population I was not able to visit the Balangingi Samal in the 1830s, but I was able to 'pass over' into a Samal Bajau Laut coastal village of the 1960s, to observe and experience at first hand the daily life and subsistence of these maritime people over an extended period of time. With such detailed knowledge came an intuition or 'feel' for the right questions to ask about old legends, earlier events and ethnic stereotypes, a cultural sensitivity to what did not sound right in the historical record, and an exceedingly powerful image of a people called the 'Balangingi Samal'.

The 'History' and Argument

J.C. Van Leur, the Dutch sociological historian; 'warned against applying European categories to the description of Asian social and economic phenomena'. In an attempting to re-interpret and re-present an 'inside view' of the Sulu Zone, I tried to avoid the Eurocentric, historically specific 'categories' of which Van Leur warned. The term 'piracy' was replaced by that of 'slave raiding', and slavery as an institution was defined in contrast to its western definitions. Careful examination of the inapplicability of certain western terminology and categories — 'piracy', 'slavery', and 'the state' —enabled me to analyse the economic and political dynamics of a Malayo-Muslim state and how it was effected by global trade, and the rapid advance of western imperialism and modernity. I was able to amply document the explosive development of the Sulu Sultanate during the eighteenth and nineteenth century, a growth that was based upon a system of extracting forest and sea produce, by means of slave labour, for market place commerce with Canton. The labour was itself 'produced' by raiding the poorly defended populations of the Visayan Islands and Luzon and the coastal regions of eastern Indonesia. The social formation and prosperity of the Sulu Sultanate, as my account of its ethnohistory indicates, was based above all else on slaves. They were reported by travellers, traders and emissaries to be engaged in every conceivable domestic function, agricultural and industrial occupation. It was one of the primary roles of the Sulu state, within its larger trading zone, to maintain the material and social conditions for the recruitment and exploitation of slaves.

In the section of my book on marauding I refuted ideas current in popular tradition, centralised colonial authority and academic circles since the late eighteenth century, that slave raiding was a reflection of the economic decline and moral degeneracy of Malayo-Muslim maritime states like Sulu.[1] Until recently this notion of decay, shattered communities and barbarism was synonomous with a specific set of social-cultural representations and behaviour associated with ignorance, depravity and treachery and connoted an Islamic people in the case of the Sulu Zone who were considered to be savages, pirates and slavers. Instead I argued that slave raiding was integral to state formation. Political power was initially built on centralised control of an entrepot; as the power of the Sultanate increased so the ruling elite had to ensure their monopoly of redistribution by forcing market trade through their port and control production which was exceedingly labour intensive. Raiding helped not only to enforce redistribution but also supplied labour essential for the production of commercial goods. The raiding groups themselves often consisted of earlier captives or their descendants. Slaves were often incorporated into the dominant society. New cultural identities were forged. The 'pirates' developed some political coherence and autonomy articulated in social relations and political and economic practise which eventually threatened their erstwhile Taosug masters and the Sultanate. Cross-cultural trade, raiding and slavery were all parts of the process of state formation in the Sulu Zone. Consequently, by the advent of the nineteenth century, slavery and slave raiding were fundamental to the state. The Taosug aristocracy depended for its prosperity on the labour of slaves

[1] In these Euro-centered histories, which dwell on the activity of the Iranun and Balangingi at length, the term "piracy" is conspicuously present in the titles: Vicente Barrantes, Guerras Piraticas de Filipinas contra Mindanaos y Joloanos (Madrid, 1878); Emilio Bemaldez, Resana Historica de la Guerra a Sur de Filipinas, sostenida por las armas Espanoles contra los piratas de aquel Archipielago, desde is conquista pasta nuestras dias (Madrid, 1857); Jose Montero y Vidal, Historia de la Pirateria Malayo Mahometana en Mindanao, Job y Borneo (Madrid, 1882); Nicholas Tarling, Piracy and Politics in the Malay World (Melbourne: F.W. Cheshire, 1963)

and sea raiders, who fished for *tripang*, secured pearls, and manned the fleets. Marauding became the exclusive vocation of the Samal-speakers of Balangingi as they combined their activities with certain Iranun communities from the north coast of Jolo and Mindanao. The raiding system enabled the Sultanate in the midst of widespread economic and social change to incorporate vast numbers of peoples from the Philippines and Eastern Indonesia into the population. From the point of view of Philippine history and the larger history of island Southeast Asia, it is important to understand the genesis of this particular ethnic group; to know that the infamous reputation Sulu acquired for slave mongering in the nineteenth century is attributable to the activities of the Balangingi, an 'emergent society' largely composed of Filipino captives and their descendants who were brought to the Sulu Zone and in many cases assimilated within a single generation to become the predators of their own people.[1] In 'closed' slave systems in mainland kingdoms such as Angkor, Pagan and Ayudha and among stratified tribes, such as the Toba Batak, Kenyah and Toraja, ethnicity was not a critical integrating concept in the enslavement process of those societies and cultures.[2] However, I have demonstrated that in 'open' systems such as in Sulu, slavery and ethnicity had become mutually reinforcing. Slavery and dependent labour were not solely economic institutions which enabled the late eighteenth century expansion of the Sulu state and domination of the regional trade network; slavery and the accomplishment of ethnicity had virtually become the very basis of organised society in the Sultanate.

The problem of ethnic identification is an important but until recently neglected theme in Southeast Asian history. Historians of the region are indebted to Leach, Lehman, and Moerman for their pioneering work on the nature and history of upland societies in Southeast Asia. In *Political Systems of Highland Burma*, Leach demonstrates that culture and ethnic identity are not necessarily synonymous. He points out that the process of identification among tribal people like the Kachin is never simple; it entails migration, intermarriage barter trade relations, warfare, inter-penetrating political systems, and values and beliefs shared with non-Kachin. Manifest in the work of all these anthropologists is a conscious effort to define the nature of social categories applied to ethnic groups in Southeast Asia across time. Their work has led to a more complete understanding of the nature of ethnic groups and the processes responsible for "accomplishing ethnicity' among upland peoples in Southeast Asia.[3]

These studies reveal more of the Southeast Asian past than was thought possible a generation ago, but our understanding of the development of the present extraordinary ethnic diversity of insular Southeast Asia still remains far from perfect. Historians of island Southeast Asia in particular have been generally inclined to accept "ethnicity" as a fixed premise. Such formulation has hindered necessary reappraisal of available evidence on the nature and history of particular "societies". An outstanding example of this is the case of the Balangingi Samal, a little-known but important population group in the nineteenth-century island world. Before the beginning of that century, the Balangingi Samal did not exist. Yet by the 1830s, Balangingi Samal slave-raiding activities, which

[1] See Jim Warren, `Who were the Balangingi Samal? Slave Raiding and Ethnogenesis in Nineteenth Century Sulu', The Journal of Asian Studies, Vol. 37, No. 3 (1978) pp. 477-490.

[2] 15 Southeast Asian slavery was marked by `closed' and `open' kinship systems. A `closed' system is oriented primarily towards retaining the labour of slaves by reinforcmg their distinctiveness, as `outsiders', from the dominant population. In Southeast Asia this pattern occurred primarily in wet-rice growing, labor intensive Indianized kingdoms and kinship-oriented stateless societies, where commercial exchange and a money economy had made little impact. In Southeast Asian societies where various forms of dependent labour were common, individuals did not emphasize the route taken to `slavery' unless this corresponded with the critically important legal-social distinction in 'open' and `closed systems between being an insider' or 'outsider'. See James L Watson (ed.), Asian and African Systems of Slavery (Oxford: Basil Blackwell, 1980) pp. 6-7, 9-13; Anthony Reid (ed.) Slavery Bondage and Dependency in Southeast Asia (St Lucia: University of Queensland Press, 1983) pp. 156-181.

[3] See E.R. I Part, The Political Systems of Highland Burma (London: London School of Economics, 1954) and 'The Frontiers of Burma', Comparative Studies in Society and History, III, I (1960), pp. 49-68; F.K. Lehman, The Structure of Chin Society (Urbana: University of Illinois Press, Studies of Anthropology, No. 3, 1963) and 'Ethnic Categories in Burma and the Theory of Social Systems' in Southeast Asian Tribes, Minorities and Nations, ed. P. Kunstadter, I (Princeton: Princeton University Press, 1967); pp. 93-124; M. Moerman, Who Are the Lue?', American Anthropologist, LXVII (1965), pp. 1215-230 and 'Accomplishing Ethnicity' in Ethnomethodology, ed. R. Turner (London: Penguin Books, 1974), pp. 54-68. For general articles relating to the genesis and persistence of ethnic boundaries, the incorporation of ethnic groups, and the organization of interethnic relations in polyethnic social systems, see Ethnic Groups and Boundaries ed F Barth (Boston: Little, Brown, 1969), and Ethnicity and Resource Competition in Plural Societies, ed L A Despres (the Hague: Mouton, 1975).

were an important component of the wider island economy of the Sulu Sultanate, had made them a group renowned and feared throughout Southeast Asia.[1] Slave raiding or what the Spanish, Dutch and British called piracy, was no longer a manifestation of decay and dependence but rather the result of phenomenal economic growth and strength. It was part of a vital effort to partake in and control a rapidly increasing volume of commerce caused by the advent of the Europeans in the China trade in the late eighteenth century.

Not surprisingly, debt bondage as an economic institution was most fully developed in Southeast Asia in the second half of the nineteenth century as global trade and monetisation affected local social systems and regional trade networks, and because the very survival of slavery in different parts of Southeast Asia, as elsewhere in the world, was being called into question. The main slave raiding zones in the South China sea and the waters of Eastern Indonesia and the Philippines attracted the intense naval pressure of Britain, Spain and the Netherlands for more than a quarter of a century; by the 1880s, the number of slaves moving across the region had been reduced to a trickle. The abolition of slave traffic in Southeast Asia was a mortal blow to the economies of states like Sulu When aristocratic Taosug in Sulu and others could no longer rely on long distance maritime raids to supply sufficient numbers of slaves for their needs, the amount of tribute ordinarily collected from dependents increased dramatically, and fines in the various local legal codes became far more prohibitive. Traditional states recognised, with able bodied replacements becoming scarce, that they derived their greatest advantage from extending various systems of bondage and dependent labour. The bonded could be given away as gifts, donations, tribute, security for a loan, sold or inherited indeed forced sales into `slavery' and bondage to ensure survival rose in the second half of the nineteenth century as the autonomy of traditional states and slave raiding both declined under the combined pressure of modern colonial navies. Interestingly in terms of social values and everyday life, anthropological investigations of the heritage of 'slaves' from the nineteenth century onward, conclude that descendants of ex-bondsmen and other marginalised peoples are still suffering from the effects of centuries of bondage in various parts of Southeast Asia. By tracing the changing global, regional and local trade patterns of the Sulu Sultanate, the interaction between the Sultanate and powerful colonial powers, the rivalry between the Sultanate and the neighbouring Sultanates of Brunei and Mindanao, and finally the relationship of slave raiding and slavery to these phenomena and events conclusions were reached on three basic issues: first, the causality of seasonal long-distance maritime raiding; second, the causality of general social transformation; and finally, the process of accomplishing ethnicity, of which an accurate understanding required a diachronic, ecological perspective.

Raiding, Trading and Tribal Autonomy

Let me return now for a brief moment to Highland Southeast Asia. In *The Sulu Zone*, I stressed that domination involved control over the productive and reproductive power of human beings rather than over land as in Europe. The manipulation of ethnically diverse groups was crucial in this process. I compared the shifts of ethnic diversity in island Southeast Asia with the persistence of ethnic distinctiveness in parts of mainland Southeast Asia. But the mainland groups, situated predominantly in the highland areas, have developed and elaborated ethnic distinctiveness in response to very different forces. Ethnic diversity is in part a response to the homogenising advances of lowland states, which, unlike their island counterparts, could often enforce their power within their domains. The highlands tribal peoples resisted incorporation into the larger traditions of lowland modernising states by rejecting cultural assimilation through ethnic differentiation and by deliberately living on the edge of

[1] Margarita De Los Reyes Cojuangco has attempted to reconstruct the history of the Samal Balangingi diaspora spanning four generations of exiles in the aftermath of the decisive battle of Balangingi in 1848. Particularly valuable is the biographical sketch of Panglina Taupan, the revered and feared Samal Balangingi leader, which is set out in a total context and carefully analysed for its historical and cultural meaning. See Margarita De Los Reyes Cojuangco, Kris of Valor The Samal Balangingi Defiance and Diaspora (Manila: Manison Press, 1993).

the periphery of these states.[1] The island states, like Sulu, could not assimilate a wide variety of societies beyond the boundaries of their own trading ports and the client ethnic groups which did emerge across the Zone from the steam roller expansion of cross-cultural market place commerce and slave raiding, maintained their independence and cultural distinctiveness. However, with respect to the development of ethnic inter-relations, indigenous markets and regional commerce, it must also be appreciated that marauding and cross-cultural trade were not always maritime-coastal. Slave raiding also extended over land in the interiors of the large islands of Borneo, Sulawesi and Luzon. In this context slave raiding and warfare provides insights into the pioneering migrations, life ways and world views of vigorous proud tribal peoples, who were slash-burn agriculturalists and ardent head-hunters, like the Kenyah, Toraja and Igorot. Violent raiding coerced trade for jungle products and debt bondage are all problematic areas with respect to tribal autonomy to which some sort of response is required by their insertion in the regional global political economy. Historically, tribal groups which failed to develop appropriate responses and ideologies were either absorbed into lowland states or eliminated. There remains an urgent need to understand and theorise the interaction of highland and tribal societies with autonomous ideologies and value systems in common regional economies who are facing the onslaught of modernity.[2]

Conclusion

In a very real sense, I questioned the boundedness of universes of cultural meaning in The Sulu Zone Critiques of the traditional anthropological/ historical view of the non-western world as composed of discrete, bounded, 'organic societies' each governed by its own integrated 'culture', have come partly from scholars such as Wolf, Friedman and Tsing examining the world system in terms of historical political economy, cultural studies and feminism.[3] As Roger Keesing has noted, the picture being opened up by modern archeology, ethnohistory and world systems theory is of regional systems with highly permeable boundaries between language groups. The 'tribes' of Africa and ethno-linguistic groups of mainland and insular Southeast Asia seem to have been fluid, with regional trade systems, a flow of objects, commodities and ideas, and unstable and contextually shifting boundaries.[4] According to Clifford Geertz, such peoples were in fact 'products of large scale processes of global social change which had made them what they were and continued to make them what they would become in reaction to the uncontrollable and rapid impact of these forces.[5] Interpenetrating political and ritual structures and processes, cross-cutting allegiances and situationally crystallised identities transcended the margins of societies. Cross-cultural trade and later colonial-capitalism and modernity, drastically transformed 'cultural' boundaries, with colonial states freezing this dynamic process of flux into stable administrative units and disrupting or destroying old regional systems of trade, ritual and politics. Future research trends should take account of both the extension of colonial capitalism and shifts in the international economy that made the slave trade and the accomplishment of ethnicity the heart of the political economy of particular states and colonial cities from the sixteenth to the nineteenth century. Not surprisingly, virtually nothing is known about where the slaves came from in Southeast Asia, nor how, for example the trade of the late eighteenth and nineteenth centuries differed from earlier centuries. There are also few rounded portraits of life within the interstices of

[1] See Victor Lieberman, 'An Age of Commerce in Southeast Asia? Problems of Regional Coherence — A Review Article', *The Journal of Asian Studies*, Vol. 54, No. 3 (1995) pp. 796-807.
[2] See, Thomas Gibson, 'Raiding, Trading and Tribal Autonomy in Insular Southeast Asia', paper presented at the conference on 'The Anthropology of War', sponsored by the Guggenheim Foundation, 24-28 March, 1986; Christopher Healy, 'Tnbes and States In "Pre-Colonial" Borneo: Structural Contradictions and the Generation of Piracy', Social Analysis, No. 18 (1985), pp. 3-39; Robert L. Winzeler, 'Ecology, Culture, Social Organisation, and State Formation in Southeast Asia', Current Anthropology, Vol. 17, No. 4 (1976) pp. 623-640
[3] Eric It Wolf, Europe and the People Without History (Berkeley: University of California Press, 1982); Jonathan Friedman, Tribes, States and Transformation' in Maurice Bloch (ed) Marxist Analysis and Social Anthropology (Association of Social Anthropologist, Studies No. 2. London. Malaby Press, 1975) pp. 161-202; System, Structure and Contradiction: The Evolunon of 'Asiatic' Social Formations (Social Studies in Oceania and Southeast Asia, No. 2. Copenhagen: The National Museum of Derunark, 1979), Anna Lowenhaupt Tsing, In the Realm of the Diamond Queen Marginality in an Out-of-the-way Place (Princeton: Princeton University Press, 1993).
[4] Roger M. Keesing 'Asian Cultures?' *Asian Studies Review*. Vol. 15, No. 2 (1991), pp. 43-50.
[5] See Clifford Geertz's review of Tsing's book, In the Realm of the Diamond Queen. 'Life on the Edge', *The New York Review*, April 4, 1994, pp. 3-4.

particular slave cultures and marginal societies. Whereas, the final decades of the nineteenth century offer an important field of work on links between abolition and emancipation, the rise of peasant and plantation forms of monoculture, and forced and contract labour, as a dominant productive system in colonial and post-colonial Southeast Asia.

In conclusion then the implications of my analysis of the Sulu Zone perhaps, could be applied in a wider framework not only to elucidate the development of states and the elaboration of ethnic diversity in insular Southeast Asia, but also to develop a comparative framework with mainland states and cultures. The implications of such analysis could also be applied to a wider time frame as my model and method could possibly be used to reconsider the earlier history and even pre-history of the island world. In the end, perhaps, such comparisons and concepts could challenge many of the accepted models of the origin of the state, dependent as they are on examples drawn from mainland cultures where control over ethnic groups and boundaries — the forces of production — were much more profound than they were in the Sulu Zone, or other parts of island Southeast Asia.

The Sulu Arms Market:
The Players

Lino Miani[1]

The Sulu Sea region, long a remote buffer zone between competing political entities, exhibits all the characteristics of the kind of "ungoverned territory" in which trafficking thrives.[1] The Sulu Arms Market's unique longevity stretches back to colonial times, but like most other illicit arms markets, it is both a source and a destination for grey and black market arms. Like most black arms pipelines around the world, the Sulu Arms Market is intertwined with piracy, terrorism, and the traffic of other illicit commodities. Moro independence groups, communists, Islamic militants, and criminal gangs are all major players in the market. Four bilateral anti-smuggling agreements between Malaysia and the Philippines, and a number of regional multilateral initiatives since the formation of the Association of Southeast Asian Nations (ASEAN) in 1967 reflect the fact that the Sulu Arms Market is a potential security problem for Malaysia, the Philippines, Indonesia, Brunei, and Singapore.

Colonial History

The Sulu archipelago connects the Philippine island of Mindanao to Borneo, both culturally and geographically. Traders have plied its warm waters for centuries, moving goods back and forth using familial networks in what was once a borderless society. The Spanish were the first to draw an administrative line between Mindanao and Borneo, a delineation they enforced only intermittently depending on their political and military fortunes in the rest of Philippines. The ebb and flow of Spanish sovereignty in the area inevitably invited the attention of other colonial powers.

Caught between the competing interests of the Spanish, Germans, and British, the leaders of Sulu depended upon intrigue to protect its sovereignty from rival tribes and the Europeans. The sultans of Sulu struck a delicate balance between the heavy-handed Spanish and their European rivals based in Sabah. Spanish failure to come to an understanding with Sulu led to intermittent warfare that severely affected English and German trade in the area. Responding to the threat to their interests, European merchants like William C. Cowie, manager of the Labuan Trading Company, and Captain H. Schuck, a German trader, became adept at running thin Spanish blockades. The two traders began arming Sultan Jamal-ul-Azam[2] in the late nineteenth century while Britain and Germany attempted through political means to keep Spain from expanding its rule westward into Borneo.[3] To this day, the principal conduits for guns entering Sulu are smuggling routes developed by these two men.[4]

Spain's counter-trafficking efforts faced an even larger and older problem than the two corporate gun-runners. As early as 1827, Philippine officials expressed concerns about Moro fighters receiving arms from foreigners. In 1836, reacting to leakage from Spanish military stocks, the governor in Manila banned the sale of gunpowder and firearms in neighbouring, non-Spanish controlled territories.[5] By 1870, it was an open secret that Sultan Jamal-ul-Azam was importing firearms from Singapore, leading to accusations that German merchants in that city, and English traders in Sandakan were the source. The involvement of Singapore suggested a governmental hand, leading the Spanish to accuse Britain and Germany. Their subsequent protests denials only heightened Spanish suspicious that the black market in Sulu had in fact become grey.[6]

American ascendancy in the Spanish-American War (1898) brought a temporary halt to the arms trade. Trusted by the British and Germans to facilitate free trade between Sulu and Borneo, the

[1]Lino Miani (2011). "The Sulu Arms Market: The Players" first appeared in *The Sulu Arms Market*: *National Responses to a regional problem by Lino Miani*, *ISEAS, Singapore*. Reprinted with permission. Chapter 3 is reproduced here with kind permission of the publisher, ISEAS-Yusuf Ishak Institute. http://bookshop.iseas.edu.sg

Americans were able to negotiate an agreed-upon border for the first time in history in 1907.[7] With the cooperation of the Sultan of Sulu and the British in Sabah, the American Government in Manila shut down the Sulu Arms Market entirely and completely disarmed the Moro population by 1913 – a feat that has yet to be duplicated.[8] American control seemed complete when, in a surprising twist, the previously factionalized Moros made a united appeal directly to the U.S. Congress to refrain from placing them under the administration of "Christian" Manila. The signatories to the Moro "Declaration of Rights and Purposes", a group of *datu* from Sulu and Mindanao, preferred instead to remain under American suzerainty. They highlighted their demands by threatening to declare an independent constitutional sultanate called the "Moro Nation".[9] By the early 1920s, hundreds of years of anti-colonial struggles culminated in this more or less unified, albeit contrived, Moro identity that forms the basis of the consumer component of the modern Sulu Arms Market.

The Communists

During World War II, the Allies revived the Sulu Arms Market to combat Japanese. General Douglas MacArthur's forces, relegated for a time to supporting guerrilla warfare in Malaya, Thailand, Indonesia, the Philippines, and elsewhere, perfected clandestine delivery techniques. Old routes were used and new ones created. When adopted by gun-runners, new techniques such as aerial and submarine delivery complicated enforcement efforts for years after the Japanese surrender.[10] In addition, the chaotic political environment of the post-war Philippines encouraged the growth of a large scale commercial aspect of the arms market where before there was only inter-governmental intrigue. The grey market was once again mostly black.

The Cold War introduced new sponsors, new weaponry, and renewed vigour to grey market gun-running. Worldwide, a great number of experienced, ideologically reliable, and recently unemployed intelligence operatives and special operators dominated the arms trade. These enterprising individuals seized opportunities to make themselves available to the superpowers as they consolidated the new world order. Power vacuums left by withdrawing armies were filled by myriad independence movements, communists' insurgencies, nationalist militias, political brownshirts, and in some areas, Islamic militants, all of which had a need for guns. Eager to supply such reliable customers, state-sponsored gun-runners around the Pacific theatre rushed to tap into enormous stockpiles of captured, abandoned, or cached weapons. By the mid-1960 the Sulu Arms Market had again become decisively grey.

Initially, the communists benefited most from this arrangement. Organized, trained, and equipped by the Allies to fight the Japanese, the Malayan Communist Party and the Hukbalahaps in the Philippines, both turned their considerable skills against their respective governments after the Japanese surrender. Although many of these Maoist insurgent groups drew direct support from communist China, the Soviet Union, and eventually Vietnam and North Korea, they still controlled weapons caches and maintained smuggling networks used during the war.[11] As the Cold War heated up, the grey market pipeline to leftists in the Philippines paralleled similar efforts to supply other communists throughout Asia, including the Khmer Rouge, Pathet Lao, the communist parties of Indonesia and Thailand and some Nepalese and Indian groups. As the successors to the Huks and the New People's Army (NPA) migrated south under pressure, they took their arms pipeline with them.

The NPA was a particular favourite of Asian communists and Middle Eastern regimes. The cash strapped government in Hanoi, flush with an immense hoard of captured American weapons, happily provided tons of arms and ammunition to their Filipino comrades during the 1980s. Accusations that the Vietnamese distributed stockpiles of captured American weaponry in the Philippines also surfaced in 1992 and 1994.[12] China, long suspected of arming communist insurgents throughout Southeast Asia, was the NPA's source for an estimated 1,600 weapons obtained from Cambodian stockpiles.[13] The Palestine Liberation Organization (PLO) was suspected of arming the NPA in the 1980s,[14] as was Libya, which was known to provide the NPA with training and weapons, including surface to air

missiles.[15] North Korea employed a variation of the Vietnamese model of generating cash through arms sales, sending guns to the NPA in exchange for information on American military facilities in the Philippines.[16] Not surprisingly, the arms traffic to Moro separatist underwent a similar development but for very different reasons.

The Moro National Liberation Front (MNLF)

The Moro National Liberation Front's (MNLF) rise to power was truly an accident of history. Led by Nur Misuari,[17] an ethnic Tausug from Sulu, the MNLF's worldview is rooted in Sulu's ancient struggle to maintain its sovereignty vis-à-vis outside powers. Considered an outside power by most Moros, the government in Manila did nothing to counter this impression in the 1950s and early 1960s as it offered Christian settlers and surrendered Hukbalahap communists a new beginning in the predominantly Muslim southern island of Mindanao.[18] As Muslim missionaries from Arabia, Egypt, and Indonesia flocked to the islands in the post-war years, Moro nationalism gained a more Islamic flavor. The ruling class of tribal leaders, the *datu*, capitalized on this socio-religious revival. As their warlording became fused with Islam, so did their gun-running.

Having set aside their struggle for autonomy during World War II, Moro *datu* used the black market to rearm after the Japanese surrender. Their progress was initially slow because the communists had greater access both to leftover stockpiles and to the growing influx of grey market guns, but Moro fortunes would turn with the rise of Nur Misuari. By the mid-1970s, the Moros had rearmed themselves through spillover from the enormous grey market managed by the communists in Sulu in the late 1960s.

In the aftermath of World War II, the British began seeking creative ways to shed their empire. They considered the establishment of the Malaysian Federation a solution to a number of tricky security problems in Southeast Asia. The newly independent Philippines, however, considered Muslim administration of Sabah, its "southern backdoor", to be a direct threat to the stability of the Southern Filipino frontier. Caught between restless Mindanao and an expanding Malaysian Federation, President Diosdado Macapagal thought the time was right in 1962 to press the country's claim to Sabah. His efforts came too late, however, and Malaysia became a reality in September 1963, ushering in several years of antagonism between the two countries that played out through the Moros and the Sulu Arms Market.

After three years of tension, a spirit of mutual cooperation began influencing foreign policy in Southeast Asia. When President Ferdinand Marcos came to power in 1966, he restored bilateral relations with Malaysia and signed an anti-smuggling treaty with the specific intention of reducing illicit trafficking between Sabah and the southern Philippines.[19] The treaty, which benefited Manila, had a negative effect on Filipino Muslims and their influential *datu* who were deeply dependent on cross-border trade. This increased Moro resentment and set the conditions for the start of an armed rebellion the following year.

Despite the thaw relations with Malaysia, President Marcos continued to hedge his bets with regard to Sabah. He ordered the Armed Forces of the Philippines (AFP) to recruit and train a covert force of Moro guerillas to be infiltrated into Sabah. The AFP secretly trained his unit, by some accounts for several years, on Tawi-Tawi in Sulu before moving their operation to Corregidor Island in Manila Bay. In March 1968, something happened to cause the recruits and their trainers to turn on each other. The predictable result of what later became known as the Jabidah Massacre was that between fourteen and sixty-four Muslim volunteers were killed by the Philippine Army. While accounts of what caused the incident differ, there was no disputing the negative effect it had on Manila's relations with its Muslim south and the Malaysian Government.[20]

Fearing a new "Confrontation",[21] Malaysia began its own covert Moro training programme in 1969. Following a promise of support from Malaysian Prime Minister Tunku Abdul Rahman, the *datu* sent ninety Moros to Pangkor Island in Malaysia where they received training and weapons for guerilla

warfare against the Philippines.[22] This was the first of sixteen classes to train at Pangkor while dozens more trained at similar camps in Sabah. That state's ethnically Tausug Chief Minister, Tun Mustafa, was instrumental in arranging these courses and later became the broker for the Moros' first grey market supply line in a century. On Tun Mustafa's watch, Moro smuggling operations achieved an unprecedented scale. Using a fleet of a hundred speedboats augmented by Malaysian naval vessels, they imported significant amounts of modern individual and crew-served weapons, ammunition, grenades, and demolitions.[23]

A member of the first class trained at Pangkor, Nur Misuari returned to Mindanao in 1970 amid rising violence between Muslims and non-Muslims. Together with fellow trainees Hashim Salamat and Abdul Khayer Alonto,[24] Misuari created the MNLF while still training at Pangkor and later directed it in guerilla campaigns against Filipino forces.[25] Tasting success, the ambitious Misuari quickly recognized the need to free the MNLF from the clutches of the corrupt *datu* funding its operation. In need of sponsors, he turned once again to Malaysia and Tun Mustafa and they did not disappoint. When President Marcos declared martial law in 1971, Tunku Abdul Rahman manoeuvred to place the plight of the Moros, represented by the MNLF, on the agenda of the Organization of the Islamic Conference (OIC).[26] Despite extreme sensitivity about the status of Sabah and the still recent victory over its own vicious communist insurgency, Malaysia found itself in the odd position of backing a Moro separatist movement led by a former leftist agitator and Sulu nationalist; an ironic twist they would eventually rectify.[27]

With political legitimacy granted by Malaysia and the OIC, it was not long before Misuari developed direct ties to a number of powerful Arab sponsors, including Libya's Muammar Khadaffi. In 1971, Khadaffi spontaneously placed the Moro issue before the United Nations Subcommittee for Human Rights, accused the Philippines of genocide, and threatened to support the Moros with arms and money; accusations and threats he reiterated in June 1972.[28] In 1973 he co-sponsored Malaysia's bid in the OIC to investigate the Moro issue, and even though Malaysia and Indonesia moderated Khadaffi's extreme position on the matter, he emerged as the Moros' greatest champion.[29]

Despite the diplomatic façade, substantial evidence existed that Libya had in fact supplied the MNLF with arms and training since at least 1971.[30] That year, Khaddafi brokered a deal with Pakistani President Yahya Khan to deliver weapons to the Moros by air through Sabah; an arrangement that necessarily involved Tun Mustafa.[31] The shipment was only one part of a larger pipeline of supplies donated by "two Persian Gulf Sheikdoms" in addition to those from Malaysia and Tun Mustafa. Once in Sabah, the MNLF ferried the guns from Sandakan to Mindanao. Broken down and delivered by a fleet of small boats (with Malaysian Navy assistance), the traffic was easily disguised as 'ant trading' and therefore ignored.[32] By most accounts, this traffic continued unabated until 1976 when the removal of Tun Mustafa and the signing of the Tripoli Peace Agreement signaled the end of covert support from Malaysia.[33] But the precedent was set. During this five-year period, Libya and the OIC had collectively contributed about US$35 million dollars to the MNLF, much of which was delivered via Sabah.[34]

Malaysia may have pulled back material support for the MNLF in 1976, but the country continued to provide political cover to the Moros. In 1977, Kuala Lumpur sponsored the MNLF's unprecedented inclusion in the OIC as a permanent observer. This was the first time a non-state actor had achieved this status and by some interpretations it was a violation of the organization's charter.[35] The motion passed but this marked the high water mark for Misuari's group.

Internal divisions began to tear apart the MNLF's central committee prompting its Middle Eastern supporters to back different factions in accordance with their own inter-Arab squabbles.[36] The organization splintered into competing groups; the most significant of which was the Moro Islamic Liberation Front (MILF) under Hashim Salamat.[37] Reflecting this turbulence, external support (including arms) decreased to the point that in early 1978, President Marcos declared that the flow of guns had not been significant for "some time".[38] As Hashim's religion-centric MILF began to overshadow its parent organization, direct support to Misuari's more secular MNLF dwindled.

Membership in the OIC was now vital; throughout the 1980s and 1990s, any remaining support given to Misuari's group was a direct result of its status in the OIC rather than of any political or military credibility on the part of the MNLF.[39] After years of political and military decline, Misuari began negotiating with the Government of the Philippines for autonomy in 1992. The eventual agreement, signed in 1996 and still in force despite a brief 2001 rebellion led by Misuari, made official what had been apparent for years: the MNLF's days of insurgent glory were over.

The Moro Islamic Liberation Front (MILF)

From their exile in Lahore, Pakistan, Hashim Salamat and a core of disgruntled MNLF officers founded the "MNLF-New Leadership" in 1977. To avoid confusion they changed the group's name to MILF in 1984. With the anti-soviet jihad reaching a climax just across the Afghan border, those were heady times in Pakistan. It is little wonder the MILF regards its combat experience there as central to its development. The 500 to 700 fighters it sent to Afghanistan from 1980 to 1989 eventually formed the hardcore of the MILF's military wing, valued not just for their experience in fighting a well-armed, ruthless, and modern enemy, but also for their more "complete understanding of Islam".[40] The mujahidin's victory over the Soviets added the weight of success to Islamic causes around the world and, with the MILF's Islamic credentials sufficiently strengthened, the Moro cause drew powerful new sponsors. Among them was a rich Saudi named Osama bin Laden who found the religious MILF more worthy of support than the secular MNLF.

The MILF's connections to Bin Laden's Al-Qaeda and other jihadi groups were critical in the face of waning support from Muslim governments. Bin Laden's brother-in-law, Mohammed Jamal Khalifa, actively facilitated arms shipment to the Moros as early as 1988. Like his infamous brother-in-law, Khalifa grew disillusioned with the MNLF's secular vision and peace talks with Manila. The growing portion of Al-Qaeda support (mostly in arms and training) destined for the MILF and Abu Sayyaf Group,[41] both of which used Khalifa's money to import weapons from Sabah, reflected a growing indifference of religious militants towards the MNLF.[42]

During the 1990s, guns poured in Mindanao from every corner of the globe. In 1992, the scale of black arms shipments to the Moros attracted the world's foremost arms smugglers, including the infamous Viktor Bout, who reportedly delivered at least one shipment of Libyan arms to Mindanao.[43] The market was so big that even Colombian drug lords sent guns there.[44] MILF armaments came from Afghanistan, China, Pakistan, Cambodia, Palestine, Lebanon, Sudan, Libya, North Korea, Thailand, Saudi Arabia, and Malaysia (Sabah) with additional transit points in Singapore, Indonesia, Taiwan, Hong Kong, Vietnam, and Myanmar (Figure 3.1).[45] By the time Nur Misuari and the MNLF reached a peace agreement with Manila in 1996, Hashim and the MILF felt secure enough to continue fighting alone. With 11,000 to 12,000 men under arms, they sat atop an enormous black arms trade and controlled roughly ten per cent of Mindanao and large parts of the Sulu archipelago.[46] Control of territory allowed large arms shipments to become routine. In 1999 alone, ten such shipments reached Mindanao's shores from Sabah.[47]

Fighting between Manila and the MILF stagnated for five years in a cycle of stalemate, ceasefire, reconciliation, abrogation, and renewed fighting. The MILF used this time to build its capabilities through joint training with regional and global jihadi groups. MILF fighters attended training camps in Libya, Pakistan, Afghanistan, and elsewhere while numerous foreigners (mostly Arabs and Indonesians) served as guest instructors at MILF camps in Mindanao.[48] These outsiders brought unconventional skills to the previously conventional Moro fighters. Surveillance, counter-surveillance, document forgery, and bomb-making were all taught at the MILF's Abu Bakar camp complex.[49] Seeking to take advantage of their new abilities, the MILF established a terrorist arm, the Special Operations Group (SOG) in 1999.[50] SOG's terrorist actions were partly responsible for convincing President Joseph Estrada's Philippine Government to press the offensive against the MILF in 2000. The subsequent loss of the Abu Bakar complex splintered the MILF's security, temporarily disrupted the demand side of the Sulu Arms Market, and strained the smuggling links to Sabah.[51]

Estrada's ouster in May 2001 brought a change of policy and an immediate end to the fighting in Mindanao. An official ceasefire, later known as the Tripoli agreement (not to be confused with the Philippines-MNLF Tripoli agreement of 1976), followed in July of that year. Splintered and exhausted, the MILF turned towards political means to achieve their objectives, entering into peace talks with Manila and unity talks with Misuari.[52] Despite suspicion that the MILF was again using the respite to rearm, there is evidence that demand for firearms generally decreased throughout the region after the Tripoli agreement was signed.[53] Whatever the real intentions of the MILF, it is certain that the situation in Mindanao stabilized somewhat from 2001 until July of 2008. Every gun-runner knows that peace is bad for business. Fortunately for them, the MILF was not the last Moro rebel group left standing.

The Abu Sayyaf Group (ASG)

In the early 1980s, a young Moro fighter by the name of Abdurajak Abubakar Janjalani made his way to Afghanistan where he befriended Osama bin Laden. A graduate of Islamic universities in Syria, Libya, and Saudi Arabia, Janjalani and his younger brother Khaddafy were natural leaders among Moro recruits training for jihad in Pakistan. After the Soviet withdrawal from Afghanistan in 1989, Janjalani committed himself to waging jihad in his home country. To that end he formed the Al Harakat Al Islamiya, which he later renamed the Abu Sayyaf Group (ASG) in honour of one of his trainers. Janjalani's association with Bin Laden made the Basilan native a natural point of contact for Khalifa when he travelled to Mindanao to establish a foothold for Al-Qaeda.[54]

Khalifa gave the ASG large amounts of money and provided them with additional training. He supplied the group with weaponry and connected Janjalani with men like Ramzi Yousef and Wali Khan Amin Shah, elites among Al Qaeda's terrorist cadre. Small in number and heavily populated with Afghan veterans, the ASG went into action within months. Between 1991 and 1996, they conducted sixty-seven terrorist attacks in the Philippines and played supporting roles in separate Al Qaeda plots to bomb eleven U.S. airliners over the pacific and to assassinate Pope John Paul II and President Bill Clinton.[55] Appealing to the global network of criminals and Islamic terrorists in a way that the more politically-minded MILF did not, the ASG gained in notoriety. In addition to direct support from the governments of Iraq and Iran, the Abu Sayyaf also benefited from the largesse of Hamas, Jemaah Islamiya (JI) the Liberation Tigers of Tamil Eelam (LTTE), Harakat ul-Mujahedin (HuM), Kumpulan Mujahedin Malaysia (KMM), Egyptian and Palestinian Islamic jihad, Chechen Islamists, a number of Thai Islamist groups, the Islamic Movement of Uzbekistan (IMU), the Armed Islamic Group (GIA), the Islamic Army of Aden, and the 14K Triad from Hong Kong.[56] The ASG's ability to attract this diverse and dangerous group of benefactors presented a threat beyond the relatively small number of fighters Janjalani could actually mobilize.[57] By the year 2000, the ASG's arsenal had an estimated value of US$2 million;[58] at roughly US$5,000 per fighter, this rivals the armaments of the world's most elite special operations forces.

Unfortunately for the ASG, their success in terrorism is also the reason for their decline. In response to ASG atrocities, the AFP and the Philippine National Police (PNP) launched a concerted offensive that resulted in the killing of Abdurajak Janjalani in 1998. From that day, the Abu Sayyaf Group seemed to lose its earlier ideological focus on waging jihad in favour of profit-driven criminality. They entered into a period of pure gangsterism characterized by protection rackets, extortion, drug dealing, and, most notably, kidnapping for ransom. In April 2000, they famously invaded Malaysian waters and kidnapped twenty-five tourists, mostly westerners, from a dive resort on Sipadan Island. The backlash this drew from all sides was as surprising as it was significant. It motivated the governments of Malaysia, the Philippines, and Indonesia to take concrete steps to cooperate against transnational crime, particularly arms trafficking. What hurt the ASG even more, however, was that the Sipadan raid finally drove away any remaining Muslim supporters that backed the group when it still had religious aspirations.[59] As damaging as this was, the ASG did not seem to realize its mistake.

Poised to expand following a ransom deal for the Sipadan hostages (successfully brokered by none other than Libya's Muammar Khadaffi), the ASG could not seem to capitalize on its new found wealth;

the group's membership rapidly dwindled to 200-400 regulars.[60] While there were some initial reports from the black arms market that ASG's new wealth was driving up prices, most of the estimated US$15-US$20 million they received in ransom payments had mysteriously disappeared.[61] Although accusations against Malaysia and Libya continue to come from various quarters, there is a general consensus that by 2001 there was very little evidence of external support for the ASG. Despite this decline, the United States continued with its plans to deploy advisers to Mindanao to assist the AFP to defeat the Abu Sayyaf. With their reputation destroyed and their erstwhile allies the MILF and the MNLF observing separate peace agreements with Manila, the thoroughly depleted ASG was left alone to fight the combined weight of the AFP, the PNP, and the American 1st Special Forces Group.

The ASG was caught in a perfect storm. The Sulu Arms Market they depended upon was atrophied by six years of relative peace between other Moro groups and Manila. In addition, the ASG's criminal antics courted the scorn of their Islamic benefactors and the wrath of regional governments. Worse yet, Abu Sayyaf had attracted the ire of America, which deployed the very same commandos that had so recently hunted down the ASG's Al Qaeda heroes in Afghanistan. The efforts of the American Green Berets began to pay off rather quickly, increasing the professionalism of the AFP and their ability to combine operations with their American counterparts. It seemed the end was near for the Abu Sayyaf but this otherwise positive outcome had an unexpected consequence: the capture or killing of so many of the ASG's factional leaders in 2002 enabled Khaddafy Janjalani to consolidate his control over the group. He brought the ASG back to its Islamic roots and by 2004, had combined forces with JI in a new wave of terrorist violence[62] that culminated in the worst terrorist attack in maritime history; the bombing of *Superferry 14* in the Manila Bay.[63]

The response was predictable. The AFP led a series of assaults against the ASG that coincided with a corresponding push in several neighbouring countries against JI. An ongoing AFP offensive, Operation Ultimatum, claimed the lives of Khaddafy Janjalani and other ASG notables in 2007, further weakening the organization. Lacking effective leadership and logistics, the ASG had no choice but to melt away into the population. This time-tested insurgent defence technique has brought the pursuing AFP into increasing contact with MILF garrisons in Muslim towns. These clashes, the result of an increasing amalgamation of the MILF, ASG, MNLF, and other Moro groups, threaten to unravel the Tripoli agreement and ongoing peace talks with Manila.[64]

With the ASG on the ropes, and frustration with the peace process growing within the ranks of the MILF, terrorism is gaining in importance in the violence wracked Philippines. Accordingly, a rising demand for explosives suggests the Moro struggle is transcending its traditional preference for firearms. Although there seems to be little evidence that advances in terrorist bomb-making and tactics developed in fighting elsewhere are reaching Mindanao, the technology and tactics are improving and the potential certainly exists. The proliferation of such tactics and technologies from Afghanistan does indeed affect the nearby insurgency in southern Thailand, long thought to be a factor in the Sulu Arms Market.[65] Should those advances migrate to Mindanao, the Sulu Arms Market will certainly be ready to meet the demand.

In addition to a demonstrated ability of terrorists to secure large quantities of explosives from sources in nearby Cebu (JI terrorist Fathur Rohman al-Ghozi acquired 1,000 kilogrammes of TNT there in 2000),[66] new sources are emerging from some surprising sectors. Responding to rising food and oil prices in September 2008, the Arroyo administration announced a programme of subsidies for petro-chemical fertilizers manufactured and sold in the Visayas.[67] Subsidized markets notorious for attracting opportunistic buyers with pure profit motives will almost certainly result in an even wider distribution of these explosive precursor chemicals on the black market in the southern Philippines. Leakage of military high-grade explosives from the AFP is also a problem. In April 2008, two bombs fashioned from 60 mm and 81 mm mortar shells exploded outside a church and a café in Zamboanga City.[68] Their use is especially troubling because mortar shells can be used as medium range indirect fire weapons in accordance with their design.

The problem is not confined to the Philippines. Demolitions from Malaysian military stocks in Sabah have been leaking in small quantities for years.[69] This source, which is not known to support anything more malevolent than local dynamite fishing, is nevertheless troubling when one considers the great advantage in effectiveness terrorists could achieve by using high-powered blasting caps rather than improvised detonators. Lastly, there are reports of detonators and explosives coming from sources in India.[70] While Indian-made detonators have long been in common use in the region, explosives from that country are a new phenomenon. The presence of weaponry from a non-Muslim country west of Singapore is a new trend in the Modern Sulu Arms Market. In the past, Malaysian and Indonesian political alignments acted as a filter for non-Muslim sourced weaponry transiting the Strait of Malacca. If the Indian source is a reality, it suggests a previously absent criminal or governmental element.

The Criminals

The criminal element makes up a significant part of the Sulu Arms Market. There are three categories of criminal involved in the market: the ant traders, local gangsters and politicians, and transnational syndicates.

The Ant Traders

Ant traders are both suppliers and consumers. They are overwhelmingly Sulu or Sabah natives whose families have exchanged trade of all sorts for centuries. They see no significance to the border apart from the modest profits they can make by buying a gun on one side and selling it for twice the price on the other. While the ant trade is useful for the transfer of small arms, ammunition is its primary cargo.[71]In the Sulu Market, much of the ammunition is acquired and trafficked through ant trading from Malaysia where licensed Sabahan purchasers will sell a portion of their personal allocation of bullets onto the black market for a profit. Simple control measures enacted by the Malaysian Government made this more difficult but failed to eliminate it.[72]

Local Gangsters and Politicians

Influential Filipino businessmen and politicians play a much more visible role in the Sulu Arms Market than the ant traders. They are primarily arms consumers, stockpiling enormous arsenals which do more for their prestige than their security. The myth of Filipino gun culture offers them increased status for increased firepower and protects them from weak laws designed to regulate gun ownership. This win – win scenario creates overwhelming temptation for the rich to display standing armies with enormous arsenals.[73] When these politicians and businessmen also identify themselves as either leftist, Moro, or Christian, the lines between criminality, politics, and terrorism become extremely blurred.

This not-so-uniquely Filipino tendency is more noticeable during election season when tribe-centric politicians, mostly in Mindanao, the Visayas, and Central Luzon are busy consolidating their base; an activity which in the Philippines is synonymous with kidnapping, assassination, and disappearances.[74] This armed influence peddling invites the involvement of unaffiliated gangs like the Al Khobar and Pentagon Gangs which can provide a deniable result to politicians for the right price. Staffed with “former” MILF, MNLF, or ASG fighters, these gangs provide combat experience and continuity with the ongoing insurgency; a fact that amplifies the threat posed by their relatively small numbers.[75] The problem has become so disruptive that the government now enforces a total ban on carrying firearms during election periods.[76]

Organized Crime Syndicates

Organized crime represents the final category of criminal group involved in the Sulu Arms Market. Syndicates like Inagawa-Kai Yakuza from Tokyo/Yokohama, 14K Triad from Hong Kong, and some Taiwanese gangs all play a unique role in the Sulu traffic.[77] Unlike the ant traders, who are in it for the profit, or the politicians, who do it for the power, agents of these syndicates are primarily logisticians for their bosses in the Far East. For them, the Sulu Market is (mostly) a source. The ant trade cannot assure them the volume and quality of merchandise required for their activities. Neither can bulk deliveries because such deliveries require control of large secure areas. Instead, gangsters prefer moderately-sized shipments that can be camouflaged physically or through bureaucratic sleight of hand. In one typical example of a gangland transfer in 1999, a PNP general diverted to a friend's dealership seventy-two guns intended for the Philippines Marine Corps. Only fourteen of the missing guns were recorded; six of which were captured at sea enroute to Taiwan. Charges were eventually filled against the officer but not before he was given a substantial promotion.[78]

The Taiwanese and Japanese gangs overwhelmingly prefer guns made in illegal factories in Danao City and Mandaue on the island of Cebu. These guns, known locally as *paltik,* are mostly counterfeits of proven western models. Reflecting a Japanese demand for quality, some *paltiks* from Cebu are so good they cannot be easily distinguished from the real thing. So great is the Yakuza thirst for these knockoffs that they have actually transferred noted *paltik* craftsmen to Japan to service their arsenals. Japan considers the problem serious enough to warrant significant efforts at bilateral cooperation with Filipino police.[79] Although neither Taiwanese nor Japanese gangs contribute directly to the Sulu Market per se (both use more northerly air and sea smuggling routes), [80] the *paltik* industry which they support certainly does.[81]

While all of these syndicates come from countries which are effectively policed, especially with regard to firearms, the similarities end there. The arms traffic from the 14K Triad actually flows in the opposite direction. It is suspected that 14K has supplied weapons to the ASG in exchange for *shabu*, a Southeast Asian methamphetamine.[82] The ability of a Chinese gang to provide a useful supply of firearms to a gun-hungry organization like the ASG is atypical to say the least. Without a ready supply, the profit margins on smuggled guns are just too low to make them commercially viable. In fact, this possibility is so hard to imagine, that it is not unreasonable to assume that 14K has external support from either of two possible suspects: China or North Korea.

There is no hard evidence linking either China or North Korea directly to the 14K Triad, but the gang is the common thread in a string of dubious coincidences that occurred in the late 1990s. Between 1996 and 1999, Taiwanese authorities seized between 9,000 and 12,000 firearms, a truly staggering number, with an overwhelming percentage of these manufactured in mainland China. Taiwanese intelligence suspects that in an effort to destabilize Taiwan, China supplies these local firearms to local triads, including 14K, by an indirect routing through Malaysia and the southern Philippines. This accusation coincided closely with the first appearance of Sabahan guns in Taiwan and followed a 1995 crackdown by Chinese authorities that pushed a lot of arms trafficking from their southern provinces to 14K's hometown, Hong Kong.[83] For its part, cash-strapped North Korea has long used front companies in Hong Kong to make black arms sales that supplement its intelligence operations with either cash or information.[84]

Notes

1. Angel Rabasa et al., eds., *Ungoverned Territories: Understanding and Reducing Terrorism Risks* (Santa Monica, CA: RAND Corporation, 2007), pp. xvi – xvii.
2. "Kiram Sultan's Genealogy", n.p.: Royal Hashemite Sultanate of Sulu and North Borneo/Sabah, 2006 http://www.royalsulu.com/genealogy.html (accessed 26 March 2009). Sultan Jamal-ul-Azam is also known as Sultan Jamalul Ahlam and Sultan Jamal-ul- Azam Kiram.
3. Nicholas Tarling, *Sulu and Sabah: A study of British Policy Towards the Philippines and North Borneo from the Late Eighteenth* Century (Kuala Lumpur: Oxford University Press, 1978), pp. 108, 119, and 129.
4. See Steven Ching, "So Much More to Sandakan", The Star, 30 August 2008; and Tarling, *Sulu and Sabah*, pp. 131, 137, and 140. The smuggling routes were developed separately by the men in response to a Spanish blockade of Sulu imposed in 1873 and based on a trade restriction announced in 1860. Schuck had a trading base in Sandakan and an exclusive monopoly on rotan trading there given to him by the Sultan of Sulu in 1873. His existing trade routes through Sulu became the basis for a cluster of smuggling routes after imposition of the blockade. Cowie's route cluster emanated from Labuan initially and later from Sandakan as he too received trading concessions from the Sultan. The governments of Great Britain and Germany supported Cowie and Schuck's actions because continuing trade with Sulu challenged Spanish claims of sovereignty over the archipelago and North Borneo.
5. Tarling, *Sulu and Sabah*, p.52.
6. Ibid., pp. 119 and 158.
7. See After *Activity Report of the 3rd Multilateral Maritime Security Conference Held in Cebu, Republic of the Philippines on 27 – 29 August 2007* (Honolulu, HI: Asia Pacific Security Forum (APSF) Inc., 2007), p. 12; and Tarling, *Sulu and Sabah*, pp. 298 – 99. The 1907 Treaty between the United States and Sulu was endorsed by the British Foreign Office. The agreement was a lasting one; to this day it is recognized by Malaysia as the basis for their border with the Philippines.
8. Charles A. Byler, "Pacifying the Moros: American Military Government in the Southern Philippines, 1899 – 1913", *Military Review* 85, no.3 (May – June 2005): 44.
9. Thayil Jacob Sony George, *Revolt in Mindanao: The Rise of Islam in Philippine Politics* (New York: Oxford University Press, 1980), pp. 66 – 67.
10. Ibid., p. 231.
11. See Noel Barber, The War of the Running Dogs (London: Cassell Military Paperbacks, 2004), pp.68 – 71; and George, Revolt in Mindanao, pp.137 – 138.
12. See David Capie, *Small Arms Production and Transfers in Southeast Asia* (Canberra: Strategic and Defense Studies Centre, Australian National University, 2002), pp. 100 – 101; David Capie, " Trading the Tools of Terror: Armed Groups and Light Weapons Proliferation in Southeast Asia", in *Terrorism and Violence in Southeast Asia: Transnational Challenges to States and Regional Stability*, edited by Paul J. Smith (Armonk, NY:M.E. Sharpe, 2005), p. 193; and Robert E. Bedeski, Andrew Andersen, and Santo Darmosumarto, *Small Arms Trade and Proliferation in East Asia: Southeast Asia and the Russian Far East* (Vancounter: Institute of International Relations, University of British Columbia, 1998), p.8.
13. Christina Wille, *How Many Weapons are there in Combudia?* (Geneva: Small Arms Survey, 2006), p. 28.

14. Zachary Abuza, *Militant Islam in Southeast Asia: Crucible of Terror* (New Delhi: Viva Books, 2005), p.90.
15. Felipe L. Rojas, *PCTC Paper on Terrorism* (Manila: Philippine Center for Transnational Crime (PCTC), 1999) <http://www.pctc.gov.ph/papers/InternationalTerrorism.htm> (accessed 11 August 2008), p.5.
16. Ibid.
17. See Lela Gardner Noble, "The Moro National Liberation Front in the Philippines", *Pacific Affairs* 49, no.3 (Autumn 1976): 413; and George, *Revolt in Mindanao*, pp. 196 – 98. A Tausug from Sulu, Misuari began his political career as a student activist at the University of the Philippines in Manila where he became an influential leader among Moro students. His early political convictions were drawn from Marxism and he was in fact a founding member of the Kabataang Makabayang, a group associated with the NPA. By 1966, however, a falling out with fellow Marxist led Misuari to focus his energies on the plight of Muslims in particular rather than on the more general distress of the oppressed proletariat. His timely transformation allowed him to take advantage of an Islamization of the Moro struggle in the 1970s.
18. Noble, "The MNLF", pp. 406 – 407.
19. Ibid., p. 408.
20. See Wan Kadir Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Souhtern Thailand* (Singapore: Oxford University Press, 1990), pp. 74 – 75; Ricardo A. David, Jr., "The Causes and Prospect of the Southern Philippines Secessionist Movement", M.Arts Thesis (Monterey, CA: United States Naval Postgraduate School, 2003), pp. 61 – 62; and George, *Revolt in Mindanao*, p.123.
21. The term "Confrontation" used here refers to the Indonesian military intervention directed against the newly formed Malaysian state in its eastern territories on the island of Borneo. Known by its Indonesian name, *Konfrontasi*, the conflict ranged from 1963 to 1965 before a coup in Indonesia brought an end to the policy.
22. See Moshe Yegar, *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar* (Lanham, MD: Lexington Books, 2002), pp. 253 – 54; and Che Man, Muslim Separatism, pp. 138 – 39.
23. See Correspondent, "Philippines: Who's Backing the Muslim Rebels?" *Far Eastern Economic Review* 8, no. 12, 25 March 1974, p. 12; Lela Gardner Noble, "Ethnicity and Philippine – Malaysia Relations", *Asian Survey* 15, no.5, May 1975, p.464; and Che Man, *Muslim Separatism*, pp. 138 – 40.
24. See Noble, "The MNLF", p. 413; and George, *Revolt in Mindanao*, pp. 227 – 28. A Maguindanao from Cotabato, Salamat was the scion of a politically powerful family and represented a link for Misuari to the political structures of southwestern Mindanao. Together with Abdul Khayer Alonto, a similarly connected Maranao from Lanao del Sur, the three represented a union of the three major Muslim tribal groups in western Mindanao and Sulu. This development became a security problem for the Philippines after the three received guerilla warfare training in Malaysia.
25. George, *Revolt in Mindanao*, pp. 200 – 201.
26. Yegar, *Between Integration*, p. 281.
27. See George, Revolt in Mindanao, pp. 199 – 200. Misuari's early Marxist leanings continued to manifest themselves in his policies despite the fact that he denounced communism while still in university. As for his Sulu nationalism, as recently as 24 May 2008, Misuari joined with the Sultan of Sulu to threaten a war of 'self-defense' against Malaysia if Sabah is not returned.

His speech at a rally in Davao City, Mindanao is publicized on the Sultan's website at, "Support of the MNLF", Royal Hashemite Sultanate of Sulu and North Borneo/Sabah, 2006 <http://www.royalsulu.com/mnlf.html> (accessed 31 March 2009)

28. See Yegar, *Between Integration*, p. 255; and Noble, "Ethnicity", p.458.
29. Yegar, *Between Integration*, pp. 281 – 82.
30. Noble, "The MNLF", pp. 410 – 11.
31. Yegar, *Between Integration*, p. 256.
32. George, *Revolt in Mindanao*, pp. 235 – 36.
33. Yegar, *Between Integration*, p. 271.
34. Che Man, *Muslim Separation*, p. 140.
35. The Organization of Islamic Conferences, Final Declaration of the Eighth Islamic Conference of Foreign Ministers, 1997 <http://www.oic-oci.org/oicnew/english/conf/fm/All%20Download/Frm.08.htm> (accessed 7 July 2008).
36. George, *Revolt in Mindanao*, pp. 262.
37. Abuza, *Militant Islam*, p. 115 n3.
38. George, *Revolt in Mindanao*, pp. 260.
39. This is significant because the OIC is typically averse to supporting the irredentist ambitions of minority groups within the Muslim world. This stems from the fact that many of the OIC's member states have longstanding difficulties with their own minorities and do not wish to set a precedent of OIC intervention. Thus, the organization's support for the MNLF is less likely to include significant amounts of arms than similar support given directly by member states.
40. Abuza, *Militant Islam*, pp. 90 – 91.
41. Ibid., pp. 91 – 94.
42. Peter Chalk, "Al Qaeda and its Links to Terrorist Groups in Asia", in *The New Terrorism: Anatomy, Trends, and Counter – Strategies*, edited by Andrew Tan and Kumar Ramakrishna (Singapore: Eastern Universities Press, 2002), p. 114.
43. Abuza, *Militant Islam*, pp. 101.
44. Rachel Ehrenfeld, Funding Evil: How Terrorism Is Financed – and How to Stop It (Chicago: Bonus Books, 2005), p. 157.
45. See Zachary Abuza, "Funding Terrorism in Southeast Asia: The Financial Network of Al Qaeda and Jemaah Islamiyah", NBR Analysis 14, no.5 (December 2003): 52; Anthony Davis, "Philippine Security Threatened by Small Arms Proliferation", *Jane's Intelligence Review 15*, no. 8 (August 2003); Marco Garrido, "Philippines: Crazy about Guns", *Asia Times Online*, 21 January 2003 <http://www.atimes.com/atimes/Southeast_Asia/EA23Ae03.html> (accessed 4 July 2008); Peter Chalk, "Light Arms Trading in SE Asia", *Jane's Intelligence Review*, 1 March 2001 ; Meliza M. Makinano and Alfredo Lubang, *Disarmament, Demobilization and Reintegration: The Mindanao Experience* (Ottawa: International Security Bureau, Department of Foreign Affairs and International Trade, Canada, 2001), p. 19; Andy Webb-Vidal and Anthony Davis, "Lords of War: Running the Arms Trafficking Indusrty", *Jane's Intelligence Review* 20, no.5 (May 2008); Abuza, *Militant Islam*, p. 90; Capie, *Small Arms*, p. 75; and Wille, *How Many Weapons?*, p.28.
46. Abuza, *Militant Islam*, pp.44 – 46.

47. Alberto Rama Olaria, “Current Situation of Transnational Organized Crime in the Philippines”, in *Work Product of the 108th International Seminar: Current Problems in the Combat of Organized Transnational Crime* (Tokyo: United Nations Asia and Far East Institute (UNAFEI) for the Prevention of Crime and the Treatment of Offenders, 1998), p.174.
48. Ken Conboy, *The Second Front: Inside Asia’s Most Dangerous Terrorist Network* (Jakarta: Equinox Publishing, 2006), pp. 68 – 69.
49. See Abuza, *Militant Islam*, p. 138; and Conboy, *The Second Front*, pp. 69 and 79 – 80.
50. Abuza, *Militant Islam*, p. 100.
51. Conboy, *The Second Front*, p. 79.
52. Abuza, *Militant Islam*, pp.46 – 47.
53. See Zachary Abuza, “The Philippine Peace Process: Too Soon to Claim a Settlement with the Moro Islamic Liberation Front/ *The Jebsen Center for Counter – Terrorism Studies Research Briefing Series 3*, no.3 (February 2008): 7; and Webb – Vidal and Davis, “Lords of War”, n.p.
54. Abuza, Militant Islam, pp. 99 – 101.
55. See Zachary Abuza, “Al-Qaeda Comes to Southeast Asia”, in *Terrorism and Violence in Southeast Asia: Transnational Challenges to States and Regional Stability*, edited by Paul J. Smith (Armonk, NY: Sharpe, 2005), p. 52; Chalk, “Al Qaeda Links”, p. 113; Abuza, *Militant Islam*, pp. 100 – 101; and Rojas, PCTC *Paper on Terrorism*, p.9.
56. See Ehrenfeld, *Funding Evil*, pp. 167 – 68; and Rojas, PCTC *Paper on Terrorism*, p.10.
57. Chalk, “Al Qaeda Links”, p.107.
58. Abuza, *Militant Islam*, pp. 113 – 14.
59. Ibid., pp. 111 – 13.
60. Capie, *Small Arms*, p. 78.
61. Abuza, *Militant Islam*, pp. 113 – 14.
62. Zachary Abuza, “The Demise of the Abu Sayyaf Group in the Southern Philippines”, *CTC Sentinel* 1, no.7 (June 2008):10.
63. Michael D. Greenberg et al.,eds., *Maritime Terrorism: Risk and Liability* (Santa Monica, CA: RAND Corporation, 2006), p.22.
64. Abuza, “Demise of ASG”, p.10.
65. Joseph Chinyong Liow, *Muslim Resistance in Southern Thailand and Southern Philippines: Religion, Ideology, and Politics* (Washington DC: East – West Center Washinghton, 2006), p.46.
66. See Paul A. Rodell, “The Philippines and the Challenge of International Terrorism”, in *Terrorism and Violence in Southeast Asia: Transnational Challenges to States and Regional Stability*, edited by Paul J. Smith (Armonk, NY: Sharpe, 2005), p. 135; Rohan Gunaratna, Inside Al Qaeda: Global Network of Teror (2nd Ed.) (London: Hurst, 2003), p. 192; and Abuza, Militant Islam, p. 137.
67. “D.A Working to Meet Palay Target This Wet Crop in Support of PGMA’s SONA Goal to Hike Rice Output” (Cebu: Department of Agriculture, 1 September 2008) <http://cebu.da.gov.ph/joomla/index.php?option=com_content&task=view&id=17&Itemid=2> (accessed 22 October 2008).
68. Abuza, “Demise of ASG”, p.11.

69. Author's conversation with a regional intelligence official,ca. September 2008.

70. Author's conversation with Police Senior Superintendant Napoleon R. Estilles, Chief of the Directional Staff, PNP Maritime Group, 13 January 2009.

71. Mike Bourne and Ilhan Berkol, "Deadly Diversions: Illicit Transfers of Ammunition for Small Arms and Light Weapons", in *Targeting Ammunition: A Primer*, edited by Stephanie Pezard and Holger Anders (Oxford: Oxford University Press, 2006), pp. 105 and 111.

72. Author's conversation with a regional intelligence officer, ca. September 2008. See also Bong Garcia, "Military Intercepts Firearm Shipment in Zambo Wharf", *Sun.Star Zamboanga Online*, 15 March 2007 <http://www.sunstar.com.ph/static/zam/2007/03/15/news/military.intercepts.firearm.shipment in.zambo.wharf.html> (accessed 4July 2008). There is constant evidence in regional newspapers of ant trading in firearms. This anecdote is particularly informative because it gives an indiction of scope and methods.

73. George, *Revolt in Mindanao*, p. 137.

74. See "Illegal Guns Flourish in the Trigger – Happy Philippines", *Taipei Times Online*, 8 December 2003 <http://www.taipeitimes.com/News/world/archives/2003/12/08/2003078798> (accessed 4 July 2008); George, Revolt in Mindanao, pp. 138 – 40; and Garrido, "Crazy About Guns".

75. See Zachary Abuza, "Criminal Gangs in the Southern Philippines", *Jane's Intelligence Digest*, 10 April 2008 <http://www.simmons.edu/academics/undergraduate/political-science/docs/Abuza_Criminal_gangs_.pdf.(accessed 31 March 2009);and Davis, "Philippine Security", n.p.

76. *Republic of the Philippines 2008 Integrated National Report on the Implementation of the International Tracing Instrument and of the Small Arms and Light Weapons Program of Action* (Manilla: Government of the Republic of the Philippines, 2008) <http://disarmament.un.org/CAB/bms3/1BMS3Pages/1National%20Reports%202008.html> (accessed 11 August 2008), p. 6.

77. See "High – Level Yakuza Held on Suspicion of Gun – Smuggling", *Japan Times Online*, 22 August 2006 <http://search.japantimes.co.jp/cgi - bin/nn20060822a7.html.> (accessed 4 July 2008); "Illegal Guns", *Taipei Times Online*, 8 December 2003; and Ehrenfeld, *Funding Evil*, p. 168.

78. See Romie A. Evangelista, " Documents: PNP Officers Work with Gun Smugglers", *Manila Standard Today Online*, 5 March 2007 <http://www.manilastandardtoday.com/?page=news2_mar5_2007> (accessed 4 July 2008); Romie A. Evangelista, "RP, Japan Cops Tackle Gun Smuggling", *ManilaStandardTodayOnline*, 12 March 2007 <http://www.manilastandardtoday.com/?page=politics2_mar12_2007> (accessed 4 July 2008); and "Sandingan Orders Arrest of Ex-Marines Chief, 7 February 2008 <http://www.gmanews.tv/story/104574/S andingan-orders-arrest-of-ex-Marines-chief-7> (accessed 29 July 2008).

79. Evangelista, "RP, Japan Cops".

80. See *Illicit Trafficking and Manufacturing of Firearms: Philippine Context* (Manila: Philippine Center on Transnational Crime [PCTC], n.d.) <http://www.pctc.gov.ph.papers/FA's%20illicit%20Trafficking%20&%20Manufacturing.htm> (accessed 2 August 2008), pp. 6 – 7; and "Filipino Gunsmiths Are Making a Killing", *Taipei Times Online*, 7 May 2005

<http://www.taipeitimes.com/News/world/archives/2005/05/07/200325354> (accessed 4 July 2008).

81. Makinao and Lubang, *Disarmament*, p. 14.
82. Ehrenfeld, *Funding Evil*, p. 168.
83. Elli Kytomaki and Valerie Yankey – Wayne, *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, UNIDIR/2006/6 (Geneva:United Nations Institute for Disarmament Research, 2006), pp. 99 – 100.
84. "DPRK Said to Smuggle Weapons into Southeast Asian Countries", Tong-A-Ilbo, 11 September 1996.

Securing the Sulu-Sulawesi Seas from Maritime Terrorism: a Troublesome Cooperation?[1]

Senia Febrica

Abstract

The security of the Sulu-Sulawesi Seas is of great importance for the international seafaring community. As a result, lack of adequate cooperation in this area has raised some concerns over the safety and security of navigation in the waterways. This article focuses on Indonesia and the Philippines role in securing the waters and the behaviour of these two countries when it comes to cooperation. It investigates why they have joined a number of cooperation arrangements while rejecting others. Most scholarly works point at sovereignty concern as the main reason underpinning their decision. Rather than focusing solely on sovereignty infringements, this article argues that Indonesia's and the Philippines' decisions towards cooperation initiatives are informed by the calculation of (both the sovereignty and implementation) costs and benefits, and the level of their control over the cooperation outcomes.

Keywords: Indonesia, the Philippines, maritime terrorism, Sulu-Sulawesi Seas

Introduction

The Sulu-Sulawesi Seas are not only important to facilitate cross border movement between people living in the southern part of the Philippines and northern part of Sulawesi, Indonesia, but also for international navigation. The Sulu-Sulawesi Seas that border the two countries are considered a safer route for super tankers. Bigger tankers navigating to and from East Asia and the Middle East have to divert through this waterway due to the depth constraints of the Straits of Malacca.[1]

In the aftermath of 9/11 Indonesia and the Philippines cooperation to secure the Sulu and Sulawesi Seas was put under further international scrutiny. Acts of maritime terrorism in this area generated international concern. In the Sulu Sea, the Abu Sayyaf Group (ASG) and the Moro Islamic Liberation Front (MILF), both based in the southern part of the Philippines, have been indicted for carrying out attacks against ships to generate income. [2] The waters bordering Indonesia and the Philippines have been viewed as gateways for terrorists travelling from one part of Southeast Asia to another. Members of the Jamaah Islamiyah, a Southeast Asian terrorist group, and other Islamic militant groups from Indonesia use this route to travel to training camps in the Philippines.[3] They travel from Kalimantan Timur to Sabah (Malaysia) and then proceed to Tawi-Tawi and Sulu/Mindanao (the Philippines).[4] In mid-September 2013, the Moro National Liberation Front attacks on Zamboanga City and clashes with the Philippines military in Jolo Island have forced 30,000 civilians to flee their homes, destabilising order and security in Sulu area.[5] These circumstances put more pressure on enhancing security cooperation in the Sulu-Sulawesi Seas.

External powers, particularly the United States, have pressed for greater security cooperation in this waterway. The U.S. has made a number of efforts to develop multi-national cooperation in the Seas. The U.S. Regional Maritime Security Initiative (RMSI), for instance, was introduced to Asia-Pacific countries in 2004. Indonesia and Malaysia strongly opposed the initiative after Admiral Fargo's statement before Congress was made public through various media reports. In a Congressional hearing on March 31st, 2004, Admiral Fargo explained that as part of the RMSI, the U.S. was "looking

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at things like... putting Special Operations Forces on high-speed vessels, potentially putting Marines on high-speed vessels...to conduct effective interdiction."[6] Concern over sovereignty infringement has often been pointed out both by the media and scholars as the reason underpinning Indonesia and Malaysia's rejection of the RMSI. Although sovereignty costs can have some bearing on understanding states behaviour towards cooperation, a more comprehensive analysis on the reasons underlying their disposition is required. As an Indonesian MoD official that took part in the formulation of Indonesia's policy on the RMSI explained, despite media reports on the U.S. plan to send its vessels, the administration understood that direct patrols by the U.S. Marines were not part of the cooperation activities that Washington offered to Indonesia.[7] Indonesia opposed the initiative because of the design of the institution that was perceived as overly militaristic and the lack of its government's influence over the design of the initiative.

Following the failure of the RMSI, from 2005 onwards, the United States, together with Indonesia, the Philippines, Malaysia, Brunei and Australia, has been involved in a series of negotiations under the Asia Pacific Regional Security Forum to find an acceptable cooperation regime for the Sulu-Sulawesi Seas.[8] During the Multinational Interagency Maritime Security Workshop that was held in Cebu, the Philippines from 27-29 August 2007, the U.S. continued to push for formal multinational cooperation to address maritime terrorism concerns regarding the Sulu-Sulawesi Seas. Nevertheless, the U.S. anti-terrorism proposal did not gain much support from the littoral states.

Given the current difficulties to improve cooperation in the Sulu-Sulawesi Seas, it is important to look at the design of existing cooperation arrangements and the reasons underpinning Indonesia and the Philippines' attitude towards these institutions. Many analyses point to the issue of sovereignty as the primary cause of limited cooperation.[9] By over-emphasizing sovereignty concerns, these studies overlook Indonesia and the Philippines keenness to join maritime security arrangements, including those that involve cross-border sea patrols, and provide other states access to their port facilities, airspace and land territory. This article argues that concern over sovereignty infringement alone does not determine Indonesia's and the Philippines' behaviour towards cooperation. The evidence shows that control over the course of negotiations and the calculation of costs and benefits play important roles in shaping cooperation by Indonesia and the Philippines. This article makes an empirical contribution to the literature by analysing how Indonesia and the Philippines secure borderless areas in the Sulu-Sulawesi Seas. Most scholarly works on maritime cooperation in Southeast Asia tends to focus on management of security in the Strait of Malacca and the South China Sea; as such there is a lack of attention given to study cooperation to address maritime terrorism in the Sulu-Sulawesi Seas.

The article begins by explaining the concept of legalisation, its relations to the calculation of costs and benefits in the International Relations (IR) literature, and the method used to assess these variables in this article. It proceeds by mapping Indonesia's and the Philippines' responses to the U.S. global war on terror. It then expands the analysis by exploring the institutional designs of cooperation initiatives in the Sulu-Sulawesi Seas, gaps in cooperation practices and ways to remedy the situation. This article then concludes with the key points to take away from the analysis presented.

Why Cooperate?

Given the transnational nature of maritime terrorism cooperation between states that share common borders is very important. Among various strands of International Relations (IR) thoughts that have shaped the discussion of cooperation, neoliberal institutionalism provides a useful insight into states' attitudes towards cooperation. Neoliberal institutionalism points out that the degree of legalisation associated with an international institution informs the calculation of gains and therefore, the cooperation outcome.

Neoliberal institutionalism argues that state behaviour towards cooperation is informed by the calculation of absolute gains. [10] States will cooperate if the overall benefits of cooperation outweigh the costs. The costs of cooperation are constituted by the sovereignty and implementation costs.[11]

The sovereignty costs are symbolic and material costs that are associated with the lessening of national autonomy.[12] The sovereignty costs are seen as the unintended consequence of legalisation sovereignty costs.[13] Thus, in assessing the sovereignty costs this article examines the degree of legalisation associated with an institution.

Legalisation is defined by a set of characteristics that a cooperation institution may or may not possess.[14] This set of characteristics comprises of three dimensions: obligation, precision and delegation.[15] Obligation refers to the degree to which a set of rules or commitments constrain the behaviour of states.[16] Precision implies the extent to which rules define what a cooperation arrangement requires, authorizes and proscribes to contracting parties.[17] Delegation is the extent to which states delegate authority to third parties such as courts, arbitrators and administrative organisations to apply and interpret rule and to settle dispute.[18]

In this article, the degree of obligation is grouped into two categories: high and low. A high level of obligation invokes mandatory requirements for the contracting party and calls for the traditional legal formalities of signature, ratification and comes into force.[19] On the other end, cooperation initiatives with low levels of obligation have rules or regulations that serve as “recommendations” or “guidelines” and do not create legally binding requirements.[20]

The level of precision is also grouped into two categories: high and low. A high level of precision shows the presence of determinate rules that only leave narrow possibilities for contested interpretations to arise. Under this condition an agreement provides a specific intended objective and means of achieving it.[21] In contrast, a low level of precision reveals vague and general rules without specifying particular means or procedures to achieve cooperation objectives.[22]

The degree of delegation is divided into two: high and low. A high level of delegation implies that a state is granted authority to implement, interpret, and apply the rules, resolve disputes and make further rules to external authority.[23] Low levels of delegation take place when states do not delegate authority for monitoring, settling disputes and enforcing rules to an external authority.

The level of sovereignty costs corresponds with the strength or weakness of these three dimensions of legalisation. Sovereignty costs make states hesitate to accept hard legalisation of international cooperation particularly when it involves significant degree of delegation.[24] Sovereignty costs are measured in two categories: high and low. Sovereignty costs are high when a cooperation arrangement reveals a high degree of obligation, precision and delegation. Under the condition of high sovereignty costs, states have to accept external authority over significant decision making or, in more extreme conditions, an external authority interfering in the relations between the state and its citizens or territory.[25] The sovereignty costs are low when one or all the three components of obligation, precision and delegation are low. Under the conditions of low sovereignty costs, Indonesia and the Philippines are not required to make significant legal and governance changes at domestic level or accept external authority in its decision making process.[26]

The second component of costs that need to be considered are the implementation costs. This type of cost is incurred in “the process of putting international commitments into practice: the passage of legislation, creation of institutions (both domestic and international) and enforcement of rules.”[27] Accordingly, implementation costs are measured into two categories: high and low. High implementation costs occur when a state needs to carry out extensive policy changes, make substantial adjustments at domestic level and therefore, spend economic resources to meet cooperation requirements. Low implementation costs takes place under a circumstance where an international commitment is already compatible with current practice. Thus, adjustment is “unnecessary and compliance is automatic.”[28]

The term benefit in this article is defined as the net advantages obtained by participants from cooperation. [29] While an abundance of IR academic texts devote their attention to explaining the costs of cooperation, the concept of benefits has been overlooked. The aggregate benefits of cooperation are categorised into two groups: high and low. High benefits emerge when the incentives

of cooperation are tangible/concrete and are not available elsewhere. In contrast, low benefits occur when there are no identifiable benefits or if the benefits of cooperation are available elsewhere.

This article argues that another plausible explanation for the Philippines and Indonesia behaviour is the degree of control that the two countries have in shaping cooperation institutions. The level of control is high when both countries have the ability to influence the negotiations and shape the term of agreement to meet its own concerns. In cases where Indonesia and the Philippines have control over the negotiation process, the benefits of cooperation will likely exceed the costs. The level of control is low when the two countries were not involved in designing the terms of agreement and primarily face with the two options: to join or not to join a cooperation institution.

The calculation of gains and the degree of legalisation associated with it, as well as the level of control that Indonesia and the Philippines have over cooperation outcomes shape their behaviour.

Indonesia's and the Philippines' Varying Attitudes towards the War on Terror

In the aftermath of 9/11 the United States (U.S.) began to express its concern that "Muslim extremists in Indonesia, Malaysia, the Philippines and Thailand" were a possible threat to world trade navigating through Southeast Asian waterways.[30] Parallel to this the U.S embarked on a global campaign against terrorism.

Identifying and intercepting maritime terrorist threats before they reach the U.S. became the goal of U.S. maritime strategy in the war on terror.[31]

Responding to the U.S. war on terror campaign Indonesia and the Philippines had different approaches to terrorism and, therefore, the way they dealt with sea robbery and maritime terrorism was different. The Philippines government treated maritime terrorism and armed robbery against ships as intertwined issues. [32] In the Philippines, militant groups such as the MILF and the ASG have both used terrorism as their method of warfare in separatist struggles. These groups conducted attacks against vessels plying through the Sulu waters. In 2000 the MILF claimed responsibility over the bombing of Our Lady of Mediatrix in Ozamis City.[33] On February 27th, 2004 the ASG announced their involvement in the explosion/fire incident on board MV *Super Ferry* causing the death of 116 of the 900 passengers and crew.[34] In comparison,the Indonesian government perceived sea robbery and maritime terrorism issues as not inter-related. The government carefully differentiated the two issues in order to avoid any form of internationalisation of terrorism issues that may invite foreign intervention to secure its waters. Officials also deny the presence of a maritime terrorism threat to Indonesian waterways.[35]

These different approaches to maritime terrorism influence the varying responses taken by the two governments. The Philippines, on the one hand, is an ally of the U.S. in the war on terror in the region. The first U.S. policy program in Southeast Asia was expressed through assistance to the Philippines. Their government received $100 million in training assistance, military equipment, and maintenance support for the Armed Forces of the Philippines (AFP).[36] In 2002, 660 U.S. Special Forces were dispatched in the Southern Philippines to combat the ASG.[37] The Philippines and U.S. government labelled the military cooperation in Luzon as a Balikatan training exercise, in order to circumvent the constitution of the Philippines which forbids the presence of foreign forces on Philippine territory, despite the fact that the U.S. forces were armed and authorised to return fire if attacked.[38] By early 2005, U.S. troops were still assisting the Philippines in their counterterrorism operation.[39] The Philippines is among the very few ASEAN member states that joined a U.S. led maritime security initiative, the Proliferation Security Initiatives (PSI) in 2005.

An initiative aimed to improve international cooperation to prevent and interdict the smuggling of WMD materials. As part of the Philippines bilateral cooperation with the U.S. in 2012 in order to improve Manila's naval capabilities the U.S. pledged to transfer two vessels to the Philippines navy, deploy fighter jets and a coastal radar system. [40]

In comparison, Indonesia's counter terrorism policies have been low key and mainly focused on intelligence sharing. [41] Indonesia rejected participation in a number of U.S. led initiatives to deal with maritime terrorism, including the PSI and the Container Security Initiatives. Nevertheless, at bilateral level Indonesia cooperates closely with Washington. To formalise the bilateral defence cooperation, the two states signed the U.S.-Indonesia Defence Framework Arrangement in June 2010. The defence arrangement requires Indonesia and the U.S. to work together to improve Indonesia's capacity-building in maritime security and ensure cooperation in the area of operational support and military supplies.

From 2006 to 2008, through the defence cooperation, Indonesia received U.S. $57 million to support the establishment of an Integrated Maritime Surveillance Systems (IMSS).[42] The IMSS covers more than 1,205 kilometres of coast line in the Straits of Malacca and approximately 1,285 kilometres of coast line in the Sulawesi Sea.[43] An Indonesian security expert confirmed that information gathered from the U.S. installed IMSS was also shared with the U.S.[44] Indonesia's willingness to increase cooperation in defence logistics with the U.S. shows that the government was willing to cooperate and was not preoccupied with sensitivity over sovereignty concerns. However, as an Indonesian former high government official explained, the government felt that it was important to maintain a careful balance between halting terrorism and cooperating with foreign countries without going against the will of the Indonesian public.[45]

Indonesia-the Philippines: Real Politics and the Existing Cooperation Institutions in Sulu-Sulawesi Seas

Terrorism is not a new issue for Indonesia and the Philippines.[46] In the Philippines, militant groups such as the MILF and the ASG have both been using terrorism as their method of warfare in separatist struggles. In Indonesia, the Free Aceh Movement, as well as other armed separatist groups in Papua (OPM), and East Timor (Fretelin/Falintil) have perpetrated terrorist violence to gain greater autonomy from the central government.[47] At least 34 bomb attacks have taken place in Indonesia since the resignation of Suharto in May 1998.[48] Since the hotel bombings in 2009, terrorist groups in Indonesia have shifted their target from attacking foreign embassies and other Western iconic symbols to local targets.[49] This can be seen in attacks against NGOs workers in Aceh, local Christian communities in Central Sulawesi (Poso), churches in Central Java, and police across various parts of Indonesia, including Poso, Purworejo, Kebumen, Hamparan Perak and the south of Tangerang.[50] Police investigations reveal strong links between terrorist groups in Indonesia and their counterparts in the Philippines. Some of the perpetrators of terrorism have received training in terrorist camps in Mindanao and weapons used for training and attacks in Indonesia were smuggled from the Philippines.[51]

Despite the Indonesian and the Philippines long history of terrorist incidents it was only after 9/11 that governments around the world began to highlight the possibility of terrorist attacks in Sulu-Sulawesi waters. There is a growing uneasiness among the international community regarding the lack of cooperation in the Sulu-Sulawesi Seas. The real politics in the region has been pointed as one of the reasons underpinning this condition. Up until now Indonesia and the Philippines have not settled their maritime boundaries in this area.

On December 13th, 1957 Indonesia laid down the country's system of archipelagic baselines. Indonesian Prime Minister Djuanda declared that "all waters surrounding, between and connecting the islands constituting the Indonesian state and therefore, parts of the internal or national waters."[52] Following Djuanda's declaration, the government enacted a national law on February 18th, 1960 to formalize the archipelagic doctrine. The act promulgated straight baselines connecting 196 outermost points of the outermost islands in its archipelago.[53] In a similar vein, the Philippines Presidential Decree No. 1599 of 11 June 1978 establishes its Exclusive Economic Zone (EEZ) of 200 nautical miles (nm) from their archipelagic baselines. The Indonesian and the Philippines' system of

archipelagic states eventually gained international recognition at the Third United Nations Conference on the Law of the Sea and included in the 1982 Convention.[54]

Under the 1982 United Nations Convention on the Law of the Sea, both Indonesia and the Philippines are allowed to claim a 12 nm territorial sea and a 200 nm EEZ measured outward from their archipelagic baselines. Nevertheless, no part of the sea reaches more than 200 nm from the nearest coast.[55] It would be difficult for Indonesia to enter into negotiation as long as the Philippines asserts its claim over all the waters within its treaty limit.[56] This is because Indonesia's Pulau Miangas (Palmas Island) is located within the treaty limit.[57] The International Court of Justice decision in the late 1920s confirmed Miangas as part of Indonesia.[58] Yet, the borders on waters surrounding the island have not been settled. Despite the absence of open confrontation over the waters between the two governments, in February 2009, the issue concerning Miangas became the centre of attention during a coordination meeting held by the National Central Bureau and the Interpol Indonesia, at the National Police Headquarters in Jakarta, on February 11th, 2009.[59] Deputy Head of North Sulawesi Regional Police, John Kalangi pointed out that the Philippines Tourism Authority has published a map that included Indonesia's northern most islands in Sangihe and Talaud Regencies including Miangas, Marore and Marampit as part of the Philippines.[60] Indonesian Minister of Foreign Affairs, Hassan Wirayuda toned down the debate by pointing out that the Philippines government has not made any official claim.[61] Currently there has been no maritime border settlement agreement between the two countries. Despite the absence of maritime boundaries arrangement Indonesia and the Philippines have embarked on a series of cooperation agreements to address maritime terrorism. These include a defence agreement, two sub-regional arrangements and a regional convention to counter terrorism.

The following part of this section examines the sovereignty costs resulted from the degree of legalisation of each agreement, the implementation costs, the benefits of cooperation and the two countries' ability to influence the terms of agreement in the three cases.

Indonesia-the Philippines' Bilateral Defence Cooperation Agreement (DCA)

On August 27th, 1997 Indonesia and the Philippines Ministry of Defence enhanced the security cooperation between the two countries by signing the Agreement on Cooperative Activities in the Field of Defence and Security. It requires parties to carry out joint and combined military training and exercises, border patrol operations, and exchange of information.

Assessment of the obligation, precision and delegation of this agreement highlights the low level of sovereignty costs. Despite the high degree of precision, this agreement only has low degrees of obligation and delegation. Based on the cooperation requirements it is argued that the agreement has non- intrusive obligations. The agreement only creates weak legal responsibility because it requires parties mainly "to endeavour" to take measures to cooperate, "to encourage" cooperation, and "to promote" bilateral relations. [62] It introduces soft commitments since it does not regulate a responsibility to make reparations when breaches of an agreement cause losses to the other party. In addition, the agreement has escape clauses that enable parties to avoid their legal responsibility. Under the agreement participants are allowed to review and amend the agreement at any time through mutual consent. The bilateral agreement between Indonesia and the Philippines also enables states to file their withdrawal after giving the other 90 days' notice.

The agreement was drafted with a high degree of precision. It articulates mandatory duties for each state, the forms of cooperation that states can perform under the bilateral cooperation, procedures regarding exchange of intelligence information, methods to exchange classified information and equipment, and measures to solve disputes and publications to the media. This agreement explains courses of action that governments cannot take. Such actions include exercising any competence or functions that exclusively belong to the other party's authority, interfering in internal affairs of the other state, and transferring intelligence information to a third party without written approval from both states.

The level of delegation of the agreement is low. Although it establishes a Joint Defence and Security Cooperation Committee to deal with any matter arising from the interpretation, application or implementation of the agreement, this committee does not operate independently from the two governments. A group of individuals that form the committee are nominated by concerned states. The tasks of the committee are limited only to identifying potential cooperation activities, recommending policies and procedures, implementing mutually agreed policies, coordinate, monitor, and evaluate policies and activities to improve future programs. Settlement of any dispute arising from interpretation and implementation of the agreement is managed through consultation and negotiation between the participating governments.

The agreement also poses low implementation costs. Most activities governed by the defence agreement are not new to Indonesia and the Philippines. The two countries' maritime agencies have carried out these activities prior to the signing of the agreement.[63] Bilateral cooperation between the two countries to address maritime terrorism has been established in the form of the Indonesian and the Philippines Joint Border Committee forum since 1975. The JBC cooperation forum covers a broad range of issues including armed robbery against ships, smuggling, illegal fishing and illegal immigration.[64] The two countries carry out various activities under this forum, including a Marine Policing Exercise that involves the Indonesian Ministry of Transport and the Philippines Coast Guard, the two navies coordinated patrol called CORPAT PHILINDO, joint search and rescue exercise, information exchange and border crossing control.[65] The coordinated maritime patrol involving patrol vessel and maritime reconnaissance aircraft to secure the waterway between Southern Mindanao and northern Sulawesi, for instance, has been established since 1989, many years before maritime terrorism receives worldwide attention after 9/11 attacks.[66] A Philippine official claimed that the two countries have carried out cross border pursuit to deal with armed robbery attacks at sea for many years. This mechanism allows a vessel from each country's maritime agency to transgress to the other's territory when pursuing sea robbers although such vessel is not equipped with power of arrest.[67]

The defence agreement brings high benefits for Indonesia and the Philippines. A former Indonesian Navy official explained that "for Indonesia the bilateral agreement with the Philippines is important to increase law enforcement presence in our common maritime borders... to deal with illegal fishing and smuggling."[68] Cooperation with the Philippines' authority was seen as central strategy to assure the success of Indonesia's national attempts to curb smuggling of weapons to those provinces that have experienced ethnic and sectarian conflicts. When the agreement was introduced in 1997 communal and sectarian conflicts had flared up in a number of locations in Indonesia.[69] Smuggling of arms from the Philippines to the North Sulawesi (Miangas Island) has been responsible for exacerbating violence in the conflicts across the country.[70] For the Philippines cooperation with Indonesia is required to intensify sharing of information and address weak points in their anti-terrorism efforts. The Philippines military has identified that a number of Indonesian JI leaders have assisted the ASG members in creating security disturbances in western part of Mindanao and trained them, particularly in making explosive devices.[71] The JI was responsible for two bombs in 2003 at the Philippines Davao airport that killed 38 people and injured 200.[72]

Indonesia and the Philippines expected a high degree of influence over the terms of agreement in the negotiation of the defence agreement. The bilateral agreement was discussed exclusively among these countries. Governments of the two countries specifically shaped the terms of cooperation to add value to their counter terrorism and sea robbery operations and efforts in dealing with undocumented migration and smuggling.[73] Both agreements took into account Indonesia's and the Philippines' needs in gaining support for its maritime patrol, dealing with arms smuggling to its territory, and developing defence technology.[74]

The Brunei Darussalam-Indonesia-Malaysia-The Philippines East ASEAN Growth Area (BIMP-EAGA)

Indonesia and the Philippines together with Brunei Darussalam, and Malaysia launched the EAGA in 1994 to address the development gap within the member countries.[75] Although the cooperation initiative is driven by economics, after 9/11 efforts to strengthen both transport security and maritime borders became one of the focuses of the BIMP-EAGA.[76]

In 2007 the member states of the EAGA signed a Memorandum of Understanding (MoU) on Establishing and Promoting Efficient and Integrated Sea Linkages. The 2007 Sea Linkages MoU requires parties to: designate their gateway ports for facilitation of maritime trade and movement of people, update each other on latest Customs, Immigration, Quarantine and Security (CIQS) facilities, procedures and requirements, establish a database on the EAGA maritime trade, produce a projection report for maritime flows and coordinate the establishment and modernisation of the CIQS facilities in gateway ports.

Following the implementation of the MoU on Sea Linkages, the four states launched the MoU on Transit and Interstate Transport of Goods in 2009. It requires member states to ensure that vehicles engaged in cross-border traffic are registered in their home country, bear identification marks, carry a valid certificate and comply with safety and equipment requirements of transit and host countries.

The two EAGA initiatives brought low sovereignty costs. The Sea Linkages MoU and the Transit and Transport of Goods MoU introduce weak legal responsibilities. The two MoUs allow parties to withdraw from these agreements after a six-month notice period. Neither MoU includes a responsibility to compensate others when one party breaches the agreement, bringing injury or loss to other parties.

The MoUs' requirements show a high level of precision. These agreements articulate regulations on designation of EAGA ports in great detail. They stipulate implementing arrangements for contracting parties in various cooperation activities. These agreements also regulate procedures to conduct consultations, reviews and amend the MoU, settle disputes and terminate cooperation.

Both MoUs also display a low degree of delegation. These agreements do not delegate authority for dispute resolution arising from interpretation and implementation of the MoU to an independent third party or a tribunal. Review processes, amendments of the agreement and dispute settlement are conducted through negotiation and consultation.

As explained above regarding the degree of obligation, level of precision and delegation associated with both MoUs confirms low sovereignty costs. The two agreements also do not pose high implementation costs to Indonesia and the Philippines. The MoUs are built on existing bilateral cooperation links between member states customs, immigration and law enforcement agencies.[77] Indonesian officials confirmed that Indonesia has long standing cooperation with the neighbouring EAGA states to curb various illicit activities including the smuggling of goods, arms and people.[78] The two agreements are already in line with both governments' policies in dealing with maritime terrorism and in developing the central and eastern part of Indonesia for Jakarta and the Southern Mindanao for Manila.[79] These two MoUs serve as both legal frameworks that govern cooperative activities between Indonesia, Malaysia, Brunei and the Philippines and burden-sharing initiatives to secure waters along their common borders.

Not only do the two MoUs bring low costs, the BIMP maritime initiatives are beneficial for Indonesian and Filipino maritime agencies capacity-building as it provides training and exercise opportunities. These activities are important to ensure the success of actual coordinated border patrols as well as customs and immigration cooperation between the maritime agencies of participating states.[80] By January 2010, under the CIQS forum, member countries had held 11 maritime exercises to enhance coordination, partnership and improve their capacity to deter terrorism and secure their ports.[81] Under the BIMP framework Indonesia, Malaysia, the Philippines and Brunei also regularly hold joint cross-border patrol exercises to strengthen their response against terrorism and smuggling.[82]

Through this cooperation the Indonesian and Filipino Navy and other maritime agencies received support during patrols along the coast of Sulu-Sulawesi Seas. This included vessels and aircraft accompanying ships on patrol and coastal coordination provided by customs, immigration and security agencies of Brunei and Malaysia.[83] Cooperation arrangements under both MoUs fitted with pre-existing goals that Indonesia and the Philippines had been unable to successfully achieve.

Coordination and designation of points and ports of entry and exit and transit routes among the four member states assists Indonesia and the Philippines in monitoring the illegal movement of people and goods. The two MoUs help to identify, detect and prevent "movement and possible apprehension of undesirable travellers" and goods.[84]

The two EAGA MoUs confirm the ability of the Philippines and Indonesia to influence the terms of agreement. Indonesia and the Philippines were able to explore potential cooperation activities, formulate agreement drafts, propose new sea routes and project plans, choose its designated gateway ports and convey its disagreement towards other states' request under the EAGA framework.[85]

The Agreement on Information Exchange and Establishment of Communication Procedures

The Philippines, Indonesia and Malaysia formalised a tripartite cooperation agreement to strengthen maritime security cooperation in the tri-border sea areas of the Sulu and Sulawesi Sea by signing the Information Exchange and Establishment of Communication Procedures agreement on May 7th, 2002, to which Thailand and Cambodia later acceded.[86]

The agreement obliges each party to establish communication networks, share information, inform the arrest of a national of other parties, and establish a Joint Committee to carry out administrative and operational tasks. The agreement requires parties to share passenger lists, provide access to each other's fingerprint databank, consult each other on visa waiver lists of third country nationals, share blacklists at visa-issuing offices, strengthen border control through designating entry and exit points and sea lanes, harmonise legislation to combat terrorism and conduct joint public diplomacy to counter terrorists' propaganda.The degree of obligations, precision and delegation shows that the agreement poses low sovereignty costs. The requirements of the agreement show that it has non-intrusive obligations. The agreement reserves the right of each party to refuse to exchange "any particular information or intelligence for reasons of national security, public order or health."[87] It enable parties to escape from legal responsibility as it allows states to suspend the agreement "temporarily, either in whole or in part" after providing 30 days notification.[88] In addition, the agreement does not include any obligations for a party to compensate others if a breach of the agreement causes loss and injury to others.

The agreement shows a high degree of precision. It provides a detailed account of states' rights and duties, administrative and organisational procedures to set up communication between parties, logistical and funding arrangements, duties and the line of reporting for the Joint Committee, procedure to settle disputes, amend and terminate the agreement. The agreement explains what parties to the agreement are allowed and not allowed to do. It does not allow a party to disclose confidential documents, information and other data received from other parties. The agreement has a low degree of delegation. Any disputes regarding the interpretation and the implementation of the agreement are settled through friendly negotiation.

The agreement points out that the enforcement of rules is made "without reference to a third party or an international tribunal."[89]

The agreement also does not introduce high economic costs to participating states. Since the early 1960s the concept of Maphilindo (Malaysia-the Philippines-Indonesia) cooperation has been introduced.[90] Before the establishment of this agreement in 2002, the three governments have carried out various cooperation activities in the field of maritime security.[91] It does not require

Indonesia and the Philippines to make substantial changes on the national level because the two countries had installed radars and allocated maritime agencies personnel, patrol vessels and surveillance aircraft to monitor its shared maritime borders with Malaysia.

The agreement is beneficial to Indonesian and Filipino law enforcement agencies, including the Navy, Police, Customs and Immigration agencies because they receive support in carrying out counter terrorism efforts from their Malaysian counterparts. These supports include information exchange, sharing of airline passenger lists and access to databases on fingerprints, visa waiver lists of third country nationals and issues related to forged or fake documents. Support from the Malaysian authorities is the most useful cooperation to prevent, detect and capture JI members and other Islamic militant groups travelling to training camps in the Philippines via Indonesian Kalimantan Timur and Sabah, Malaysia.[92] This cooperation initiative provides capacity-building opportunities for both Indonesian and the Philippines maritime agencies. These include the establishment of joint training and exercises on combating terrorism and other transnational crimes. Such exercises are expected to increase the security presence in the region and improve the degree of cooperation during maritime patrols.[93] The agreement aims to set up formal and direct communication channels between these states to enable a rapid response and improve coordination among them.[94] It formalises and improves logistical arrangements for exchanges of information and communication between the three countries to uncover terrorist networks.[95]

Indonesia and the Philippines anticipated high degree of influence over the course of negotiations. The two governments shaped the terms of cooperation to add value to their counter sea robbery efforts and assist in dealing with illegal seaborne migrant and smuggling. [96] The agreement took into accounts their needs for gaining support for maritime patrol and dealing with arms smuggling to its territory. Article III of the agreement shows that areas of cooperation covered by the initiative take into account not only terrorism but also various maritime security issues deemed important by the two countries including smuggling, marine resources theft and illegal immigration. The text of the agreement brings to attention concerns related to smuggling of firearms and illegal immigration. The agreement repetitively mentioned the two issues using different terms such as “smuggling of goods including explosives and arms”, “illicit trafficking in arms”, “smuggling of persons”, “trafficking of persons”, and “illegal entry [of migrants]” under different categories of cooperation [97].

ASEAN Convention on Counter Terrorism

In November 2007, the ASEAN member states including the Philippines and Indonesia signed the ASEAN Convention on Counter Terrorism. The Convention requires participating states to take measures to establish jurisdiction over criminal acts of terrorism in their land or a vessel flying their flag, guarantee fair treatment to any person who is taken into custody, carry out investigations, prosecute or extradite alleged offenders, notify the ASEAN Secretary General regarding incidents and detention of offenders, establish channels of communication between agencies, share best practices on rehabilitative programs, provide mutual legal assistance, designate a coordinating agency at national level, and preserve confidential information, documents and other records.

The assessment of the degree of legalisation required by the agreement shows that it generates low sovereignty costs. This is because the Convention poses a low degree of obligation, precision and delegation. Requirements of the convention show non-mandatory obligations. This agreement provides room for parties to avoid the strictures of the cooperation requirements. It obliges parties to carry out their duties under this convention in a manner consistent with the principles of sovereign and territorial integrity. It reserves the right of each state to perform counter terrorism actions in its own territory. The Convention also enables states to withdraw from the agreement after 180 days notification to the ASEAN Secretary General. In addition, there are no provisions on compensation regarding breaches of the agreement.

The cooperation requirements show a high degree of precision. The Convention outlines: obligations for states, scope of the agreement, state jurisdiction over any terrorist offence, procedures to deal with an alleged offender, rights of the alleged offender; mechanisms to inform the ASEAN Secretary General and other parties, procedures to grant refugee status, provide assistance in investigations and criminal proceedings, extradition of an alleged offender, review and monitor the implementation of the agreement, solve disputes, and withdraw from the arrangement. The agreement also explains exceptional conditions that render the agreement irrelevant. Article five of the Convention for instance explains that this agreement is not applicable where the offence is committed in a single state, and both the offender and victims are citizens of this state.

The Convention displays a low degree of delegation. The document does not delegate the dispute settlement function to an independent third party or an international tribunal. The Convention articulates parties' commitment to preserve the principles of sovereignty and non-interference, and maintains that the authority to implement and settle disputes lies solely with participating states to this Convention.

Economically, this agreement is not costly for Indonesia and the Philippines. The two countries had intensively cooperated in the area of counter maritime terrorism with other states in the region through bilateral and sub-regional channels. As early as December 2002 Indonesia and the Philippines had discussed possible inclusion of marine police and immigration agencies in border monitoring, primarily involving the Navy and the Coast Guards. [98] Before the establishment of the ASEAN Counter Terrorism Convention, a number of counter terrorism institutions in the region have facilitated cooperation among states. These institutions include the Southeast Asia Regional Centre for Counter-Terrorism which was established in Malaysia in 2003 and Jakarta Centre for Law Enforcement Cooperation and Bomb Data Centre, both set up in Indonesia in 2004. These institutions serve as a regional hub to carry out counter terrorism training, as well as monitor and disseminate intelligence information.

The benefits gained from joining the Convention far exceed the costs. It facilitates exchanges of information and provides assistance to prosecute and extradite terrorist perpetrators. [99] A number of successful attempts to capture terrorist ring leaders have already confirmed the importance of cooperation among the Southeast Asian states. In February 2003, the Indonesian police arrested Mas Selamat Kastari, head of the Singapore branch of JI, after they received information from their Singaporean counterpart. [100] Similarly, the arrest of Umar Patek, a JI senior leader in Pakistan in 2011 was also derived from information sharing between Indonesian and Philippines authorities.[101]

In the case of the ASEAN Convention Indonesia and the Philippines took part in negotiating and drafting the agreement.[102] Through Indonesia's and the Philippines' involvement in the negotiation they could shape the agreement to assist them in investigating incidents, extraditing alleged perpetrators, developing de-radicalisation programs and dealing with other security concerns including illegal seaborne immigration that it deemed as closely linked to terrorist activities. The porous borders in the Sulu-Sulawesi Seas are often used as a staging point for refugees from the Middle East and South Asia that were travelling to Australia. [103] Indonesia particularly raised concern that some of these refugees may have links with terrorist organisations. Concerns over the linkage between these two issues were taken into account as the Convention obliges participating states to "take appropriate measures...before granting refugee status for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist attacks."[104]

Gaps and Way Forward

There are two main gaps in the existing maritime cooperation in the Sulu-Sulawesi Seas. These are the absence of a multilateral coordinated patrols and a lack of a cooperation institution that incorporates extra-regional states.

Multilateral Coordinated Patrol Arrangement

Currently there is no cooperation institution that regulates coordinated patrol procedures among the littoral states of the Sulu-Sulawesi Sea. In August 2012, during a meeting between the Philippine Defence Secretary Voltaire Gazmin and his Indonesian and Malaysian counterparts, the idea of coordinated patrol was mentioned.[105] The Philippines, Indonesia and Malaysia are still considering coordinated patrol along their shared borders in the Sulu-Sulawesi Seas.

In order to fill this gap a similar arrangement to the Malacca Strait Patrol (MSP) agreement in the Straits of Malacca and Singapore could be emulated to govern cooperation in the Sulu-Sulawesi Seas. The MSP coordinated patrol entails year-round sea patrols. The agreement allows patrol ships from a participating country to enter into another country's territorial waters up to five miles when pursuing a ship involved in maritime crime, provided the patrol ship does not open fire or conduct any form of military action.[106] As part of the MSP agreement Indonesia, Malaysia and Singapore are also required to undertake a combined air patrol. Under this program each state is obliged to take turns in providing two maritime patrol aircraft each week to patrol the Straits seven days a week.[107] Personnel from all member states must take part in each air patrol. Like the sea patrol, the air patrol will be able to transgress boundaries, flying up to three nautical miles inside the territorial waters of other participating states.[108]

If the littoral states of the Sulu-Sulawesi Seas are willing to draw a lesson from the coordinated patrol arrangement in the Straits of Malacca and Singapore, the establishment of multilateral patrol agreement can be accelerated. The MSP arrangement is not a form of costly cooperation. It does not introduce many changes to existing counter sea robbery cooperation among the littoral states of the Straits of Malacca and Singapore.

Nor does the initiative introduce intrusive obligations. It does not entail duties to make reparation or restitution if a party fails to deliver on its commitments or causes loss to the other. The MSP is mainly built on the network of bilateral patrols between the three states. In the context of the Sulu-Sulawesi Seas the coordinated patrol arrangement can be set up using networks of existing bilateral and sub-regional cooperation. Two littoral states of the Sulu-Sulawesi Seas: Indonesia and Malaysia are also parties of the MSP agreement. Therefore, the two countries are very familiar with the MSP code of conduct in the field. A coordinated patrol agreement in the Sulu-Sulawesi Seas can serve as an avenue for Indonesia, Malaysia, the Philippines and Brunei to share the burden of improving the security of the Seas.

Multinational Engagement

There is not much by way of multinational initiatives introduced to secure the Sulu-Sulawesi Seas. As explained earlier the RMSI was an exception. However, when it was launched in 2004, Indonesia strongly opposed this initiative. Scholars point to concerns over sovereignty infringement as the reason underpinning Indonesia's non-cooperation in the initiative.[109] In contrast to this argument a careful examination of the institutional design of the RMSI shows that the initiative introduced low degree of sovereignty costs.

The requirements of the RMSI indicate that the initiative has non-intrusive obligations. Duties of states were articulated as shared intentions. The initiative points out that the conduct of activities, including "information sharing with other states or acting against a threat remains voluntary and sovereign for each participating nation."[110] Therefore, the ultimate decision for member state to join any maritime security activity including information sharing and intercepting threats is entirely voluntary.[111] The RMSI is imprecise. The initiative does not specify the procedures or expected behaviour for member states in terms of the sharing of information, conducting of maritime exercises and training, coordinating policies particularly when interception at sea takes place as well as punishing member state for acts of non- cooperation. The RMSI shows a low degree of delegation. It does not delegate autonomy to interpret and enforce rules to a third party or a tribunal.[112] Viewed as a whole, the

assessment of obligations, precision and delegation confirms the low sovereignty costs generated by this initiative. This suggests that concern over sovereignty costs cannot explain Indonesia's rejection of the RMSI.

Following the failure of the RMSI, despite the growing interest of user states including the United States, Australia and Japan to assist in the maintenance of security in this waterway, however, there is no cooperation institution set up to incorporate these states. Most assistance from these countries to improve the security of the Sulu-Sulawesi Seas is provided through bilateral channels. An inclusive model of cooperation where users and littoral states can share information and contribute to improve the safety and security of the Sulu-Sulawesi Seas is required. This form of institution is not without a precedent. In the region, the Co-operative Mechanism for the Straits of Malacca and Singapore was already established since 2006.

The Co-operative Mechanism is a key institution in the Straits of Malacca and Singapore for the Strait states, user states and businesses to discuss and share costs to improving navigational safety and marine pollution control.[113] Although this cooperation mainly focuses on the safety of navigation and pollution control and prevention, littoral states can gain tangible assistance from user states and businesses. Prior to the establishment of the Co-Operative Mechanism the burden for maintaining the safety of navigation and pollution prevention was primarily left to the Strait States (Indonesia, Malaysia and Singapore); for example, these states are required to allocate resources to prevent and deal with the aftermath of accidents caused by the high volume of traffic in the Straits. The substantial burden sharing provided by user sates through the Cooperative Mechanism means that the government can have greater flexibility to use its budget and invest more resources to improve the capacity of Indonesian maritime agencies.[114] Burden-sharing cooperation in the Sulu-Sulawesi Seas is important. The littoral states bordering the Sulu-Sulawesi Seas, particularly Indonesia and the Philippines, are developing countries that do not have sufficient resources to equip their naval forces and finance their round-the-clock operations. If maritime agencies of these states struggle to fund their operations, the safety and security of the Sulu-Sulawesi Seas also suffers.

Conclusion

The discussion in this article has shown that securing the Sulu-Sulawesi Seas is complicated by the rampant illicit cross border activities and the disputed maritime boundaries in this area. Yet, despite these challenges, the two littoral states cooperate closely through bilateral, sub-regional and regional arrangements, both with other littoral states and also with external power, particularly the U.S. In doing so, the evidence presented in this article challenges the argument which points to the littoral states, especially Indonesia's reluctance in dealing with the issue of maritime terrorism because of its alleged concern over sovereignty infringement.

There are three institutional features that can be seen from the existing bilateral, sub-regional and regional cooperation. These are: first, the existing cooperation in the Sulu-Sulawesi Seas shows a low degree of legalisation and consequently, a low degree of sovereignty costs. Second, all successful cases of cooperation in the Sulu-Sulawesi Seas show that the benefits offered by these cooperation initiatives exceed the costs. Finally, Indonesia and the Philippines joined those agreements where they could exercise a high degree of control over the course of negotiations.

The existing cooperation to secure the Sulu-Sulawesi Seas, including bilateral cooperation between Indonesia and the Philippines, the two EAGA MoUs, the trilateral exchange of information and the ASEAN Convention on Counter Terrorism – these all pose low sovereignty costs due to the near absence of legal sanctions in case of non-compliance. Most of these agreements do not set compulsory obligations for its participating states and do not delegate authority to enforce rules or settle disputes to an independent third party. Given the unsettled maritime boundaries between Indonesia and the Philippines, a loose form of legalisation is the preferred solution for the two littoral states. Low degree of legalisation is a strategy chosen by the littoral states of the Sulu-Sulawesi Seas

to share burdens in securing their waters without complicating the status of their disputed maritime boundaries.

All successful cases of cooperation to secure Sulu-Sulawesi Seas provide substantial benefits and generate low implementation costs. These benefits include assistance to trace terrorist movements, support to deal with smuggling of weapons and people across their border from neighbouring states, and opportunities to improve their maritime agencies capabilities through training and exercises. There is a significant continuity in Indonesia and the Philippines existing counter terrorism practices. The bilateral, sub-regional and regional initiatives do not require Indonesia and the Philippines to make substantial adjustments or investments at domestic level to comply with the arrangement. This leads to the conclusion that the initiative posed only low implementation costs.

The Philippines' and Indonesia's degree of influence over the terms of agreement is another feature familiar from other successful cases of cooperation. In the bilateral defense agreement, the sub-regional EAGA initiatives, the agreement on exchange of information and the ASEAN Convention on Counter Terrorism, Indonesia and the Philippines were able to negotiate every aspect of these agreements, propose drafts and tailor these initiatives to address not only maritime terrorism but other transnational crimes that they deemed as pressing security concerns. These states' control over cooperation outcomes have increased the likelihood to gain desirable benefits.

Despite the success of the existing cooperation currently in the Sulu-Sulawesi Seas, a cross-border patrol arrangement and an institution that can incorporate external powers are still lacking. In comparison to the Philippines government which has been a strong supporter of U.S.-led maritime initiatives, Indonesia has refused to join Washington's sponsored arrangements such as the RMSI and the PSI. In contrast to scholarly arguments regarding concern over sovereignty infringement, Indonesia's rejection of a cooperation agreement was not always compatible with the sovereignty costs posed by such agreement.

As shown in the case of the RMSI, the initiative brought low sovereignty costs because of its low degree of legalisation. Yet, Indonesia was unwilling to join the initiative because the benefits offered by the initiative were not much better than the status quo, the implementation costs were high and the government has low ability to tailor the terms of cooperation. Indonesia could gain the benefits offered by the RMSI from existing cooperation with the U.S. Through bilateral cooperation with the U.S., Indonesia can exercise greater influence to tailor the terms of the agreement to meet its security needs. More importantly, the implementation of this initiative would bring high costs as the government anticipated problems generated by societal actors. Radical factions such as the Majelis Mujahidin Indonesia had stated their intention to expel American troops from Indonesia's key Straits.[115]

Jakarta's attempt to prudently placate domestic politics concerns could be problematic in the future as it provides room for terrorist groups to maneuver. As explained in this article, in recent years terrorists that have carried out attacks against local Christians and police in various parts of Indonesia that have strong links with terrorist organisations and arms suppliers in the Philippines. As a matter of urgency, Indonesia needs to exercise decisive intervention to secure the Sulu-Sulawesi Seas either through coordinated patrols with the littoral states, greater multinational cooperation, or both in order to halt terrorists' cross-border operations. Lack of decisive responses would deepen grievances in deeply segregated communities, particularly in Central Sulawesi which has experienced sectarian violence since the late 1990s and continues to witness violent attacks from extremists. More worryingly, lack of determination may contribute to increased terrorist attacks beyond the Central Sulawesi region, as shown in a range of attacks against local targets such as churches and police stations that have occurred in Java and Sumatra after 2009.

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[114] Interview with an Indonesian official, Jakarta, 4 November 2011; Vijay Sakhuja, “Who’s to pay for smooth sailing?,” *Asia Times*, 16 May 2007. http://www. atimes.com/atimes/Southeast_Asia/IE16Ae01.html.

[115] Acharya, Arabinda. 2007. “Maritime Terrorist Threat in Southeast Asia,” in Maritime Security in Southeast Asia. Kwa Chong Guan and John K. Skogan (eds.). New York: Routledge, p. 87; Bakorkamla. 2010. Buku Putih, p. 100; Oegroseno, Arif Havas. (2005). “Kebijakan Luar Negeri Indonesia Tentang Selat Malaka.” Forum Hukum 2:3, pp. 59; BBC, “SE Asia acts on maritime security,” 29 June 2004. http://news.bbc.co.uk/1/hi/world/asia-pacific/3849217.stm.

Confronting Threats in the Sulu-Sulawesi Seas: Opportunities and Challenges

Prashanth Parameswaran[1]

Too often, headlines about maritime security in the Indo-Pacific tend to focus primarily the South China Sea or the Indian Ocean, mostly because they involve elements of major power competition. And to the extent that other challenges like piracy and trafficking get any attention, the Straits of Malacca is often the focus, given its strategic importance as the world's most important trade route. The Sulu-Sulawesi Seas, by contrast, received comparatively little scrutiny as a front in Asia's maritime space until a recent announcement by the Philippines, Indonesia, and Malaysia about trilateral patrols in the area.

Significance

That is unfortunate. Even from a security perspective alone, the Sulu Sea – or, more specifically, the one million square kilometer tri-border area in the Sulu-Sulawesi Seas between the southern Philippines, Indonesia, and Malaysia – is significant.

Indeed, arguably no area better captures both the complexity of the region's manifold maritime security challenges as well as the potential opportunities for greater multilateral cooperation among the states that rely on it.

On the one hand, the Sulu-Sulawesi seas are important to neighboring states and outside stakeholders because they facilitate the cross-border movement of millions of people as well as international navigation. According to one recent estimate by the Indonesian foreign ministry, every year more than 100,000 ships pass through the Sulu-Sulawesi Seas carrying 55 million metric tons of cargo and 18 million passengers.

But the area also presents challenges for the region. The tri-border area, with its porous borders and decades of weak governance, has been ridden with conflict, crime, and poverty, making it a hub for transnational organized crime and terrorist threats. For instance, in the case of the Philippines, the Abu Sayyaf Group (ASG) main base of operations is in Jolo and Basilan in the Sulu Archipelago, while the Moro Islamic Liberation Front (MILF) rebel group's headquarters is in Mindanao. The area is also at the center of several lingering interstate disputes, be it the Sabah issue between the Philippines and Malaysia or the Ambalat dispute between Indonesia and Malaysia.

Converging Trends

Now, headlines have temporarily thrust the Sulu Sea back in the global limelight. The immediate impetus for cooperation is the recent spate of kidnappings by the ASG involving Malaysian and Indonesian nationals. Though that is far from an uncommon event, the reaction from concerned states appears to have reached a new inflection point this time – at least for now. In particular, the decision by Kuala Lumpur, Manila, and Jakarta to pursue trilateral patrols in the Sulu Sea on the sidelines of the 10th ASEAN Defense Ministers' Meeting (ADMM) in Laos reflects a serious commitment if followed through. And, to those present at this year's Shangri-La Dialogue in Singapore, the outsized attention the issue received also clearly testified to its rising significance

[1] Prashanth Parameswaran (2016). "Confronting Threats in the Sulu – Sulawesi Seas: Opportunities and Challenges" in Diplomat. [the http://thediplomat.com/2016/06/confronting-threats-in-the-sulu-sulawesi-seas-opportunities-and-challenges/] Published with permission.

Yet for close observers of Southeast Asian security issues, the context in which this is occurring is in fact much broader and the product of the confluence of several trends. First, individual countries have become more determined about securing their maritime sovereignty and borders as their capacities grow. As I have emphasized before, concerns about lingering interstate disputes and transnational challenges in the maritime domain still inform the ongoing military modernization of the three countries directly involved in the Sulu Sea. Malaysia's efforts to reinforce the Eastern Sabah Security Command (ESSCOM) in Sabah and Indonesia's capability upgrades as well as intensified patrolling and monitoring near the Ambalat sea block in the Sulawesi Sea off the east coast of Borneo are just two cases in point.

Second, threats in that domain have also grown more serious in the past year or two. Though kidnappings have been commonplace, the recent series of incidents in April prompted a rather alarmist response, with Indonesian officials saying that the piracy surge could turn the Sulu Sea into the "new Somalia." With respect to terrorism, fears of the growing reach of the Islamic State into Southeast Asia – made clear by the Jakarta attacks earlier this year – have also drawn attention once again to the porous borders and ungoverned spaces in the Sulu-Sulawesi Seas, much like they did following the September 11 (9/11) attacks and the rise of Jemaah Islamiyah. Indeed, some have even speculated that ISIS could look to the southern Philippines as a base or territorial foothold in Southeast Asia this year or next. Interstate disputes have also served as irritants from time to time, such as the invasion of Sabah by Philippine militants in 2013, known as the Lahad Datu Incident.

Third and lastly, opportunities have been expanding for greater sub-regional and extra-regional cooperation. Sub-regionally, even defense ministers from countries surrounding the Sulu Sea now admit that the Malacca Straits Patrols (MSP), which commemorate their tenth year in 2016, serve as a good example for what could be possible in the Sulu Sea. Beyond that, the growing interest of external powers in the region could also offer other avenues for cooperation. For instance, in the midst of the Shangri-La Dialogue and in between the bilateral phases of the Cooperation Afloat Readiness and Training (CARAT) exercises that Washington does with the Malaysian and Philippine militaries, the U.S., Philippine, and Malaysian navies conducted a coordinated multilateral training activity in the Sulu Sea on June 4. As I have indicated previously, the move reflects the U.S. view that the Sulu Sea is one promising avenue through which Washington can pursue multilateralization with its Southeast Asian partners.

Opportunities

Addressing the challenges in the Sulu-Sulawesi Seas requires a multi-pronged and multilateral effort. On the security side, the initiative that has dominated the headlines in recent months is the proposal for trilateral patrols between Indonesia, Malaysia, and the Philippines. In May, the foreign ministers and armed forces chiefs of the three countries met in Indonesia and issued a joint declaration that included a list of measures to begin operationalizing these patrols – which would be either coordinated or joint – including establishing a national focal point and hotline of communication facilitate coordination and intelligence-sharing. The idea is to emulate the successful Malacca Straits Patrols (MSP), which reduced incidents of piracy and sea robbery in those waters.

While this is promising, such initiatives must be complemented by stringent efforts at the national level. Without the Philippines decimating the top leadership of the ASG in the southern Philippines or Malaysia cracking down more effectively on corruption within its security services, such illicit activities are likely to persist. After all, the strength of any sort of collective mechanism – be it coordinated patrols or intelligence-sharing – rests on the effectiveness of the individual participants.

And though security initiatives like patrols or armed operations can mitigate the challenges in the area, eradicating them entirely will require political and economic measures that get at their root causes. That means addressing the conflict, crime, and poverty within the tri-border area that either opens up space or drives support for illicit activities. In the southern Philippines, for instance, it would

help if the incoming Duterte government could make progress on implementing a historic agreement with the MILF, inked under President Benigno Aquino III's tenure, to end a decades-long insurgency, thereby providing an opportunity to facilitate stability and boost the local economy.

Economic initiatives can also help alleviate inequalities and address underdevelopment, which can fuel narratives of injustice and lead disaffected individuals to turn to nefarious activities. Apart from efforts taken by individual states, Kuala Lumpur, Jakarta, and Manila should also look to bolster inter-state collaboration to assist each other where possible. While new measures could be considered, countries can also utilize existing sub-regional and regional mechanisms as well such as the Brunei Indonesia Malaysia Philippines – East ASEAN Growth Area (BIMP-EAGA). The Philippines has an opportunity to shape such multilateral endeavors as both the chair of BIMP-EAGA beginning September 2016 and the chair of ASEAN starting January 2017.

Challenges

Seasoned observers know that realizing all of this this will not be easy. On the military front, Philippine officials repeatedly stress the difficulty of rooting out the ASG due to serious problems ranging from the terrain to a lack of capabilities and manpower. Getting at root causes is also a heavy lift, and it is unclear if there is sufficient political will in various capitals to undertake efforts that will be controversial among either certain government bureaucracies or some segments of the population.

Once initiatives become bilateral or multilateral, additional complexities present themselves. Take the example of the proposed trilateral patrols. For one, remaining disputes between the countries could complicate cooperation. From Indonesia's public concern about Malaysian incursions in the Ambalat block to incoming Philippine president Rodrigo Duterte's suggestion that he could pursue Manila's claim to Sabah, these issues do not seem to be going away anytime soon. Politics aside, there are also the operational challenges of getting these patrols underway, which these countries recognize. Getting to effective trilateral patrols requires resolving nettlesome questions around the nature of these patrols (whether joint or coordinated); the standard operating procedures that will govern them; and the necessary supporting infrastructure (in the case of the MSP, they were buttressed by other mechanisms, including air patrols and a formal intelligence sharing platform).

All this does not mean that one should pour cold water over the recent uptick in sub-regional and extra-regional cooperation in the Sulu-Sulawesi Seas, which has long been needed. But it does suggest that given the multitude of threats that exist and the challenges inherent in tackling them individually and jointly, managing this tri-border area is likely to remain a problem for the foreseeable future.

The Lahad Datu Incursion and Its Impact on Malaysia's Security

Jasmine Jawhar & Kennimrod Sariburaja

Introduction

Sabah, a state on the eastern part of Malaysia, is recognised for its unique culture as well as diverse ethnicities and languages. Also known as the 'Land below the Wind', its attractions include beautiful beaches and crystal clear waters which have drawn many diving enthusiasts to the state. Sabah is also home to Southeast Asia's highest mountain, Mount Kinabalu, which has attracted many tourists and hikers from all over the world.

In February 2013, Sabah once again attracted the attention of the world. But this time, the attention was not focused on its picturesque and sublime landscape but on a serious security incident perpetrated by an external armed non-state actor. Sabah came to a standstill when a 200 armed terrorists group called the Royal Sulu Force (RSF) encroached into Lahad Datu, a district on Sabah's eastern seaboard. When negotiations between the Royal Malaysian Police (RMP) and representatives of the RSF and the self-proclaimed Sultanate of Sulu broke down, the RMP and the Malaysian Armed Forces (MAF) jointly launched a major security operation that successfully eliminated the armed threat. In the process, however, the Malaysian security forces lost ten of its personnel. The incident consequently highlighted, amongst other things, the need for Malaysia to be more vigilant and better prepared to deal with external threats, especially from armed non-state actors.

Indeed the need for the Malaysian authorities to be better prepared is of utmost urgency. This is particularly so because the Lahad Datu incursion was not the first time Malaysia had faced. Lahad Datu incursion was not the first time Malaysia has faced such a threat from a non-state actor. However, the Lahad Datu incident was by far the most violent. External threats such as this can be traced as far back as in 1963, when a group from the southern Philippines, led by an individual called Datu Pukol, robbed and killed villagers in Bum-Bum Island in Semporna, Sabah.[1]Such groups were known as *Mundu* [2] to the locals. Other major *Mundu* incidents were the 1985 Standard Chartered Bank and Malaysia Airlines (MAS) office shootings and robberies in Lahad Datu, Sabah which killed 11 people[3] and the kidnapping and holding hostage of 21 people from a resort island in Sipadan by a terrorist group known as the Abu Sayyaf Group (ASG).[4] According to Ramli Dollah, in his article titled "Lanu atau Mundu di Sabah" (Pirates or Mundu in Sabah), he stated that from 1991 to 2003, there were about 367 Mundu cases in Sabah.[5]

So why did Malaysia not learn from history? Why is Sabah still vulnerable to attacks and crimes perpetrated by armed groups from outside? In the case of the 2013

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[1] Ramli Dollah, "Lanun atau Mundu di Sabah," *Journal of Southeast Asian Studies*, Vol 9, 2004, pg.171 -188.

[2] Mundu is a term used by the locals in Sabah as reference to a person or group who commits armed piratical acts, armed robbery and kidnappings. Mundu also has the connotation of "outlaws".

[3] Daily Express, "Over 100 Armed Foreigners Held", February 13, 2013, http://www.dailyexpress.com.my/news.cfm?NewsID=84279 (accessed May 13, 2016). 413, 2016).

[4] CNN, "Hostage Crisis in the Philippines", August 15, 2002, http://edition.cnn.com/2002/WORLD/asiapcf/southeast/06/07/phil.timeline.hostage/ (accessed May 13, 2016).

[5] Ramli Dollah, "Lanun atau Mundu di Sabah," Journal of Southeast Asian Studies, Vol 9, 2004

Lahad Datu incursion, how did an armed external non-state actor with no conventional military capability and strength managed to reach our shores without being detected and launched an attack? The purpose of this paper is to attempt to answer these pertinent questions by firstly identifying the external threats posed by various non-state actors that include terrorist and organised crime groups, while simultaneously demonstrating the relationship between these two groups. The report will then argue that in order to effectively address the threats posed by such groups, a thorough look at the catalysts or contributing factors such as water villages, barter address the threats posed by such groups, a thorough look at the catalysts or contributing factors such as water villages, barter trading ports, illegal immigrants and sea gypsies is essential. Finally, the paper will propose that a comprehensive, multi-pronged and Whole-of-Nation approach is needed to combat the threats posed by terrorists and organised crime groups against Sabah's eastern seaboard. However, before attempting to understand the threats to Sabah, the monograph will firstly provide an overview of the incursion.

The Incursion and the Security Response

On 11 February 2013, 200 militants travelled by boats from the island of Tawi-Tawi in the southern Philippines to Kampung Tanduo, a small village in Felda Sahabat, approximately 105 kilometres from the town of Lahad Datu in Sabah, Malaysia. The militants, calling themselves the Royal Sulu Force (RSF), were led by Raja Muda Agbimuddin Kiram, the brother of the self-proclaimed Sultan of Sulu, Jamalul Kiram III, who claimed that Sabah was part of the Sulu Sultanate.

The group laid down three conditions for the Malaysian government.[1] Firstly, Malaysia must recognise the Sulu Sultanate. Secondly, Malaysia must acknowledge that a part of Sabah belongs to the Sultanate and thirdly, the group demanded that Malaysia pays a sum of USD$7.5 billion as compensation to the group given that Malaysia, in their view, had been occupying Sabah since 1963.

The Malaysian authorities however, did not entertain these demands, and on 12 February 2013 they surrounded the area where the RSF had gathered and began a negotiation process with the group to persuade them to peacefully return to their country. The Malaysian government gave the militants until 26 February 2014 to leave the country. However, after two weeks of unsuccessful negotiations, the Malaysian security forces moved in and engaged in combat with the Sulu militants. During the operations, two policemen, ASP Zulkifli Mamat and Sergeant Sabarudin Daud, were killed on 1 March 2013 in a gun battle with the militant group in Kampung Tanduo while patrolling the sieged area.[2] On 2 March 2013, six more Malaysian police officers, ACP Ibrahim Lebar, DSP Michael Padel, Sergeant Major Baharin Hamit, Sergeant Major Abd Azis Sarikon, Sergeant Salam Togiran and Corporal Mohd Azrul Tukiran, were killed in an ambush by the militants at the water village of Kampung Sri Jaya Simunul in Semporna, Sabah while conducting a security operation.[3]

In the wake of the two incidents at Kampung Tanduo and Kampung Sri Jaya Simunul, the Malaysian government launched 'Operasi Daulat' or (Ops Daulat) to counter the threat posed by the RSF. 'Ops Daulat' was a joint operation between the RMP, the MAF and the Malaysian Maritime Enforcement Agency (MMEA) to evict the RSF threats from Sabah's soil. Meanwhile, the President of the Philippines, Benigno Aquino III, released a statement disagreeing with the action taken by the RSF. He further issued a warning for the RSF members to withdraw from Malaysia or face legal action by the Philippines government.[4]

[1] Royal Malaysian Police (RMP) official, presentation at SEARCCT's Internal Lecture Series, October 2013.
[2] The Star, "Lahad Datu: Two police commandos dead, four others injured" March 1, 2013, http://www.thestar.com.my/News/Nation/2013/03/01/Lahad- Datu-Two-police-commandos-dead-four-others-injured/ (accessed November 25, 2014).
[3] MySinchew, "Six Malaysian policemen, six armed intruders killed in Semporna" March 4, 2013, http://www.mysinchew.com/node/83645 (accessed May 13, 2016).
[4] The Brunei Times, "President Aquino urges clan to leave Sabah village", February 27, 2016, http://www.bt.com.bn/2013/02/27/president-aquinourges- clan-leave-sabah-village (accessed May 13, 2016).

During the security operation, the Malaysian security forces also maintained a tight security cordon surrounding the affected areas. Those without proper documentations such as the Malaysian Identity Card (IC) were detained by security personnel. On 11 March 2013, Kampung Tanduo village was declared secured by the Malaysian security forces after six weeks of military operations.

However, two more Malaysian security personnel, Corporal Ahmad Hurairah Ismail and Corporal Ahmad Farhan Ruslan, were killed, one in a gun battle and the other in an accident during the standoff period. The incursion resulted in the loss of ten Malaysian security personnel while 68 RSF members were killed. Meanwhile, 443 other individuals were arrested for various offences during the incident.

The Malaysian government has labelled the intruders as terrorists.[1] A total of 30 individuals (27 Filipinos and three Malaysians namely, Norhaida Ibhani, Abd Hadi Mawan, and Abdul Majil Jubin) were also arrested for their alleged involvement in the incursion. They were detained under the Security Offences (Special Measures) Act 2012 (SOSMA) for various offences including waging war against the Yang di-Pertuan Agong, the supreme head of Malaysia, harbouring terrorists, being members of a terrorist group, and recruitment of terrorists. The individuals are currently facing trial in Kota Kinabalu, Sabah.

As a result of the incursion, on 7 March 2013, the Prime Minister of Malaysia, Dato' Seri Najib Tun Razak announced the establishment of the Eastern Sabah Security Command (ESSCOM) with the aim of protecting the eastern part of Sabah. ESSCOM is based in Lahad Datu, Sabah. Additionally, on 25 March 2013, Najib announced the creation of a security zone known as the Eastern Sabah Security Zone (ESSZONE) that comprised districts of Kudat, Kota Marudu, Pitas, Beluran, Sandakan, Kinabatangan, Lahad Datu, Kunak, Semporna and Tawau.

ESSCOM, the main enforcement agency tasked to safeguard the sovereignty of ESSZONE, covers 1733.7 kilometre stretch of coastline.[2] The 'Ops Daulat' ended on 29 June 2013 and was replaced by 'Operasi Sanggah' (Ops Sanggah) under the purview of the ESSCOM.[3] The formation of ESSCOM was different from "Ops Pasir" launched in 2000 after the 2000 Sipadan kidnappings in Sabah. "Ops Pasir" involved the mobilisation of MAF in securing the eastern seaboard of Sabah by building patrol posts on several islands along the Sabah coastal area.[4] ESSCOM on the other hand plays a bigger role in securing the Sabah eastern seaboard with the involvement of multiple agencies such as the RMP, MAF, MMEA and civil officers in tackling not only issues related to terrorism and kidnapping but also organised crime, illegal immigrants, relocation of water villages as well as being involved in community engagement and public awareness programmes amongst others.[5] The incursion has placed the security of Sabah under serious scrutiny by the Malaysian government as well as the international community. To many, the incursion was seen as a "wake up call" for Malaysia on the vulnerability of Sabah towards internal and external threats. An officer from the MMEA interviewed in Kota Kinabalu, Sabah, stated that among the limitations unveiled during the incursion period were the unpreparedness of our country in facing such security breaches due to intelligence failure, lack of inter-agency cooperation, lack of patriotism and nationalist sentiments amongst the locals, poor border control and management as well as unsecured waters and areas in Sabah's eastern seaboard.[6]

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[1] Ministry of Foreign Affairs, "Press Statement by YB Minister of Foreign Affairs of Malaysia on a Meeting with the Secretary of Foreign Affairs of The Philippines, H.E. Albert F. Del Rosario on 4 March 2013" March 5, 2015, https://www.kln.gov.my/archive/content.php?t=3&articleId=2751630 (accessed November 28, 2015).
[2] The Star, "Lahad Datu: Esszone set up to halt incursions" March 26, 2013, http://www.thestar.com.my/News/Nation/2013/03/26/Lahad-Datu-Esszone-set-up-to-halt-incursions/ (accessed May 13, 2016).
[3] Borneo Post, "Ops Daulat renamed Ops Sanggah" June 30, 2013, http://www.theborneopost.com/2013/06/30/ops-daulat-renamed-opssanggah/ (accessed May 13, 2016).
[4] Rais Yeop Johari, "Ops Pasir gantikan Ops Padan", Kosmo, http://www.kosmo.com.my/kosmo/content.asp?y=2011&dt=0808&pub=Kosmo&sec=Rencana_Utama&pg=ru_01.htm (accessed May 13, 2016).
[5] Eastern Sabah Security Command (ESSCOM) Times, "ESSZONE dan ESSCOM", https://esscom.gov.my/?page_id=139 (accessed May 13, 2016).
[6] Malaysian Maritime Enforcement Agency (MMEA) officer, interview by Authors, November 18, 2014, Kota Kinabalu, Sabah.

He further added that, although the Malaysian authorities managed to kill 68 of the RSF militants, prosecute 30 of their members and sympathisers as well as drive out their leaders from Sabah, the perception that Sabah was not safe among the locals still remained. Nevertheless, he also added that the Malaysian authorities are taking the right steps in ensuring better security through the establishment of ESSCOM and ESSZONE.[1]

Understanding The Threats to Sabah's Eastern Seaboard

Terrorist Organisations

Sabah's geographical location between the Philippines and Indonesia, coupled with an extensive coastal border and numerous off-shore islands make it ideal for the covert travelling of terrorists between the Philippines, Malaysia and Indonesia. Terrorist groups such as *Jemaah Islamiyah* (JI), *Darul Islam* (DI), *Abu Sayyaf Group* (ASG) and the RSF have been using Sabah as a transit point for various illegal activities including the smuggling of humans and weapons.

The Jemaah Islamiyah (JI)

During the peak of the JI threat in the region, the group had established four regional commands or Mantiqi;[2]

a. Mantiqi I – Peninsular Malaysia and Singapore (for fund-raising);
b. Mantiqi II – Java, Sumatra and other islands of Indonesia (for operation);
c. Mantiqi III – Sabah, southern Philippines, Kalimantan and Sulawesi (for training);
d. Mantiqi IV – Australia (for fund-raising).

JI had placed Sabah in Mantiqi III as one of the areas for training. In the 1990s and early 2000s, JI had sent their newly recruited cadres to receive trainings in arms and bomb-making alongside the ASG and other militant groups in southern Philippines, another area in Mantiqi III[3]. Due to the porous borders and sometimes lack of enforcement capabilities, JI managed to send their Malaysian and Indonesian members to receive training in southern Philippines through Sabah.[4]

Darul Islam (DI)

Besides the threat from JI in using Sabah as a transit point to southern Philippines for armed and bomb making training, another group known as Darul Islam (DI) has also been using Sabah for terrorist-related activities. The DI, in which JI originated from, is one of the oldest militant organisations based in Indonesia. The group has been using Sabah to conduct recruitment and fundraising activities, smuggling of humans and weapons as well as an entry point for their Indonesian members to receive military training in southern Philippines.[5] In addition, JI, as a splinter group of DI which shared *Salafi Jihadiyyah* ideology, cooperated with each other to send their members from Indonesia and Malaysia through Sabah to the southern Philippines.[6] The height of the militants' movement occurred during the Maluku and Poso sectarian conflicts when members from JI

[1] Ibid
[2] Kennimrod Sariburaja, al-Jemaah al-Islamiyah, Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT): Kuala Lumpur, 2013.
[3] Ibid
[4] Furthermore, in the 1990s, the leader of JI for Mantiqi III, a Malaysian known as Nasir Abas, in cooperation with local militant groups in southern Philippines such as the ASG, managed to establish a JI training camp known as 'Camp Hudaibiyah' in Mindanao that served as a centre for JI members to receive military training in the region.
[5] Nasir Abas, interview by Kennimrod Sariburaja, Jakarta, Indonesia, April 7, 2011.
[6] Kennimrod Sariburaja, "al-Jemaah al-Islamiyah," Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT): Kuala Lumpur, 2013.

and DI were sent to be trained in southern Philippines via Sabah, before they were sent to Ambon and Poso to fight against non-Muslims in the areas.[1]

In 2006, the RMP arrested 12 DI members in Sabah for their alleged involvement in militant activities such as arms smuggling, weapons training, fund raising, recruiting new cadres and cooperating with other terrorist groups such as JI, *Komando Jihad* and the ASG. In 2011, the RMP again managed to arrest 13 DI members from Malaysia, Indonesia and the Philippines in Tawau, Sabah.[2] The group was using Tawau as their transit point for the gathering of weapons from the Philippines, planning to kill a local assemblyman in Tawau as well as planning to hold Indonesian police officers hostage to secure the release of their comrades in Indonesia.[3]

Abu Sayyaf Group (ASG)

Besides JI and DI, the ASG from the Philippines had also been using Sabah to conduct their terrorists 'related activities such as Kidnapping-For-Ransom (KFR) and arms smuggling. Since 2000, the ASG has been targeting resorts in eastern Sabah to kidnap either tourists or resort workers. Between 2000 and 2015, the ASG had conducted at least eight kidnappings[4] in Sabah. Among notable kidnappings in Sabah perpetrated by the ASG was the Sipadan Island kidnapping in April 2000, when it kidnapped ten western tourists and 11 resort workers.[5] In September 2000 the ASG kidnapped three resort workers from Pandanan Island, Sabah.[6] The ASG is also known to be harbouring and training Malaysian militants in southern Philippines as well as conducting militant operations against the Philippines' authorities. Among the Malaysian militants who went into hiding in southern Philippines were JI members, Zulkifli Hir @ Marwan (now deceased),[7] and Mohd Noor Fikrie Abd Kahar (now deceased),[8] Amin Baco and Jeknal Adil, members of DI Sabah,[9] and Dr Mahmud Ahmad, Mohd Najib Hussein, and Muhammad Joraimee Awang Raimee, members of al Dawla al Islamiya fial Iraq wa al-Sham (Daesh) cell in Malaysia.[10] The five individuals is believed to have links with the ASG.[11] In August 2015, the ASG had pledged its loyalty to Daesh.[12]

Bangsamoro Islamic Freedom Fighters (BIFF)

In addition, the BIFF may also pose a threat to the security of Sabah. The BIFF is a breakaway group from the Moro Islamic Liberation Front (MILF), headed by foreign-trained guerrilla, Omra Ameril Kato,

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[1] Nasir Abas, interview by Kennimrod Sariburaja, Jakarta, Indonesia, April 7, 2011.
[2] Zachary Abuza, "Malaysia announces the arrest of 12 Darul Islam Members", The Jamestown Foundation, Terrorism Focus: vol 3, issue 22, http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=795#.VPPCy5Xp6I (accessed May 13, 2016).
[3] 24Rashitha A. Hamid, "IGP: 13 suspected JI members arrested under ISA in Tawau", The Star, November 17, 2011, http://www.thestar.com.my/story/?file=%2f2011%2f11%2f17%2fnation%2f20111117180201&sec=nation (accessed on May 13, 2016).
[4] Refer to pages 119-120 for list of kidnappings.
[5] Philip Golingai, "Where kidnapping is a lucrative industry", The Star, May 4, 2014, http://www.thestar.com.my/News/Nation/2014/05/04/Wherekidnapping-is-a-lucrative-industry/ (accessed May 16, 2016).
[6] United States Department of State, "Patterns of Global Terrorism 2000 – Malaysia", April 30, 2001, http://www.refworld.org/docid/4681075e20.html (accessed May 16, 2016)
[7] National Counter Terrorism Centre (NCTC), "Terrorist Profile: Zulkifli bin Hir", http://www.nctc.gov/site/profiles/zulkifli.html (accessed August 7, 2015).
[8] Razak Ahmad, Steven Daniel, Isabelle Lai, Allison Lai, Desiree Thresa Gasper, Lee Yen Mun, Stephanie Lee And Kathleen Ann Killi, "Noor Fikrie's dad: His character changed after failed marriage", The Star, December 18, 2012, http://www.thestar.com.my/story/?file=%2F2012%2F12%2F18%2Fnation%2F12474807&sec=nation (accessed January 20, 2015).
[9] The Malaysian Insider, "UM lecturer among 5 hunted by police for terrorism activities" July 2, 2014, http://www.themalaysianinsider.com/malaysia/article/um-lecturer-among-5-hunted-by-police-for-terrorism-activities#sthash.ZbPgEXVd.dpuf (accessed January 2, 2015).
[10] PK Katharason, "Photo of Wanted Malaysian Jihadist found on dead terrorist's phone", The Star, September 28, 2014, http://www.thestar.com.my/news/nation/2014/09/28/amin-baco-in-suluphotograph/ (accessed May 5, 2015).
[11] GMA News Online, "Malaysia asks PHL for help in tracking militants with Abu Sayyaf", July 6, 2014, http://www.gmanetwork.com/news/story/368926/news/nation/malaysiaasks-phl-for-help-in-tracking-militants-with-abu-sayyaf-ties (accessed November 21, 2014).
[12] Maria A. Ressa, "Senior Aby Sayyaf Leader Swears Oath to ISIS", Rappler, October 15, 2014, http://www.rappler.com/nation/65199-abusayyaf-leader-oath-isis (accessed June 27, 2015).

a former MILF commander who is opposed to the peace negotiations between the government and the MILF.[1] The BIFF broke away from MILF in 2008 after the botched signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD).[2]

On 28 April 2015, the President of Sabah Progressive Party (SAPP), Datuk Yong Teck Lee asserted that Sabah should prepare for the worst owing to the likely breakdown in peace efforts between the Philippines government and the Moro Islamic Liberation Front (MILF), following the Mamasapano clash in January 2015 between the Philippine police with the MILF and BIFF.[3] He further added that the Moro fighters who were unhappy with the proposed peace deal with the Philippines government would likely form "lost commands" and new fronts, such as the BIFF, to continue the war against the Philippines, which would then pose a serious threat to the peace and security of the southern Philippines, and hence to neighbouring Sabah by committing crimes in the state.[4]

Furthermore, in August 2014 the BIFF pledged its loyalty to Daesh and its leader Abu Bakr al-Baghdadi.[5] In January 2015, the Malaysian Defence Minister, Datuk Seri Hishammuddin Tun Hussein stated that Malaysian intelligence reported that Philippines terrorist groups such as BIFF and ASG have targeted the east coast of Sabah as the place to spread their ideology.[6] He further added that the Moro National Liberation Front (MNLF) led by Nur Misuari and the RSF were also using the Daesh model in achieving their aims.[7]

The threat of terrorist groups to Sabah is further seen through the network between militants from Malaysia, Indonesia and the Philippines that form the Southeast Asia Daesh branch in Syria and Iraq known as the *Khatibah Nusantara Lid Daulah Islamiah*.[8] Such a group could pose a threat in the future to not only Sabah but Malaysia as a whole via returning Foreign Terrorist Fighters (FTF) from the three countries. They can expand their networking and cooperation as shown by the returning Malaysian, Indonesian and Philippines mujahidin from Afghanistan in 1980s and 1990s which enabled them to train and conduct a series of bombings in Indonesia and the Philippines.[9]

Royal Sulu Force (RSF)

In the meantime, the threat posed by the RSF after the Lahad Datu intrusion in 2013 still persists. ESSCOM's former Commander, Datuk Abdul Rashid Haron, commented that the death of Esmael Kiram II would not lessen the threat from Sulu-based groups and that ESSCOM would continue to monitor the activities of his successor, Phugdalun Kiram II.[10] Under the leadership of Esmael Kiram II, who succeeded his brother Jamalul Kiram III as the claimant to the Sultanate of Sulu and the RSF

[1] Terrorism Research and Analysis Consortium (TRAC), "Bangsamoro Islamic Freedom Fighters", http://www.trackingterrorism.org/group/bangsamoro-islamic-freedomfighters-biff (accessed May 16, 2016).
[2] Global Security, "Bangsamoro Islamic Freedom Fighters", http://www.globalsecurity.org/military/world/para/biff.htm (accessed May 16, 2016).
[3] Borneo Post, "No peace in Mindanao, Sabah should prepare for worse – Yong", April 28, 2015, http://www.theborneopost.com/2015/04/28/nopeace-in-mindanao-sabah-should-prepare-for-worse-yong/ (Accessed May 16, 2016).
[4] Ibid
[5] Inquirer.net, "BIFF, Abus pledge allegiance to Isis", August 16, 2014, http://globalnation.inquirer.net/109452/biff-abus-pledge-allegiance-to-isis (accessed May 16, 2016)
[6] Jastin Ahmad Tarmizi, "Sabah's IS threat under control", The Star, January 24, 2015, http://m.thestar.com.my/story.aspx?hl=Sabahs+IS+threat+under+control&sec=news&id={3E386B5E-322D-434E-8C8D-99520CA1B8B5} (accessed May 16, 2016).
[7] Ibid
[8] Terrorism Research & Analysis Consortium (TRAC), "Islamic State Malaysia, Indonesia & Philippines (IS, ISMIP, ISISMIP, JAKDN)—Kuala Lumpur Cell / Katibah Nusantara Lid Daulah Islamiyyah / Malay archipelago unit for ISIS / Majmu'ah al Arkhabiliy / Jamaah Ansar Khilalaf Daulah Nusantara", http://www.trackingterrorism.org/group/kuala-lumpurcell-katibah-nusantara-lid-daulah-islamiyyah-malay-archipelago-unitislamic-state (accessed May 16, 2016).
[9] Jeffrey H. Norwitz, Pirates, Terrorists, and Warlords: The History, Influence, and Future of Armed Groups around the World, (New York, USA: Skyhorse Publishing Inc., 2009)
[10] Muguntan Vanar, "All eyes on Sulu successor following death of Esmail Kiram II", The Star, September 21, 2015, http://www.thestar.com.my/news/nation/2015/09/21/all-eyes-on-sulusuccessor-security-forces-to-monitor-his-agenda-following-death-of-esmailkiram-ii/ (accessed November 27, 2015).

leader, the sultanate was steadfast on putting a claim on Sabah.[1] In October 2014, two members of the RSF were killed by the Malaysian police in Penampang, Sabah.[2] The authorities believe that RSF militants in Sabah are planning to cause more security threats in the state as well as to conduct armed robbery to finance their militant activities.[3]

Despite the death of Raja Muda Agbimuddin Kiram, who led the armed intrusion into Lahad Datu in 2012, the RMP still believe that the RSF group poses a threat to Sabah. In January 2015, Datuk Jalaluddin Abdul Rahman, the Police Commissioner of Sabah, stated that the RMP viewed the Sulu threat as a real possibility as they have successors and followers who still believed in the idea that Sabah belong to them.[4] In this regard, it was reported that the Kiram family had named Raja Muda Agbimuddin Kiram's younger brother, Datu Ahugdal Kiram, 68, as the "Raja Muda" successor.[5]

In February 2014, after the death of Jamalul Kiram III, Abraham Idjirani, the family's representative, reportedly stressed that the family wants to "reclaim" Sabah in a peaceful way. However, if peaceful measures fail, they would then have no choice but to "send in the troops".[6] Wan Shawaluddin Wan Hassan from Universiti Malaysia Sabah (UMS), pointed out that the death of Raja Muda Agbimuddin Kiram was unlikely to diminish the security threat posed by Sulu gunmen. He explained that the gunmen were made up largely of the Tausug community and that they were likely to seek revenge for the dozens killed by Malaysian forces in the 2013 incursion.[7] Although this has not happened yet, several kidnappings by KFR groups have taken place since the incursion.

The ideology and belief that Sabah still belongs to them is embedded among the leaders and the members of RSF. Tausug or Suluk culture also regard it as disgraceful if a person does not take revenge against an enemy.[8] In September 2014, the RMP detained two Malaysians and one Filipino for their alleged involvement in the RSF. The three had been recruiting new members to join their cause and propagating the idea of reclaiming Sabah for the self-proclaimed Sulu Sultan.[9] Thus, the Malaysian government needs to be vigilant of future possible threat from the RSF. Although the group was driven out successfully by the Malaysian security forces from Sabah in 2013, it would be naïve to think that the group would not launch another attack on Sabah in the future.

The terrorist threat in Sabah is an important element that needs to be addressed in order to ensure a peaceful Sabah. The traditional terrorist groups such as the DI, JI, BIFF and ASG have been taking advantage of Sabah's porous borders especially in facilitating terrorist movements and arms smuggling activities. Meanwhile new terrorist groups such as the RSF with the political motive of reclaiming Sabah as belonging to the Sultanate of Sulu have further raised concerns regarding the threat posed by external non-state actors.

Daesh and Terrorist Groups in Sabah and the southern Philippines

[1] Ritchie A. Horario, "New sultan to press claim on Sabah", The Manila Times, October 27, 2013, http://www.manilatimes.net/new-sultan-to-pressclaim-on-sabah/48428/ (accessed February 20, 2015).
[2] The Star, "RSF militants part of 'fifth column', says don", November 8, 2014, http://www.thestar.com.my/news/nation/2014/11/08/rsf-militants-partof-fifth-column-says-don/ (accessed February 17, 2015).
[3] The Straits Times, "Sabah police on massive hunt for Sulu militants", November 6, 2014, http://www.straitstimes.com/asia/se-asia/sabah-policeon-massive-hunt-for-sulu-militants (accessed January 20, 2015).
[4] 47Ruben Sario and Stephanie Lee, "Cops: Sulu armed threat remains", The Star, January 15, 2015, http://www.thestar.com.my/News/Nation/2015/01/15/Cops-Sulu-armedthreat-remains-Security-forces-on-alert-for-a-resurgence/ (accessed May 16, 2016).
[5] Ibid
[6] Ruben Sario, "'Royal' family still yearns for Sabah", The Star, February 15, 2015, http://www.thestar.com.my/News/Nation/2014/02/15/Royalfamily-still-yearns-for-Sabah-Force-not-ruled-out-as-Kiram-clan-now-seeksto-pursue-claim-thro/ (accessed May 16, 2016).
[7] Ruben Sario, "Another Sulu attack possible", The Star, January 19, 2015, http://www.thestar.com.my/News/Nation/2015/01/19/Another-Suluintrusion-possible/ (accessed May 16, 2016).
[8] Dirk J. Barreveld, "Terrorism in the Philippines: The Bloody Trail of Abu Sayyaf, Bin Laden's East Asian Connection," (Lincoln, United States of America: iUniverse, 2001)
[9] The Star, "Three held for joining bid to claim Sabah for Sulu sultanate", September 11, 2014, http://www.thestar.com.my/News/Nation/2014/09/11/Three-held-for-joiningbid-to-claim-Sabah-for-Sulu-sultanate/ (accessed May 16, 2016).

In recent developments, terrorist groups from southern Philippines such as the ASG, the BIFF and the Rajah Sulaiman Movement (RSM) have pledged their loyalty to Daesh.[1] According to Rommel Banlaoi from the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR), a video showing detainees pledging their allegiance to Daesh in a prison in the Philippines suggested that Ahmad Santos, the founder of the RSM, may have been the one who organised the activity.[2] In addition, his brother-in-law, Dinno Amor R. Pareja @ Abu Jihad Khair Rahman al-Luzuni, had posted videos online calling on Muslims in the Philippines to join the jihad in Syria and Iraq.[3] Pareja is the creator of the Islamic Emirate of the Philippines-The Black Flag Movement website,which is an affiliate of Daesh.[4]

Noteworthy is that these terrorist groups from southern Philippines share the same ideology of Salafi-Jihadism as Daesh, thus enabling them to pledge their loyalty to Daesh.[5] For that reason, members of local groups could be easily recruited to become new cadres especially from the Sulu community, not only in southern Philippines, but also those who are residing in Malaysia. Furthermore, with the financial strength of Daesh, it is not impossible for groups such as the Black Flag Movement to be funded by Daesh in other terrorist activities such as training and spreading propaganda to further gain support and sympathisers from the local community.

It has been alleged that various terrorist groups operating in Malaysia, Indonesia and the Philippines are using Sabah as a transit point for terrorism-related purposes.[6] These terrorist groups are also involved in various organised crimes such as KFR and smuggling activities. The ASG is a terrorist group notorious for KFR activities. Furthermore, it is also believed that smuggling networks are also used to fund KFR activities and armed intrusion.[7]

Organised Crime

The establishment of both ESSCOM and ESSZONE is seen as positive steps taken by the government towards ensuring the safety of these areas. However, the areas are also prone to being targeted by various KFR groups such as the Muktadir brothers based in the islands of southern Philippines including Tawi-Tawi and Sulu.[8] Since the incursion in February 2013, Sabah had been linked to at least seven KFR incidents. The first of such incidents was on 14 November 2013 when a Taiwanese tourist was killed and his partner abducted by an armed group in Sipadan.[9] On 2 April 2014, a group of armed men abducted a Chinese tourist and a Filipino hotel worker from Singamata Reef Resort, Semporna.[10] The third incident was on 6 May 2014 where another Chinese national was abducted on Pulau Baik in Silam, Lahad Datu.[11] A subsequent event occurred on 16 June 2014 with the kidnapping of a Malaysian fish breeder and his Filipino employee in Kunak.[12] The fifth incident occurred on 12 July 2014 in Mabul Island, Semporna, when a police officer was shot dead and

[1] Agence France Presse (AFP), "Philippine militants pledge allegiance to ISIS", The Daily Star, August 15, 2014, http://www.dailystar.com.lb/News/Middle-East/2014/Aug-15/267358- philippine-militants-pledge-allegiance-to-isis.ashx (accessed May 16, 2016).
[2] Rommel Banlaoi, ISIS threats and followers in the Philippines", Rappler, August 5, 2014, http://www.rappler.com/thought-leaders/65313-isis-threatsfollowers-philippines (accessed May 16, 2016).
[3] Ibid
[4] Ibid
[5] Rommel Banlaoi, "Countering Violent Extremism at 3,000 feet: The Philippines Experience, Presentation at the ASEAN Regional Forum (ARF) Workshop on Counter Radicalisation, March 25, 2015, Kuala Lumpur.
[6] Nasir Abas, interview by Kennimrod Sariburaja, Jakarta, Indonesia, April 7, 2011.
[7] MMEA officials, interview by Authors, November 18, 2014, Kota Kinabalu, Sabah; and Eastern Sabah Security Command (ESSCOM) officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[8] MMEA officials, interview by Authors, November 18, 2014, Kota Kinabalu, Sabah; and Eastern Sabah Security Command (ESSCOM) officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[9] Muguntan Vanar, "Taiwan tourist shot dead, wife kidnapped from island in Sabah", The Star, November 15, 2013, http://www.thestar.com.my/News/Nation/2013/11/15/sabah-sempornatourist-shot-kidnap/ (accessed May 16, 2016).
[10] Reena Raj, "Sabah Security Under Scrutiny", The Malay Mail Online, November 21, 2015, http://www.themalaymailonline.com/malaysia/article/sabah-security-underscrutiny (accessed November 22, 2015)
[11] Ibid
[12] Ibid

another kidnapped by a group of armed men, believed to be part of the ASG.[1] On 14 May 2015, two persons, Bernard Then Ted Fun, 39, and Thien Nyuk Fun, 50, were kidnapped from a seafood restaurant in Sandakan, Sabah.[2] Bernard Then was reported to have been beheaded by the ASG on 17 November 2015 in Jolo while Thien was released on 8 November 2015.[3] It was believed that Bernard Then's head was found on the same day he was beheaded but his decapitated body was reportedly found on 16 December 2015.[4] The latest kidnapping incident was on 1 April 2016 when four Malaysians, Wong Teck Kang, 31, Wong Hung Sing, 34, Wong Teck Chii, 29, and Johnny Lau Jung Hien, 21, were kidnapped off Pulau Ligitan in Semporna. Additionally, there were also other kidnapping incidents that occurred off eastern Sabah involving 14 Indonesians. Ten of the 14 were kidnapped on 26 March 2016 and were released on 1 May 2016 while the other four were kidnapped on 15 April 2016 and released on 11 May 2016.[5]

All the perpetrators involved in these kidnappings were believed to be part of various KFR groups such as the Muktadir brothers with links to criminal and terrorist groups such as the ASG. This has caused ESSCOM and other relevant authorities to be under immense pressure to perform better and implement security measures with greater effectiveness. Despite the alarming numbers of kidnapping cases in the areas under ESSZONE, the ESSCOM has managed to foil at least nine attempts of kidnapping in those areas since July 2014.[6]

However, the threat to Sabah's security are not only confined to terrorist groups and KFR groups, but also by other organised crime groups that have been conducting smuggling activities in Sabah, the southern Philippines and Indonesia. The smuggling activities on Sabah's borders include the smuggling of humans, fire arms, cigarettes, diesel and consumer goods such as sugar and cooking oil.[7]

It is also believed that terrorist groups have been using criminal groups such as human traffickers and illegal boat operators to assist them in smuggling members as well as explosives and fire arms from Indonesia to the Philippines through Sabah and vice versa.[8] For example, Ali Fauzi, a former member of JI in his *Al Jazeera* interview in 2013, explained how he and his JI members smuggled between 10 to 15 M-16 rifles from the Philippines to Indonesia through Sabah by using fishing boats and petrol tankers.[9] He also described how several senior JI members who were involved in the Bali bombings used a sea route from Indonesia to the Philippines through Sabah's waters to evade Indonesian authorities after the 2002 Bali Bombings.[10] Smuggling networks are also said to be funding other illegal activities such as KFR and armed intrusion.[11]

The activities of terrorist, KFR and organised crime groups in Sabah's eastern seaboard could be seen as interrelated where organised criminals and terrorist groups operate together in the same theatre. The confluence between terrorist organisations and organised crime groups could also be

[1] The Malay Mail, "Cop killed, another kidnapped after shootout in Mabul Island" July 13, 2014, http://www.themalaymailonline.com/malaysia/article/cop-killed-anotherkidnapped-after-shootout-in-mabul-island (accessed May 16, 2016).
[2] Bernama, "Sandakan kidnapping: Incident in Sabah recurs", in Astro Awani, May 16, 2015, http://english.astroawani.com/malaysianews/sandakan-kidnapping-incident-sabah-recurs-60048 (accessed May 15, 2016).
[3] P. Divakaran, "Bernard Then's family seeks PM's help to expedite identification, return of body", The Star, December 16, 2015, http://www.thestar.com.my/news/nation/2015/12/16/bernard-then-familyseeks-pm-help/ (accessed 16 December 2015).
[4] Ibid
[5] Julie S. Alipala, "4 Indonesian hostages released by Aby Sayyaf", Inquirer.net, May 11, 2016, http://globalnation.inquirer.net/139379/4-indonesian-hostages-released-by-abu-sayyaf (accessed May 12, 2016)
[6] ESSCOM, "ESSCOM Foils Nine Attempts To Kidnap For Ransom In ESSZONE Since Curfew", October 21, 2015, https://esscom.gov.my/?p=16929 (accessed November 1, 2015).
[7] Ramli Dollah and Ahmad Mosfi Mohammad, "Perdagangan Tukar Barang Malaysia-Indonesia: Potensi Dan Cabaran", Jati, vol. 12, December 2007, http://repository.um.edu.my/1069/1/Ramli%2C%20Ahmad%20Mosfi%20Mohd-Malaysia-Indonesia%20Barter%20Trade-Opportunities%20and%20Challenges.pdf (accessed January 24, 2015).
[8] Amy Chew, "Porous Borders Leave Sabah Open to Invaders", AlJazeera, March 22, 2013, http://www.aljazeera.com/indepth/features/2013/03/2013319141436491978 .html (accessed December 23 2014).
[9] Ibid
[10] Ibid
[11] MMEA officials, interview by Authors, November 18, 2014, Kota Kinabalu, Sabah

seen in the case of the Muktadir brothers who are ASG sympathisers and actively conduct ASG-linked kidnapping activities.

The threats from terrorist organisations, KFR and organised crime groups are pertinent issues in Sabah that need to be addressed in a holistic and comprehensive manner. Though Malaysia has taken steps in addressing some of these threats, there are other challenges that must be addressed in order to strengthen the security of Sabah and eliminate the threats from external non-state actors. These challenges are seen as catalysts or contributing factors to the present security threats

Identifying the Catalysts

The catalysts, and issues surrounding the security of eastern Sabah go far back to its history and are deeply rooted in the area's cultures and traditions. They include elements such as the free movement of undocumented travellers (illegal immigrants) from the Philippines and Indonesia, water villages, sea gypsies or Pala'u and barter trading. Addressing these issues involve overcoming many challenges. Above all, it requires a change in the hearts and minds of the people including local communities, stateless individuals, security officials as well as government officials.

Illegal Immigrants: Facilitating Smuggling and KFR Activities

In recent decades, the east Coast of Sabah has seen an influx of migrants, both legal and illegal, and this had led to a significant increase in the population of Sabah. This is clearly evident in the large increase of population from 653,000 in 1970 to 2.6 million in 2000.[1] In 2000, it was estimated that around 600,000 people or 24% of Sabah's population were non-citizens.[2] By 2010, this number increased to 889,779 people or 29% of the state's population of 3,206,742 people.[3] The entry of these immigrants, mainly from the islands of southern Philippines as well as Indonesia, was due to a number of key factors.

One reason is the close proximity of Sabah to the Philippines' Sulu archipelago and Indonesia's Kalimantan. For example, only a short 45-minute boat ride is needed to travel from the eastern point of Sabah to the Philippines' islands of Sibutu and Simunul.[4] Sabah shares a land border with Kalimantan.

Another key factor that led to such an increase in immigrants, particularly from the Sulu archipelago, is the political turmoil in southern Philippines.[5] For decades now, the region has been experiencing civil unrest and violence from the activities of various terrorist groups such as the ASG and the New People's Army (NPA) as well as separatist movements such as the MILF, MNLF and BIFF. The economic pull of Sabah is another contributing factor. Immigrants are drawn by the economic opportunities in Sabah where they serve as cheap labour in the services, plantation and construction industries.[6]The final and important factor that has contributed to the large number of illegal immigrants in Sabah is the close family ties and social linkages that exist between the immigrants' home country and country of destination.[7]

[1] Sina Frank, "Project Mahathir: 'Extraordinary' Population Growth in Sabah", 2006, in Südostasien aktuell: Journal of Current Southeast Asian affairs 25 (2006), 5, pp. 71-80, http://nbn-resolving.de/urn:nbn:de:0168-ssoar-336994 (accessed May 16, 2016).
[2] Report of the Royal Commission of Enquiry on Illegal Immigrants in Sabah, December 3, 2014 http://www.sapp.org.my/rci/RCI-Eng.pdf (accessed May 16, 2016).
[3] Ibid
[4] The Star Online, "Semporna – The Gateway to Sipadan", March 4, 2013, http://www.thestar.com.my/News/Nation/2013/03/04/Semporna--thegateway-to-Sipadan/ (accessed February 20, 2015).
[5] Haijon Gunggut, Habibun Nisa Mohamed Ajmal and Zuraidah Zaaba, "Illegal Immigrant Entry Into Sabah", November 2006, http://ir.uitm.edu.my/4382/1/LP_HAIJON_GUNGGUT_06_24.pdf (accessed February 20, 2015).
[6] Haijon Gunggut, Habibun Nisa Mohamed Ajmal and Zuraidah Zaaba, "Illegal Immigrant Entry Into Sabah", November 2006, http://ir.uitm.edu.my/4382/1/LP_HAIJON_GUNGGUT_06_24.pdf (accessed February 20, 2015).
[7] Report of the Royal Commission of Enquiry on Illegal Immigrants in Sabah, December 3, 2014.

The problem of illegal immigrants in Sabah came to light particularly in the mid-1970s with the fear that its number would surpass that of the locals.[1] The issue was again heightened by the 2013 Lahad Datu incident and the subsequent kidnappings in the eastern part of Sabah. It highlighted, most importantly, a more serious security breach to the state as a result of the migration and the immigrants were believed to be facilitating the conduct of KFR and smuggling activities.

It is important to note that the migration and the almost-free movement of people, specifically between the islands of southern Philippines and Sabah, date far back to the 15th century when the eastern part of Sabah was under the control of the Sulu Sultanate. The sentiment that Sabah still belongs to the people of Sulu, known as 'Suluks', remain strong among at least some of them. As mentioned by Abdul Mohd Ibnu Kadir Baba, a former District Officer of Semporna, these illegal immigrants are steadfast in their belief of the existence of the Sultanate of Sulu and the idea that Semporna is part of the Philippines.[2]

Many of the illegal immigrants' families reside in the ESSZONE areas,[3] having migrated from southern Philippines generations ago. Some of these immigrants are also believed to be working hand-in-hand with organised crime groups such as KFR groups and smugglers,[4] while some are members of these groups. Having familial ties with the locals in Sabah is certainly beneficial for these organised crime-linked immigrants as they could also act as informers and provide details of potential victims for KFR activities. For example, several kidnappings in the areas within ESSZONE in 2013 and 2014 demonstrated precise knowledge of the victims' whereabouts, and led the authorities to believe that it was an insider's work, with information given by illegal immigrants working in hotels and fish farms.[5]

Since the incursion in 2013, relevant authorities have been beefing up security in the ESSZONE area. In 2014, around 20,096 illegal immigrants were detained while 1,479 illegals were sent back, including 1,165 from the Philippines and 314 from Indonesia.[6] The initiative to act on illegal immigrants was also taken up by the ESSCOM under its security operation code-named 'Ops Gasak'. 'Ops Gasak' was a series of joint security operations involving the police, army and registration and immigration officials. In 2014, 2,636 illegal immigrants (1,727 men and 636 women) were nabbed by the authorities under 'Ops Gasak'.[7] Semporna had the highest number of illegal immigrants arrested with 1,519 people, followed by Lahad Datu with 518 people and Sandakan with 187 people.[8]

But the Malaysian government is also facing another challenge with regard to facilities to accommodate the detained immigrants. Presently, there are only three detention centres located in Kota Kinabalu, Tawau and Sandakan.[9] Each of these centres can only hold around 2,000 illegal immigrants at a time and the process of returning them to their country of origin takes up to several months involving relevant embassies and procedures of the country of origin.[10]

It is clear that checking the entry of illegal immigrants and resolving the issue of immigrants already in Sabah would greatly facilitate the elimination of the threat of

[1] Ibid
[2] New Sabah Times, "terrorists confident of Governing Semporna – DO", July 17, 2013, http://www.newsabahtimes.com.my/nstweb/fullstory/70231 (accessed January 1, 2015)
[3] MMEA officials, interviewed by Authors, November 128, 2014, Kota Kinabalu, Sabah
[4] The Daily Sun, "Illegal Immigrants Believed to be Henchman in Kidnapping Incidents", June 22, 2014 http://www.thesundaily.my/news/1089431 (accessed 20 February 2015)
[5] NamNewsNetworks, "Malaysia: ESSCOM Eyes on Illegal Immigrants in Sabah's East Coast, April 30, 2014, http://namnewsnetwork.org/v3/read.php?id=MjYTY0 (accessed January 1, 2015)
[6] The Sun Daily, "MKN repatriates 18,288 illegals in Sabah last year", January 26, 2015, http://www.thesundaily.my/news/1307806 (accessed January 27, 2015).
[7] Muguntan Vanar, "Don't Harbour Illegal Immigrants", The Star, January 22, 2015, http://www.thestar.com.my/News/Nation/2015/01/22/Dontharbour-illegal-immigrants-Esscom-chief-2300-nabbed-in-security-zone/ (accessed January 23, 2015).
[8] Ibid
[9] ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[10] Ibid

terrorism and organised crime groups including smuggling and KFR activities. But the authorities are also facing several other challenges in ensuring the security of the waters of eastern Sabah including the existence of water villages, the Pala'u community and barter trading ports.

Water Villages: Links to KFR, Smuggling and Illegal Immigrants

As noted above, some of the illegal immigrants are believed to have links to smuggling and KFR activities. The water villages that are located on the eastern Sabah seaboard are home to many illegal immigrants and serve as ideal safe haven for criminal elements engaged in smugglings and KFR activities. The water villages are thus one of the sources of security breach in the area due to lack of surveillance and easy access to the numerous jetties built illegally along the water villages.[1]

The water villages are key entry points into Sabah where smuggled goods and firearms can be stored and sold.[2] When the militants invaded Lahad Datu in 2013, the authorities were exposed to the intruders who were hiding in the houses in the water villages.[3] These water villages are also known to be the hotbeds for kidnappers, intruders and terrorists as well as illegal immigrants to conduct their illegal activities.[4]

As such, both the state and federal governments should devise effective measures to address the security issues posed by the water villages. Such measures must no doubt recognise the way of life of the people living in water villages as their livelihood very much depends on sea-based activities such as fishing.[5]

Pala'u: The Eyes and Ears at Sea

Addressing the issue of water villages alone to eliminate the threat posed by smuggling, KFR and terrorist activities would not suffice as another contributing factor exists: the Pala'u.

Sea gypsies or Pala'u are essentially stateless people who live a nomadic life at sea. Also known as Bajau Laut, they do not belong to any state and move from one place to another in search of sea-based food.[6] The Pala'u are said to have originated from the isles of Riau Johor and the Sulu Archipelago.[7] They live on waters surrounding Semporna, Kunak, Lahad Datu and Sandakan. As they are excellent divers and boat craftsmen, they have earned the title of "King of the Sea".[8]

Their strategic location on islands and seas bordering Malaysia and the Philippines and their skills as seafarers, coupled with their lack of education and poverty, make them attractive target for exploitation by criminal groups and smugglers.[9] As such, some members of the Pala'u community

[1] Ibid
[2] Ibid: and The Malaysian Insider, "Get rid of water villages to curb intrusions, Dr. Mahathir tells Sabah", July 16, 2014, http://www.themalaysianinsider.com/malaysia/article/get-rid-of-watervillages-to-curb-intrusions-dr-mahathir-tells-sabah (Accessed January 1, 2015).
[3] Ibid: and The Malaysian Insider, "Get rid of water villages to curb intrusions, Dr. Mahathir tells Sabah", July 16, 2014, http://www.themalaysianinsider.com/malaysia/article/get-rid-of-watervillages-to-curb-intrusions-dr-mahathir-tells-sabah (Accessed January 1, 2015).
[4] The Rakyat Post, "IGP says water villages in Sabah a hotbed for foreign terrorist activities" July 17, 2014, http://www.therakyatpost.com/news/2014/07/17/igp-says-water-villagessabah-hotbed-foreign-terrorist-activities/#ixzz3PWJPZXNq (accessed on January 1, 2015).
[5] ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[6] Arfa Yunus, "Meyingkap Kehidupan Orang Laut", Astro Awani, September 18, 2013, http://www.astroawani.com/news/show/menyingkapkehidupan-orang-laut-22382 (accessed February 25, 2015).
[7] For more information on the origins and background of Pala'u/Bajau Laut, refer to Ismail Ali, "Komuniti Orang Tanpa Negara (Stateless People) Di Sabah: Kajian Kes Komuniti Bajau Laut di Pulau Mabul, Semporna", http://www.myjurnal.my/filebank/published_article/22931/069_081.PDF (accessed February 25, 2014) and Ismail Ali, "Since Birth Till Death, What is Their Status: A Case Study of the Sea Bajau in Pulau Mabul, Semprna", Researchers World – Journal of Arts Science and Commerce, October 1, 2010, http://www.researchersworld.com/vol1/Paper_16.pdf (accessed February 10, 2015).
[8] Arfa Yunus, "Meyingkap Kehidupan Orang Laut", Astro Awani, September 18, 2013.
[9] ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah

may be able to provide various critical services – act as 'eyes and ears' of the criminal groups, provide cover and refuge, facilitate the trafficking of illegal immigrants as well as the smuggling of goods and weapons, and operate as informers.[1]

An effective campaign to eliminate the security threats to Sabah's eastern Sabah must therefore also include, as a key and integral part, the management of the complex Pala'u people. The difficulty confronted in this case includes the fact that the Pala'u are stateless, and therefore, no states are claiming responsibility over them. Who then is rightly responsible for taking the necessary steps to tackle the problem of the Pala'u people?

A second challenge is the placement of these people. As people of the sea, the only way of life known to them is to live at sea, on boats and as fishermen. If these people were to be moved to land with housing facilities, they would have difficulty to adapt.[2]

Barter Trading: "Legalised" Back Door into Sabah

Another challenge faced by the Malaysian authorities in addressing the threats of terrorism and organised crime activities, including smuggling and KFR activities, is the prevalence of barter trading that serves as a conduit for the entry into Sabah illegally, through legitimate activity.

Barter trading between Sabah and countries in the vicinity, such as the Philippines, Indonesia and Brunei, existed even before the arrival of the British to North Borneo and the Spaniards' arrival in the Philippines. However, a tradition that began in the 15th century, has seen a considerable change from the act of exchanging goods for goods to purchasing of goods between these countries.

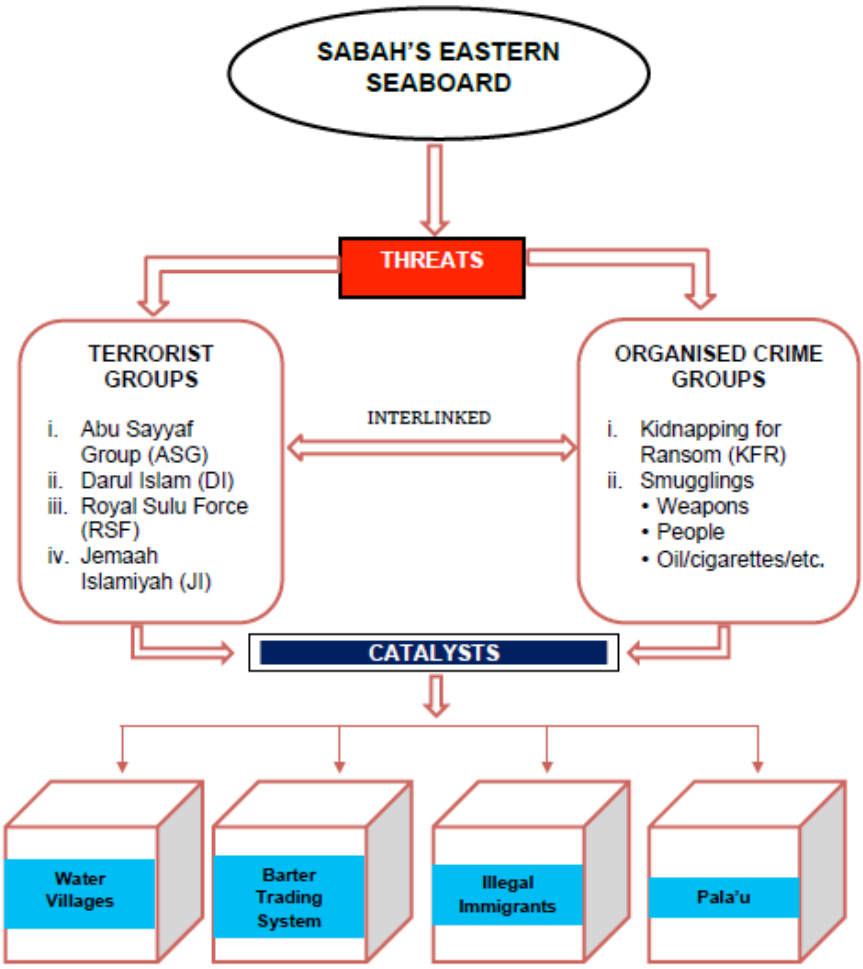
Nonetheless, it is important to note that the attitude towards barter trading between Malaysia and the Philippines is in complete contrast. While Malaysia recognises barter trading as an economic opportunity with incoming foreign exchange, the Philippines on the other hand viewed it simply as smuggling activities.[3] This could be due to the fact that barter trading "deprived Manila of much needed revenue".[4] Despite the opposing take on barter trading, it still exists today and is concentrated in areas such as Tawau and Sandakan.

At the beginning, goods bartered included spices, copra, resin and rattan. However, in recent times, goods exchanged or purchased at barter trading ports included sugar, timber, marine life, and fruits amongst others. However, smuggling activities are also being conducted through barter trading. Illegal goods are being smuggled through the use of barter trading boats, known as Kumpits.[5] Items that are being smuggled in from the Philippines include drugs, weapons, cigarettes and alcohol among other things. While goods being smuggled out of Sabah includes petrol, sugar and other subsidised goods. In addition, illegal immigrants are also being smuggled in by using the Kumpits through barter trade routes. In fact, terrorists of the 2013 Lahad Datu incursion who had come in stages were also using these barter trading boats to enter Lahad Datu. In a recent kidnapping in

[1] MMEA officials, interview by Authors, November 18, 2014, Kota Kinabalu; ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah; and Free Malaysia Today, "Stateless Sea Gypsies a Security Threat to Sabah", November 5, 2014, http://www.freemalaysiatoday.com/category/nation/2014/11/05/statelesssea-gypsies-a-security-threat-to-sabah/ (accessed January 1, 2015).
[2] ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[3] Mak Joon Nam, Pirates, "Barter Traders, and Fishers: Whose Rights, Whose Security? User Conflicts and Maritime Nontraditional Security in Malaysian Waters" http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAAahUKEwi_ydnh1YnGAhUMe7wKHaL1Djk&url=http%3A%2F%2Fmercury.ethz.ch%2Fserviceengine%2FFiles%2FISN%2F100587%2Fichaptersection_singledocument%2F2eb6b2cb0bdc445b9cc15227a93b1ce6%2Fen%2F02_Joon.pdf&ei=Po96VbyCoz28QWi67vIAw&usg=AFQjCNEzFTKWRufCU4xrtFKB0wN5QO4zA&bvm=bv.95515949,d.dGc (accessed December 15, 2014).
[4] Ibid
[5] Ramli Dollah and Ahmad Mosfi Mohammad, "Perdagangan Tukar Barang Malaysia-Indonesia: Potensi Dan Cabaran", Jati, vol. 12, December 2007.

Sandakan in May 2015, the RMP mentioned that the kidnappers came to Sandakan by pretending to be barter traders to avoid detection from the authorities.[1]

As such, the security situation of Sabah's eastern seaboard is one that is intricate and complex. In the attempt to make such issue comprehendible, below is a diagram depicting the subject in general.



The diagram above shows that the external threats to Sabah's eastern seaboard came from various terrorist organisations such as JI, DI, ASG and RSF, as well as organised crimes including KFR and smuggling activities. As mentioned previously, what made these threats even more serious and complex is how these threats are dependent on each other. Therefore, having established the various challenges in addressing the threats of organised crimes, KFR and terrorist activities, it is now best to turn our attention to some possible ways to address such deep-rooted and complex challenges.

Recommendations

This section outlines some recommendations to address each of the catalysts discussed above and propose additional measures to address the overall threat to Sabah's eastern seaboard, facilitated by these catalysts.

[1] Julia Chan, "Citing security breach, IGP urges review of Malaysia- Philippines trade ties", The Malay Mail, May 20, 2015, http://www.themalaymailonline.com/malaysia/article/citing-security-breachigp-urges-review-of-malaysia-philippines-trade-ties (accessed May 16, 2016).

1. Illegal Immigrants: Legalising Those Who Qualify

In the effort to address the issue of illegal immigrants, Malaysia established a Royal Commission of Inquiry (RCI) tasked to study the issue of illegal immigrants in Sabah. A report detailing the findings of the issue was released in December 2014. However, the report received criticisms, particularly from the opposition and independent parties, especially on the alleged issue of 'Project IC' where non-citizens were freely given Malaysian Identity Card (IC). Nonetheless, the establishment of the RCI was a positive initiative by the Malaysian government to address the issue of illegal immigrants in Sabah as the report findings also highlighted important issues relating to the influx of illegal immigrants in Sabah such as corruption and the lack of political will to address the problem.

In the report, the RCI recommended that the government should establish a Permanent Secretariat that will oversee the works of the Administrative Committee[1] in relations to issue of immigrants and foreigners. However, if the government is in disagreement with the formation of the Committee, the RCI proposed that a Consultative Council be established instead. In the proposal, the Council should include politicians, government officers, academicians, corporate figures and professionals such as lawyers. The Council will conduct research on every aspects relating to immigrants and foreigners in Sabah and to provide recommendations to the government regarding the issues.[2]

But an important aspect in countering the problem of illegal immigrants at present is the lack of detention centres to house detained illegal immigrants numbering in hundreds of thousands while the process of deporting them could take several months. Hence, as a short-term solution, the Malaysian government could opt to build more and/or bigger temporary detention centres to accommodate the large number of illegal immigrants, particularly in the areas located on Sabah's eastern seaboard. Detained immigrants may be placed in these centres while awaiting the process of deportation.

However, based on interviews conducted via e-mail questionnaires, respondents[3] were of the opinion that in the long-run, the idea of building additional detention centres would be very costly and would not be effective in solving the issue of illegal immigrants in Sabah.[4] To accommodate, for example, 800,000 illegal immigrants, and taking into consideration the current number that could be housed in one detention centre, which is 2,000 people, the government must actually build approximately 397 more detention centres to accommodate the number of illegal immigrants in Sabah today. Furthermore, Sabah relies heavily on foreign labours. As such, "the state's economy would be severely affected by such large-scale detentions of undocumented migrants".[5]

Therefore, a better solution to this would be to offer illegal immigrants or undocumented travellers who meets a certain 'set of criteria', the opportunity to become a citizen or 'Permanent Resident' (PR) of Malaysia. The criteria could include the number of years that they have been residing in Sabah; individuals with valid documentations; no criminal records; and their ability to contribute to the nation's economy. According to Dr. Arnold Puyok, "it is important for the government to identify who these illegal immigrants are (workers in construction sites, palm oil plantations, their family ties) and provide them with proper documents."[6] In addition, those who have arrived relatively recent should be detained and face deportation.[7] However, for those who have stayed here for decades and have been

[1] The RCI propose the formation of Administrative Committee under the purview of a Permanent Secretariat relating to immigrants and foreigners Sabah during a workshop with the National Registration Department of Malaysia (NRD).
[2] Report of the Royal Commission of Enquiry on Illegal Immigrants in Sabah, December 3, 2014
[3] The views expressed by the respondents of the interview questionnaires are solely those of the respondents and do not necessarily reflect the views of the agencies/institutions they represent.
[4] Shahriman Lockman, Senior Analyst, ISIS Malaysia. Questionnaire, Received May 25, 2015.; Siti Salmiah, Senior Director of Comprehensive Defense and Security Research Centre (CDSRC) at MIDAS, Interview Questionnaire, received June 29, 2015; Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non-Traditional Military Affair, MIDAS, Interview Questionnaire, received June 15, 2015; and Dr. Arnold Puyok, Senior Lecture, Department of Political Studies, University of Malaysia, Sarawak, Interview Questionnaire received July 13, 2015.
[5] Shahriman Lockman, Senior Analyst, ISIS Malaysia. Interview Questionnaire.
[6] Dr. Arnold Puyok, Senior Lecturer, UNIMAS, Interview Questionnaire received July 13, 2015.
[7] Shahriman Lockman, Senior Analyst, ISIS Malaysia. Interview Questionnaire.

living in the state genuinely (with proper jobs, no criminal records and such) should be allowed to stay.

In this case, the approach to detain and deport those who do not meet the criteria would be more feasible than to build more temporary detention centres that would eventually affect the country's economic well-being. This would also deter future migrants from entering Sabah as the approach would be able to project a clear message that Malaysia will not tolerate any further migration into Sabah.[1]

With regard to the lengthy process of deportation due to the amount of procedures required, it is then necessary for the Malaysian government, along with the governments of the Philippines and Indonesia where the majority of the immigrants originates from, to develop a mechanism that will reduce bureaucratic and lengthy procedures in order to hasten the process of deportation. This could be done through strong diplomatic relations or Memorandum of Understanding (MoU) between relevant countries on the deportation of illegal immigrants. Professor Ruhanas Harun of the National Defense University of Malaysia (NDUM) agreed that bilateral arrangements between relevant countries could expedite the process of deportations as long as both sides implement the agreement accordingly.[2] Furthermore, according to Siti Salmiah, Senior Director at the Malaysian Institute of Defense and Security (MIDAS), "… practical efforts between neighbouring countries should be crafted and adopted to address issues of common concern for instance, illegal immigrants".[3] She further added that should the source and destination countries work closely together to implement such actions collectively, "things will be a lot improved, if not resolved".[4] Hence, it is vital that the Malaysian government and the relevant countries work alongside each other in creating an effective mechanism that would help solve the problem of illegal immigrants in Sabah.

2. Water Villages: Monitoring through Restoration and Community Engagement

Water villages in Sabah have been in existence for decades. This makes it even more of a challenge for the government to address the issue. However, there have been attempts by ESSCOM to deal with the issue by relocating the villages to a different landed area. Nevertheless, many of these villages still remain today and a more concrete and tangible approach to this must be developed.

However, before such an approach be designed, it is firstly essential that the Malaysian government deliberate on whether it is beneficial or otherwise, to acknowledge and offer these villages legal status. In the case of a negative response to such a deliberation, relevant authorities may want to consider abolishing these villages once and for all. This would allow for the elimination of the issue relating to some of the water villages being the hotbed for criminals to conduct illegal activities, such as hiding and storing illegal goods. It would also eliminate the issue of criminals using water villages as entry points into Sabah's land. Apart from that, by abolishing water villages, it would also be able to eliminate illegal and undocumented travellers living in water villages whether on their own or with relatives who are already citizens of Malaysia. This would also be a positive step in ensuring the cleanliness of Sabah's waters, as it is known that the occupants of water villages lack hygiene awareness.

But this approach would not address pressing issues such as illegal immigrants in Sabah and since criminals often have the knack to adapt to challenging situations, it is highly likely that they will find other areas for resettlement to conduct illegal activities. Furthermore, in doing so, it is also important to understand and address the consequences that it may bring such as building alternative neighbourhood close to the sea for them to stay and continue their livelihoods within Sabah's waters.

[1] Ibid
[2] Professor Ruhanas Harun, National Defense University of Malaysia (NDUM), Interview Questionnaire, received June 29, 2015.
[3] Siti Salmiah, Senior Director of Comprehensive Defense and Security Research Centre (CDSRC) at MIDAS, Interview Questionnaire received June 29, 2015
[4] Ibid

Given that their livelihood depends on maritime economy, resettling them away from the sea or shores would bring dire consequences such as loss of income, which may lead to other unwarranted social problems. Hence, it is reasonable that the alternative neighbourhood be placed near shores or rivers. This however, would not differ much from the current situation and would probably lead to the same issue at present. In addition, the costs of building alternative neighbourhoods would be high and the search for suitable areas to relocate would be time consuming. Furthermore, it is also likely that frictions could also arise between relocated water villagers and the local communities as a result of the resettlement.[1] Different cultures and way of living could cause tension between the new and existing communities. Hence, according to Shariman Lockman of the Institute of Strategic and International Studies (ISIS), Malaysia, the attempt to relocate these water villages should only be done after "extensive consultation with the villagers and the other local communities that may be affected by the resettlement".[2]

However, a more promising alternative is if the deliberation decides to acknowledge the water villages. This approach, such as giving legal status through offering citizenship, or 'Permanent Resident' (PR) status to residents who meets a certain set of criteria "is a feasible move to eradicate this problem".[3] Hence, a concrete strategy must be developed to ensure that illegal immigrants, who are residing in these villages, be dealt with justly and allow only citizens as well as those with valid travel documents to reside. In this aspect, the government should ensure the registrations of all residents of water villages in Sabah and reissue proper documentations especially to those with valid Malaysian birth certificates.[4]

Nonetheless, noted also is the challenge for authorities to gain information on illegal immigrants residing in water villages. According to a census conducted by ESSCOM in 2014 on five water villages in Sandakan, 58% of the houses were occupied by non-citizens.[5] However, 244 houses were unaccounted for as the houses were vacant and ESSCOM officials did not rule out the possibility that these houses were occupied by illegal immigrants who managed to flee during the exercise.[6] This makes it harder for the authorities to obtain accurate information on illegals residing in water villages, and thus take appropriate actions against them.

Following this, water villages should be rebuilt to improve living conditions and proper sewerage and garbage systems must be built to ensure decent sanitation of these villages. Additionally, a single and proper jetty could also be built at each of these villages while eliminating all other illegal jetties. This is important in order to monitor the movements of its people and other criminal or terrorist activities more efficiently. Security posts must also be built for police to monitor the activities at these villages. Another additional element to monitoring the movements on and around these water villages is also to have the villagers themselves to regulate the movements of the people coming in and out of these villages, albeit with the supervision of the police.[7]

In this regard, community engagement is important. Getting the local communities in the affected areas involved will provide understanding of the issue surrounding water villages at the grass-root level. This would include information of potential inadequate amenities of these waters villages as well as making the water villages more secured and meeting the needs of villages for an improved quality of life, with access to proper sewerage system and sanitation. As such, the move by ESSCOM in conducting census on water villages to collect data such as the demographic characteristics of citizens and non-citizens, residents' background and socio-economic status to devise an informed

[1] Shahriman Lockman, Senior Analyst, ISIS Malaysia, Interview Questionnaire, received May 25, 2015
[2] Ibid
[3] Siti Salmiah, Senior Director of Comprehensive Defense and Security Research Centre (CDSRC) at MIDAS, Interview Questionnaire received June 29, 2015
[4] Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non- Traditional Military Affair, MIDAS, Questionnaire received June 15, 2015.
[5] Free Malaysia Today, "Sandakan records 58% aliens in water villages", February 19, 2014, http://www.freemalaysiatoday.com/category/nation/2014/02/19/sandakanrecords-58-aliens-in-water-villages/ (accessed August 1, 2015).
[6] Ibid
[7] Shahriman Lockman, Senior Analyst, ISIS Malaysia, InterviewQuestionnaire, received May 25, 2015.

development plan for them was a step in the right direction to tackle the issues surrounding water villages.[1]

Furthermore, non-governmental Organisations (NGOs) could also take part in engaging the communities. This could be done through conducting public awareness programmes on basic health care, hygiene and security awareness. Such an effort was that of a workshop on Building Kampung Pulau Sebatik leadership capacity conducted in August 2013. The workshop was co-organised by the Asia Foundation, Partners of Community Organisation in Sabah (PACOS) Trust and Tidung Tawau Community Association (Pakot) "to discuss the issues and challenges of Pulau Sebatik security".[2]

By retaining the water villages, the cost to gradually rebuild the villages would be lower than that of inland settlement.[3] It would also be able to provide the villagers continued access to their livelihood and improve sanitation to the area. Apart from that, eliminating illegal immigrants and jetties, placing security officials in the area as well as by having a more structured housing to ensure safety, would also enhance security. The deployment of security officials to the area would also open up the opportunity for security officials to get acquainted and bond with the local community. This is particularly important in the effort to build trust amongst authorities and the local communities.

3. Pala'u: Eliminating the "Eyes and Ears" of Organised Crime and Terrorist Groups through Vocational Training

The handling of the issue of stateless Pala'u is an intricate one. As their livelihood depends on the sea, a possible solution to this would be to place them on an island with housing lots and a single jetty as an access point to the island. The building of a single jetty and placing them on an island would allow security forces to monitor the movements of these people as well as the running of any organised crimes and terrorists activities more effectively.[4] To further enhance the security of the island, cameras, security posts and adequate deployment of security officials must also be present. This approach could be seen as an effort to "…bring the Pala'u people into mainstream development while at the same time maintaining their unique way of living".[5]

However, while this would be an effective measure to reduce the use of Pala'u community as the eyes and ears of organised crime and terrorists groups, it will however not be helpful in stopping them from entering Sabah's eastern seaboard. Thus, the possibility of criminal and terrorist groups still exploiting the Pala'u for their benefits will remain. Furthermore, the issue of human rights would also arise, as it would be seen as though the government is confining them to an island thus limiting their movements.

In this regard, it is timely that the Malaysian government takes a step back and weigh the possibility of providing them with avenues to attain a decent life. While this is an altruistic effort with an undoubtedly high cost should the government consider it, it will nonetheless help to offer them opportunities to improve themselves. As such and given that they have been on Malaysian soil for generations now, the government should seriously consider developing the community's skills through vocational training, particularly in maritime economy, and provide conventional education to children of the Pala'u people for the opportunity to further their studies in universities and earn a better living. As stated by Lt. Col. Dr Zulkarnain bin Haron, such vocational training would certainly help in improving the Pala'u community's economic well-being as well as their social well-being.[6]

However, as suggested by Siti Salmiah, a Training Needs Analysis (TNA) must first be conducted before providing them with such training opportunities to ensure that what is required by the

[1] ESSCOM Times, "Esscom to Launch Census Operation in Five WaterVillages in Sandakan Next Month", January 13, 2014, http://esscom.gov.my/?p=1318 (accessed December 27, 2014).
[2] Ibid
[3] Shahriman Lockman, Senior Analyst, ISIS Malaysia, Interview Questionnaire, received May 25, 2015.
[4] ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[5] Dr. Arnold Puyok, Senior Lecturer, UNIMAS, Interview Questionnaire, received July 13, 2015.
[6] Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non-Traditional Military Affair, MIDAS.

community will be met through such vocational trainings.[1] This is particularly important as setbacks to offering them a better life inland should also be accounted for. A major hindrance would be the ability for the community, known to be nomads of the sea, to adapt to life on land. Unlike those who lived on land, who get seasickness by being on boats or ships, the Pala'u community faces the opposite challenge of being 'land-sick'.[2] In addition, Dr. Arnold Puyok also cautioned that providing them with vocational training and education opportunities "…must be done with care as they may be reluctant to lose their identity."[3] Therefore, adapting them to life on land and motivating them to live inland would be some of the few and immediate challenges that the government would face. Should they fail to adapt, other unwarranted social problems could also arise.

Furthermore, like with resettling water villagers inland, frictions could also arise between the resettled Pala'u community and the local communities. Another issue that should also be taken into consideration: when resettling the Pala'u community inland is the risk of projecting the idea that Malaysia is opening its gates for outsiders to resettle in Malaysia.[4] Hence, it is important that the government takes measured and tangible steps in resettling them inland so as to not project such false ideas.

Nonetheless, by providing the Pala'u community with education and vocational trainings, it would certainly open up opportunities for them economically by expanding their skills. This in turn would also contribute to Malaysia's economy positively while simultaneously enhancing their way and standard of living. It would also be able to keep them off the streets and conduct illegal activities such as 'glue sniffing' as well as away from being manipulated by criminals.[5] Hence, eliminating them as the eyes and ears of criminal and/or terrorist groups.

However, as with dealing with the issues surrounding water villages, resolving the issues relating to the Pala'u community also needs community engagement. This is important on two particular bases. The first is by consulting the community itself. This would allow for the gathering of information such as their training needs, their willingness to adapt to new surroundings and their ability to assimilate with the local communities. The second basis entails the involvement of the community as stake-holders in resolving the issue. This would allow for the local communities to understand the Pala'u community better by engaging with them, for example through programmes conducted by authorities as well as NGOs, to help them adapt to a new environment and to open up their acceptance towards a better life through cultivating their interest in education.

4. Barter Trading: Strengthening and Developing Laws to Improve Security of the System

Barter trading through Sabah's sea-lanes is deeply rooted in the region's history for decades and given its traditional values, barter trading has continued to operate in various districts in Sabah's eastern seaboard. But as mentioned in the previous section, it is also known to be facilitating organised crimes and terrorist elements. In fact, such facilitation is an open secret and has been going on for many years now.[6]

With such criminal links and the kidnapping incident in May 2015, the Malaysian Inspector-General of Police (IGP), Tan Sri Dato' Sri Khalid Abu Bakar, proposed that the barter trading activities between

[1] Siti Salmiah, Senior Director of Comprehensive Defense and Security Research Centre (CDSRC) at MIDAS, Questionnaire received June 29, 2015.
[2] Berita Harian, "Bajau Laut boleh mabuk jika di darat", April 13, 2015, http://www.bharian.com.my/node/47297 (accessed 13 April 2015).
[3] Dr. Arnold Puyok, Senior Lecturer, UNIMAS, Interview Questionnaire received July 13, 2015
[4] Shahriman Lockman, Senior Analyst, ISIS Malaysia, Interview Questionnaire.
[5] European Commission, "Education for children of the nomadic Bajau Laut and other marginalised or stateless children of the East coast of Sabah", 2013, https://ec.europa.eu/europeaid/printpdf/63209_en (accessed December 1, 2015).
[6] Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non- Traditional Military Affair, MIDAS, Interview Questionnaire.

the eastern Sabah and southern Philippines communities be banned.[1] However, this proposal was received with strong opposition, particularly from the provinces in southern Philippines arguing that it would be counterproductive to ban barter trading.[2] The Malaysian government however has yet to decide on whether it is necessary to ban the barter trading activities in Sabah. Nonetheless, following the kidnapping of four Malaysian sailors on a tugboat on 1 April 2016, Datuk Seri Panglima Haji Musa bin Haji Aman, Chief Minister of Sabah, announced that barter trading activities with southern Philippines would be halted indefinitely.[3]

Indeed, the proposal to ban barter trading, the centuries-old activity, would not do good to either Malaysia or the Philippines. This is due to the fact that Sabah as well as the southern Philippines and east Kalimantan are also relying on the barter trading system for their respective economic growths. For example, the total barter trade value between Sabah and the two neighbouring areas ranges from RM150 million to RM300 million per year.[4] This is a significant amount, especially for states and provinces with relatively low incomes. As such, societies from such areas would prefer to obtain goods that are cheaper than the market price, and this is when barter trading activities becomes valuable and a necessity.

In essence, barter trading exists due to market forces where for example, the residents of western Mindanao would prefer to buy goods in Sabah as they were cheaper while those who reside in Tawi-Tawi Island would prefer to go to Sabah rather than to Zamboanga City as it was easier to sail to the former.[5] Therefore, the proposal to ban barter trading activities would not be feasible as it may also increase the rate of criminal activities and kidnappings as well as the influx of illegal immigrants.[6] Echoing this is Shahriman Lockman who argued that "barter trading will only cease to be the norm with the emergence of modern socio-economic conditions in the various communities of eastern Sabah and southern Philippines.[7]

Given the negative outcomes from the banning of barter trading, it is then more logical for the Malaysian government to seek other alternatives in securing the ports. As mentioned by Dr. Arnold Puyok, "the issues here are regulation and facilitation".[8] Hence, one such alternative could be to strengthen law and order in these ports.

While any known illegal activities regarding barter trading would be dealt with under the nation's immigration and human trafficking laws, the Malaysian government may want to consider developing laws with specific focus on barter trading and its related operations. This is imperative because the various transactions can "…easily be manipulated and abused", hence the need for the authority to impose certain regulations on this system to avoid criminals operating their activities via the barter trading system.[9]

5. Sea-Basing: Utilising Existing Islands for Effective Surveillance and Responses to Security Threats

In late May 2014, Datuk Seri Shahidan Kassim, Minister in the Prime Minister's Department, announced the government's decision to use Forward Operating Base (FOB) in securing the eastern

[1] The Star, "Police to Propose Banning Barter Trade in Sabah", May 18, 2015, http://www.thestar.com.my/News/Nation/2015/05/18/igp-khalidpolice-to-propose-barter-trade-ban-in-sabah/ (accessed June 2, 2015).
[2] The Rappler, "Philippine Official hits Proposed Sabah Barter Ban", June 1, 2015, http://www.rappler.com/nation/94947-basilan-vice-governorsabah-barter-ban (accessed June 2, 2015).
[3] Ruben Sario, "Move to Ban Barter Trade Essential for Sabah's Border Security", The Star, April 6, 2016, http://www.thestar.com.my/news/nation/2016/04/06/move-to-ban-barter
[4] Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non-Traditional Military Affair, MIDAS, Interview Questionnaire.
[5] Ibid
[6] Ibid
[7] Shahriman Lockman, Senior Analyst, ISIS Malaysia, Interview Questionnaire.
[8] Dr. Arnold Puyok, Senior Lecturer, UNIMAS, Interview Questionnaire received July 13, 2015.
[9] Siti Salmiah, Senior Director of Comprehensive Defense and Security Research Centre (CDSRC) at MIDAS, Interview Questionnaire.

Sabah seaboard.[1] The FOB would utilise abandoned oil rigs owned by Petronas in strategic locations between the Malaysian and the Philippines' borders. According to the former Director-General of ESSCOM, Datuk Mohammad Mentek, the FOB effort was designed to boost the capabilities of the ESSCOM and enhance security in the ESSZONE areas by having strong capacity to block foreign ships or boats illegally trespassing the Malaysian sea border.[2]

While this was an excellent attempt by the government to increase security in the area, it is also worth considering utilising the existing islands for sea basing. Utilising the existing islands as FOBs is expected to be more practical according to Lt. Col. Dr Zulkarnain bin Haron.[3] This effort is in line with the recent statement made by SAC Abdul Rahim Abdullah, Bukit Aman Marine Police Commander, who announced the set-up of FOB in Mabul Island.[4] Furthermore, it is also crucial to develop as well as empower the community of islanders so that they become part of the government's effort in securing eastern Sabah".[5]

Nonetheless, to ensure the effectiveness of these islands as sea-bases, adequate surveillance technologies such as radars and cameras, the placement of appropriate numbers of speedboats and weapons as well as the sufficient deployment of security officials to patrol the areas and to mind the surveillance equipment at all hours, must be ensured. In addition, according to Lt. Col. Dr Zulkarnain bin Haron, troops stationed in various islands who are equipped with technologies such as Fast Attack Craft or Assault Boat as well as communication facilities "…will cover more areas of operations with faster response time rather than having one big ship or troops stationed on oil rigs".[6] Having said this, it is also important that the welfare of the security officers, including the supply of clean water, food as well as sufficient time for resting be granted to the officers deployed at these islands. Ensuring such welfare for the officers-on-duty would increase their motivation and attentiveness to the duty at hand.

However, the deployment of security officers in the various islands could be a liability for the nation's enforcement agencies as such resources are limited. Furthermore, the costs to ensure security and proper technologies to be put in place is certainly high however, the costs are expected to be less than having FOBs.[7] Hence, the cost that could be saved from maintaining oil rigs could be channelled to strengthening sea bases on islands and other community engagement activities.

In addition, by utilising present islands as sea bases and equip them with relevant technologies and manpower, the issues of illegal immigrants and organised crimes activities as well as threat from intruders and terrorists, could also be halted at the point of entry itself. This is because the move would provide a more scattered and wide-ranging surveillance areas and could cover more coordinates as opposed to having a limited number of FOBs.

6. Equipping Security Forces

In order to better secure the shores of Sabah's eastern seaboard, security authorities must be equipped with proper boats that can operate on shallow waters. It is known that smugglers and kidnappers operating in the areas of ESSZONE uses pump boats to manoeuvre in shallow waters as deep as one foot, and through narrow water villages.[8] On the other hand, Malaysian authorities are equipped with boats that are made for deeper waters, and this has hampered, to a certain degree, the

[1] The Star Online, "Abandoned Petronas oil rigs in Sabah waters to be converted into Esscom bases", May 29, 2014, http://www.thestar.com.my/News/Nation/2014/05/29/Story/ (accessed January 15, 2015).
[2] The New Straits Times Online, "ESSCOM to fully utilise forward operations base", June 10, 2014, http://www.nst.com.my/node/1370, (accessed October 15, 2014).
[3] Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non-Traditional Military Affair, MIDAS, Interview Questionnaire.
[4] The Star Online, "Marine police to set up tactical base in Mabul Island", March 22, 2016 http://www.thestar.com.my/news/nation/2016/03/23/marine-police-to-setup-tactical-base-in-mabul-island/ (Accessed April 26, 2016).
[5] Dr. Arnold Puyok, Senior Lecturer, UNIMAS, Questionnaire received July 13, 2015.
[6] Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non- Traditional Military Affair, MIDAS Interview Questionnaire.
[7] ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[8] Ibid

effort to secure the shores and rivers of ESSZONE.[9] In addition, surveillance cameras must also be installed in 'hot areas' including in barter trading ports as well as on the water villages. This would allow for better monitoring and effective surveillance near shores.

7. Increase Security Awareness of Business Operators

Business operators such as ferry, resort, fish farm and plantation operators plays an integral role in directly ensuring the safety of their businesses, including their personnel and stakeholders against threats posed by criminal and terrorist groups. As such, it is important that they are made aware of their responsibility to ensure the security of their businesses in all aspects, as "they too should become part of the government's comprehensive and long-term effort".[10] This includes ensuring that their businesses and personnel are not being exploited by these groups or are a part of such groups. It is also important that these operators, particularly those who have direct contact with foreigners or tourists such as fish farm and resort businesses, to increase the security of their premises by installing Closed Circuit Televisions (CCTVs) and placing security guards on duty at all hours.

On top of that, business operators must also ensure that they do a thorough screening of their potential employees and to avoid hiring those without valid travel documents. With regard to palm oil operators, the use of sub-[11]contractors by these operators to conduct its plantation activities must be limited and where sub-contractors are hired, proper registration with authorities must be ensured.

In this aspect, increasing security awareness of business operators would certainly be of added value as security of the area would be enhanced. This is also ideal as the business operators will not have to be fully dependable on the authorities to secure the area. As an external benefit, by taking the necessary measures to enhance the security of the area, it would also be able to instil confidence in tourists to visit the business or area. In this regard, investing in security would protect the image of business operators.[12]

However, it may not be easy for the operators to cooperate with the authorities by enhancing security at their own expense as the costs of installing CCTVs as well as hiring security guards and legal workers would be higher than to just depend on the authorities. Additionally according to the former Commander of ESSCOM, Datuk Abdul Rashid Harun, there were some dive and resort operators who do not want to cooperate with ESSCOM's personnel for fear of losing money for giving free boat rides to security personnel.[13] Furthermore, it is equally important to understand that increasing such security awareness for businesses may not result in a significant reduction of criminal activities, which can only be achieved with regular police patrol, and presence of security forces.[14] Nevertheless, such an awareness and increased security at resorts and other business facilities would certainly be an added value with a second-layer of defence.

On the other hand, the government could also make it compulsory for new resorts to undergo security screening to ensure that the resorts have taken all necessary measures to eliminate potential threats. Additionally, it is also important that the government make it a mandatory requirement for resort operators to have their own security personnel. In this regard, only resorts that have gotten approval from the government could open for business.

[9] Ibid
[10] Dr. Arnold Puyok, Senior Lecturer, UNIMAS, Questionnaire received July 13, 2015.
[11] ESSCOM officials, interview by Authors, November 19, 2014, Lahad Datu, Sabah.
[12] Lt. Col. Dr Zulkarnain bin Haron, former Assistant Director, Non-Traditional Military Affair, MIDAS Interview Questionnaire
[13] The Star, "Some resort operators not cooperating with us, says ESSCOM", November 5, 2015, http://www.thestar.com.my/news/nation/2015/11/05/some-resort-operatorsnot-cooperating-with-us-says-esscom/ (accessed November 5, 2015)
[14] Shahriman Lockman, Senior Analyst, ISIS Malaysia. Interview Questionnaire, Received May 25, 2015.

8. Enhance and Strengthen Coordination between Relevant Agencies

In ensuring the security of Sabah's eastern seaboard, the involvements and coordination between various agencies including the RMP, MAF, MMEA, Marine Operations Force, Malaysian Customs Department, Immigration Department of Malaysia and the Ministry of Domestic Trade, Co-Operatives and Consumerism amongst others, are being performed with considerable success. One such cooperation could be seen through the establishment of ESSCOM that comprises of multi-security agencies including RMP, MAF, MMEA as well as civil officers.

This approach is important and in-line with the National Blue Ocean Strategy (NBOS) which champions the idea of cooperation and training between relevant agencies in the effort to address shortage of personnel as well as operating costs. Furthermore, it would also enable the nation's security forces to cover more sea and land areas to ensure a more effective surveillance and protection of Sabah's waters and land.

However, in executing this cooperation, conflict of interests may arise due to overlapping jurisdictions. Therefore, a clear distinction of each agency's job scope must be ensured while avoiding any overlapping jurisdictions and areas of cooperation. In addition, and equally as important is to develop in the hearts of security officials the sentiment of shared responsibility and common goal to protect the country from any threat or security breach.

To further increase the security of Sabah's land and waters, it would also be beneficial for the government to enhance the participation of voluntary corps such as the People's Volunteer Corps or RELA, for the purpose of patrolling and maintaining peace and security of the areas. New voluntary corps, comprising of local communities could also be established to help secure respective local areas. In this regard, these voluntary corps could help address the issue of shortage of security personnel and cover more bases and areas. Nonetheless, it is also important to train and equip these corps with the necessary skills to ensure their effectiveness.

Although security officials are the front-liners to securing the country, it is also important to include local communities in securing the areas that they live in. This is due to the fact that while the citizens or society form the basic component of a nation, they too play an integral part in the "…whole security networks".[1]

9. Building Trust between Authorities and Local Communities

Another important factor in securing the Sabah's eastern seaboard is to build upon the element of trust between authorities and local communities. This can be done by conducting monthly meetings and talks involving the locals such as cultural shows and other local festivities. Authorities could also participate in programmes or events organised by the locals such as open houses and local cultural shows.

This in turn would help to develop strong and sustainable relations between authorities and local communities by making them feel at ease with the presence of authorities, thus increasing their willingness to provide helpful information and intelligence on possible criminal or terrorist activities. Additionally, continuous engagement between security officials and the local communities can also be one way of instilling patriotic sentiments, another crucial element in the effort to fight against the threats faced by Sabah, especially in the areas under ESSZONE. Furthermore, by building trust and creating friendships between authorities and local communities, the security forces will be able to expand their network of contacts within the local communities for communication and intelligence gathering purposes.

In addition, "the authorities must [also] develop an extensive network of contacts within the local communities, including, or perhaps especially, among those with significant numbers of

[1] Siti Salmiah, Senior Director of Comprehensive Defense and Security Research Centre (CDSRC) at MIDAS, Questionnaire

undocumented migrants".[1] This would enable the communities to provide valuable data on the human smuggling activities and undocumented travelling from neighbouring countries. Hence, enabling the security forces to halt further migration into the country,[2] as well as criminal activities.

However, it is still necessary and imperative to keep the line between authorities and local villagers or communities well-defined. Failing to do so may lead to possible manipulation or exploitation, by either the local community or the authorities, of the gained trust.

10. Strengthen Bilateral Relations with the Philippines and Indonesia

Another important element in the effort to secure Sabah's eastern seaboard is by strengthening Malaysia's bilateral relations with countries of common security interests, with Indonesia and in particular, with the Philippines, at both political and security levels. This would include joint security operations such as patrolling the affected waters and sea-lanes as well as sharing of information and intelligence on potential security threats from either side. In this regard, the recent call by Indonesia to work at a tri-lateral level with Malaysia and the Philippines to fight against the threat posed by the ASG is both crucial and timely.[3] On a broader sense, it is important to continuously acknowledge the duty of the governments to work closely with one another to address factors that are conducive to the spread of threats of mutual interests such as organised crimes and terrorism. This is because high-level bilateral cooperation is key to an immediate solution to end such criminal activities.[4]

Thus, it is imperative that the government greatly enhance and strengthen joint training as well as security operations between Malaysian authorities and the Philippines' and Indonesian authorities. In addition, training institutions in respective countries should also take the lead by conducting joint training activities specifically between these countries, both at theoretical and operational levels.

But for this to be effective, it requires political will of each affected countries to solve the problems of common concern.[5] In the case of the Philippines, where most of the illegal immigrants, criminal groups and terrorists originate from, it is crucial that the Philippine authorities to continue to take the responsibility of securing their side of the border as can be seen during the Lahad Datu Incursion where the Philippine Navy blocked the southern route to Sabah to avoid escalation of the issue.[6] But this may post a challenge particularly to the Philippines since the country "…is distracted on many fronts including the South China Sea and southern Philippines".[7] Furthermore, according to Shahriman Lockman, it would be very difficult to reach an agreement if the term 'territorial waters' was to be used given that the Philippine government continues to claim Sabah as their own .

Hence, given the necessity of joint patrolling of the Sulu Sea, "…an understanding that such activities would not be prejudicial to the territorial and jurisdictional claims of either countries" is essential.[8] This would certainly increase the effectiveness of securing the countries' shared borders and territorial waters and increase the quality of securing the sea-lanes and the sharing of intelligence between the two countries. Furthermore, as an added benefit, the cooperation could also serve as a platform in minimising bureaucratic processes by taking back their deported citizens.

11. Integrity in Securing Malaysia against External Threat

Finally, the most important factor in securing the areas under ESSZONE against threats posed by external non-state actors on Malaysia and its interests is the integrity of the nation's authorities and

[1] Shahriman Lockman, Senior Analyst, ISIS Malaysia. Questionnaire
[2] Ibid
[3] The Star, 'Tri-nation plan to fight Abu Sayyaf', May 5, 2016, pg. 4, col. 2.
[4] Lt. Col. Dr Zulkarnain bin Haron, Questionnaire
[5] Lt. Col. Dr Zulkarnain bin Haron, Questionnaire
[6] Free Malaysia Today (FMT), "Philippine Navy Blocks Sulu Sea", http://www.freemalaysiatoday.com/category/nation/2013/02/22/philippinenavy-blocks-sulu-sea/ (accessed December 14, 2014).
[7] Shahriman Lockman, Senior Analyst, ISIS Malaysia. Interview Questionnaire
[8] Ibid

relevant officials. In this instance, the element of integrity must be strengthened and instilled in all of the officials involved in securing the nation, including those at the lowest rank right up to its leadership. The attitude of 'closing one eye' on illegal activities such as exchange of illegal goods and activities whether at barter trading ports or water villages, must also be tackled.

Equally as important is the political will of the country's leaders in seeing all these through to achieve a common goal of a peaceful and stable Malaysia, particularly in addressing the issue of illegal immigrants, as mentioned in the RCI Report.[1] These efforts would allow for a more effective and concrete approach to securing Sabah's eastern seaboard.

However, apart from these two being among the most important factors in securing ESSZONE, these elements are also the most challenging and difficult to achieve. This is because it involves the need for the change of hearts and minds of individuals involved, their passions as well as beliefs. In essence, the change is needed at the individual level.

Conclusion

The Lahad Datu Incursion in 2013 had served as a 'wake-up call' for Malaysia. Many were dumbfounded by the tacit ability of the armed intruders, labelled as terrorists by the government of Malaysia, to post such a serious threat against a state with better defence capabilities. Various factors were at play and to mention just one would not do justice to the complex nature of such deep-rooted threats and not to mention its catalysts that serves as contributing factors to threats posed by external non-state actors against Sabah's eastern seaboard. This has complicated the challenges to securing Sabah and thus, Malaysia. Therefore, addressing the threats effectively must be one of the main priorities of the government. But a further study into countering these issues has led to the discovery of other interrelated problems that serves as contributing factors or catalysts in the facilitation of these threats. These include the issues of illegal immigrants, water villages, the Pala'u people and the barter trading system among others.

Hence, constructive and strategic approaches in tackling these catalysts are needed. As such, several recommendations, utilising varied methods with the emphasis on 'Whole-of-Nation' approach, were proposed in order to address the catalysts, hence, reducing the possibility of these elements acting as facilitators to the threats posed by terrorist and organised crime groups. These includes; developing concerted effort in addressing the issue of illegal immigrants through legalising genuine illegal immigrants and strong diplomatic ties; restoring and monitoring water villages; providing opportunities through education and vocational training for the Pala'u community to enhance their way of life; strengthening laws and regulations of the barter trading system; increasing awareness of business operators on their responsibility to secure their operations; utilising existing islands as sea bases; enhancing coordination amongst the multiple agencies involve; strengthening bilateral relations between the Philippines and Indonesia to tackle security challenges of common interests; and building trust between the authorities and local communities as well as instil patriotic sentiments amongst them. Above all, however, is the integrity of the nation's authorities and officials to ensure that these issues are being dealt with in an appropriate manner with the goal of attaining tangible results in order to fully secure and maintain the peace and stability of Sabah and Malaysia as a whole.

Essentially, the 'Whole-of-Nation' approach is fitting in addressing the security issues in Sabah as it involves all the different layers that form a unified nation which includes relevant authorities from the different uniformed bodies, civil servants, political leaders and through community engagements, the involvement of local communities and their leaders, minorities, targeted groups such as Pala'u, and NGOs. Thus, only through a concerted effort with absolute determination from the various layers of government and society, could eastern Sabah be secured against threats from external non-state actors.

[1] The Star, "RCI Report: Political Will Required to Curb Sabah Illegal Immigrant Problem", December 3, 2014, http://www.thestar.com.my/news/nation/2014/12/03/rci-political-willrequired-to-curb-problem/ (accessed November 3, 2015).

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Regional Cooperation through BIMP-EAGA Projects and Economics Security

Jennifer Chan Kim Lian* and Janice Nga[1]

Introduction

The chapter examines the BIMP-EAGA regional cooperation through its initiatives and projects implementation. It is divided into two parts. First part presents an overview of BIMP-EAGA and the five clusters listed in the strategic framework as regional cooperation to address the social and economic development within the region. It begins with an overview of BIMP-EAGA region and its potential to growth; and the key projects and activities undertaken to spearhead the regional cooperation and growth. Projects initiated enhance the region growth and cooperation thus strengthening the economic security through investment, trades and connectivity. It is clear that peaceful environment is catalyst to growth and prosperity; and thus the concept of economic security (implies individual social security, social stability and sustainable development of the region) is deemed vital for this regional growth. The second part of chapter outlines the current efforts undertaken by the Philippines government to reduce the long due crimes and illegal activities that contribute to the Maritimes violence.

Brief Background of BIMP-EAGA

The Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA) was established in March, 1994 as an emerging growth area with the vision of economic integration using the growth triangle strategy, as presented in Figure 1. It is considered as the "last frontier" of Southeast Asia. It is a sub-regional cooperation initiative for social and economic development. Its economic potential in trade and investment, abundant natural resources, and a huge potential market of 70 million people are well recognised.

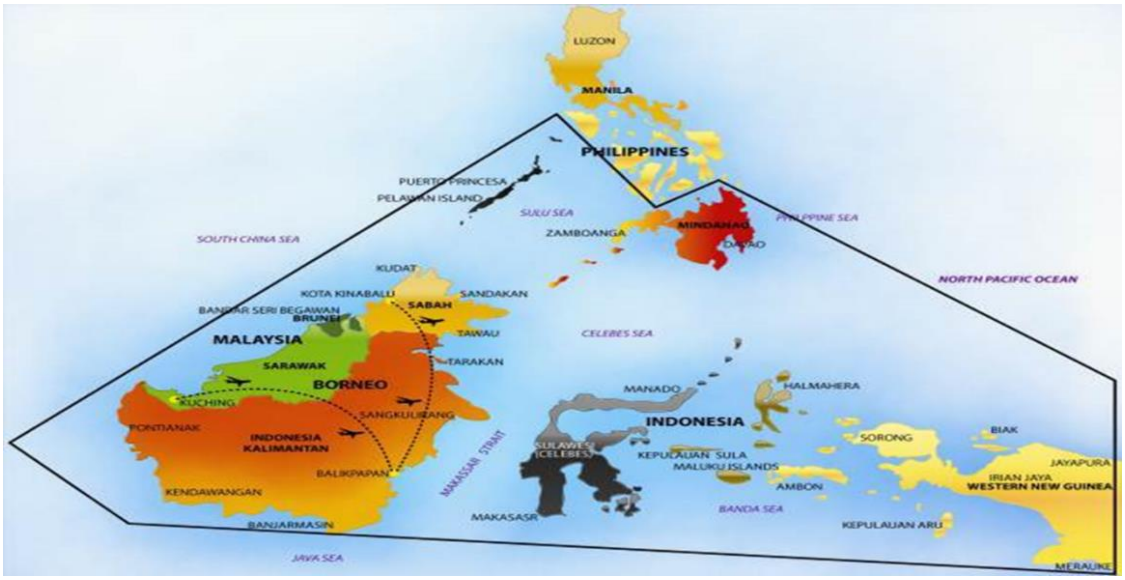

Figure 1: BIMP-EAGA REGION

[1] Jennifer Chan Kim Lian* and Janice Nga**, Reproduced with kind permission.

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BIMP-EAGA Clusters as Regional Cooperation and Integration

The BIMP-EAGA was formed to address the social and economic development of the less developed and remote territories in ASEAN (BIMP-EAGA Roadmap to Development, 2006-2010). The factors that contribute towards opportunities and cooperation in this sub-region include its size and population of the region, the rich natural resource and its strategic location within the ASEAN context. Hence, the region has the potential to attract investment in terms of infrastructure and resource-based projects. The short- to medium-term goals of the BIMP-EAGA are to become a major location in ASEAN for high-valued added agro-industry, natural resource-based manufacturing, and high-end tourism. In the longer term, its goal is to establish non-resource based industries in the sub-region (www.bimp-eaga.org).

BIMP-EAGA cooperation aims to increase trade, tourism, and investments by:

- Facilitating the free movement of people, goods, and services throughout the countries
- Making the best use of common infrastructure and natural resources
- Taking the fullest advantage of economic complementation.
- Ensuring agricultural processes are up to speed in comparison to developed countries
- Partnering with G20 countries to achieve economic independence; and
- Promoting Tourism throughout the regions

BIMP-EAGA cooperation is anchored on five strategic pillars and classified as five clusters, namely: connectivity, food basket, tourism, environment and socio-cultural and education. The five clusters provide a wide range of trade and business opportunities and hence improve the economics of the local community in the regions. These clusters are listed in the strategic framework and a total of fifteen working groups within the five clusters to spearhead the priority sectors for development within the region (BIMP-EAGA Cooperation Initiative, 2008). A country leads each cluster and key areas and projects are identified and develop. These projects and activities are approved under the Implementation Blueprint (IB) as a strategic document and an action plan. BIMP-EAGA initiatives are envisioned to be private sector-led and market-driven.

In order to strengthen the regional cooperation, The Asian Development Bank has outlined cooperation strategies and programs to revitalize the BIMP-EAGA. There are 34 project initiatives with a total of $37.7 million that have been identified (ADB, 2004). Agri-business and eco-tourism makes up 50 per cent of the total. The other 50 per cent consists of supporting sectors of trade, investment, transportation, communication, and power. The geographic focus of these project initiatives is 50 per cent global reach, 31 per cent intra-regional, and 19 per cent extra-regional; and especially China, major regional and global markets for agri-businesses and tourism. The strategy includes growing small and medium sized enterprises (SMEs) in cross-border production and trade activities. All these strategies aim to improve the local economy, poverty alleviation and improve the wellbeing of the local community within the region.

Five Clusters of Regional Cooperation

The five clusters aims to improve and strengthen the regional cooperation and development and subsequently economic security of the region through the projects initiated under BIMP-EAGA Implementation Blueprint projects. These clusters are presented in the following section.

Cluster 1: Connectivity (Brunei Darussalam)

In order to stimulate the growth of the sub-region, there is a need for strong air, sea and land linkages to enable the movement of people and commodities within the region. Good linkage is essential to complement improvements in physical infrastructure. Connectivity is the first cluster and is headed by Brunei Darussalam and it covers the scope of physical, institutional, and people-to-people connectivity.

Under this cluster, there are several physical connectivity projects initiated and priority infrastructure projects in EAGA which form part of the ASEAN Highway Network (AHN) to improve in physical infrastructure, these projects are:

i. The Sarawak to West Kalimantan Power Interconnection Project (between Malaysia and Indonesia) as a priority project that has high impact on ASEAN connectivity.

ii. The Pontianak–Entikong Transport Link (Indonesia), and the Rehabilitation of Davao–General Santos Road (Philippines).

iii. BIMP-EAGA submarine fiber optic cable (also known as the BIMPEAGA Rink) which contributes to the planned ASEAN Broadband Corridor; and thus facilitates interconnection of telecommunication services in BIMP-EAGA, and expand connectivity networks with the rest of the Asian countries. The project links all BIMP-EAGA member countries using a Hybrid Communications Platform either through sub-sea cable system, satellite, or terrestrial. It turns the BIMP-EAGA sub-region as a new hub and centre for investment that will attract and introduce new economic growth within the sub-region, as well as improve the socioeconomic conditions of the population inhabiting the BIMP-EAGA ecotourism area.

iv. Regional nautical highway via the expansion of Roll-on Roll-off (RoRo) ferry network at priority ports (Glan–Tahuna; Zamboanga–Bongao, Tawi-Tawi; and Bongao–Sandakan), including the development of RoRo shipping and port services in selected EAGA ports.

In addition, the cluster also focuses on transport and trade facilitation through the formation of economic corridors. The development of economic corridors in BIMP-EAGA is in line with the objectives of BIMP-EAGA's Roadmap to Development to promote physical and cross-border mobility. The facilitation of cross-border movement of goods and services maximize the investment returns on physical infrastructure projects; and also directly support the increased trade, investment, and tourism in EAGA; and subsequently, it facilitates the sub region's integration with the rest of ASEAN. Significantly, it contributes to achieving sustainable development and economic integration of the agro-industries and fisheries sectors to ensure food security and sustainable livelihoods of the people, and alleviating poverty in BIMP-EAGA; and to provide easier access to the sub-region's major tourism destinations.

The development of economic corridors aims to attract direct infrastructure investments and to facilitate the efficient cross-border movement of the factors of production; and stimulate trade, tourism, investment, and other economic activities. Infrastructure development is a prerequisite for an economic corridor to evolve, as it can help activate and accelerate cross-border activities; promote access to markets; reduce trade and transport costs; and facilitate growth between two or more production, export, or consumption points.

Two priority economic corridors identified and developed are:

1) The West Borneo Economic Corridor (WBEC) comprised of Brunei Darussalam, West Kalimantan in Indonesia.

2) The Greater Sulu Sulawesi Corridor (GSSC) is a maritime corridor covering North Sulawesi in Indonesia, Sabah in Malaysia, and Mindanao and Palawan in the Philippines. The corridor

has strong historical trade links characterize this corridor with trade concentrated between North Sulawesi and Mindanao and between Sabah and Mindanao. It is the nerve centre of barter trade in EAGA where agriculture and aquaculture trade is fairly advanced. Agribusiness products, food and fish processing, and tourism are the sectors that offer the highest potentials for trading. Transport connectivity consists of port-to-port trade flows and shipping services within the Sulu Sulawesi Sea. However, trade remains very limited among BIMP-EAGA partners in the corridor due to limited shipping services.

There are five segments or sub-corridors within the corridor.

i. Palawan Province (Philippines) to Sabah (tip of Borneo or Kudat);

ii. Zamboanga Peninsula (Philippines) to Sabah (east coast);

iii. Zamboanga Peninsula (Philippines) to Sabah (east coast) through the island provinces of Basilan, Sulu, and Tawi-Tawi in the Philippines;

iv. Davao area (Davao del Sur Province, Philippines);

v. General Santos area (South Cotabato Province, Philippines) with North Sulawesi (Indonesia).

The gateway ports within the sub corridors are at (i) Brookes' Point (Palawan, Philippines) and Kudat (Sabah); (ii) Zamboanga (Mindanao, Philippines) and Sandakan (Sabah); (iii) Zamboanga, Jolo, and Bongao (Mindanao) and Sandakan (Sabah); and (iv) Davao and General Santos (Mindanao, Philippines) and Manado and Bitung (North Sulawesi, Indonesia).

The Tanjung Selor Border Road in East Kalimantan (Indonesia) and the Lahad Datu Palm Oil Integrated Cluster in Sabah (Malaysia) are another two important priority infrastructure projects. The Tanjung Selor Border Road is along the East Borneo Corridor Economic Corridor. The project involves the construction of about 191 km of road from Tanjung Selor to the Malaysian border. The Lahad Datu Palm Oil Integrated Cluster is an industrial cluster envisaged to handle the processing of biomass from the oil palm industry and other oleo-chemicals from Sabah and the rest of the BIMPEAGA subregion (Southern Philippines and Kalimantan) estimated at 1.5 million twenty-foot equivalent units (TEUs).

Cluster 2: Food Basket (the Philippines)

The food basket cluster aims to optimize the richness and biodiversity of the sub-region's marine and terrestrial resources and alleviate poverty. The food basket framework is envisioned in promoting long-term food security and positioning the sub-region to become the food basket of the ASEAN; and to achieve a sustainable development and economic integration of the agro-industries and fisheries sectors to ensure food security and sustainable livelihoods of the people. Thus, it contributes to poverty alleviation in BIMP-EAGA. Agro-based and fisheries products are an integral part of the BIMP-EAGA economic development agenda and as economic integration.

Cluster 3: Joint Tourism Development (Malaysia)

The BIMP-EAGA Roadmap to Development has identified tourism is a priority sector considering that the sub-region hosts some of the greatest marine and terrestrial biodiversity in the world and abundant natural and cultural assets. Tourism is regarded as a central theme in the sub-region's development strategy on account of its potential to contribute to alleviating poverty and narrowing the development divide in the sub region.

Cluster 4: Environment (Indonesia)

The cluster focuses on the cooperation in the environment which consists of four components: (i) sustainable management of critical ecosystems, (ii) climate change adaptation and mitigation, (iii) clean and green production technologies, (iv) addressing transboundary issues, and (v) environment mainstreaming. Cooperation in sustainable development and environmental management in the resource-rich sub-region is guided by three strategies: (i) developing a framework for intra-EAGA cooperation in the integrated protection and management of natural resources and biodiversity; (ii) identifying and developing viable and sustainable joint investment projects in forestry, fishery, minerals, and energy; and (iii) encouraging and supporting greater private sector participation in sustainable natural resource development projects and environmental protection programs. These strategies provide guidelines in cooperation efforts to ensure sub region's natural resource and marine biodiversity are well protected.

There are three major initiatives on the environment, namely 1) the Heart of Borneo (HOB) Project, participated in by Brunei Darussalam, Indonesia, and Malaysia; 2) the Coral Triangle Initiative (CTI) participated in by Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands, and Timor-Leste (also known as the CT6); and 3) the Sulu Sulawesi Marine Ecoregion (SSME), which is one of the priority seascapes under the CTI.

Cluster 5: Socio-Cultural and Education (the Philippines)

The cluster promotes regional integration through cultural and people-to-people connectivity.

BIMP-EAGA Development Projects

All these initiatives and development projects have been undertaken to speed up the development and growth of East Asian Growth Area (EAGA) corridor. All these projects are identified by each country and approved at the Ministerial and senior official meeting which consist of the four countries in the region and are recorded in The BIMP-EAGA Implementation Blueprint projects. These projects are deemed converging efforts to address cross sectorial issues; and enhance the regional cooperation with the involvement of the ministerial and bring positive impacts to the respective social economics, environment and ecological.

BIMP-EAGA Projects undertaken by four countries

1. Expansion of air linkages – Brunei Darussalam
2. Sea linkages, transportation & shipping services – Indonesia
3. Joint tourism development – Malaysia
4. Expansion of fisheries cooperation – the Philippines
5. Construction and construction materials – the Philippines
6. Telecommunication – Brunei Darussalam
7. Environmental protection and management – Brunei Darussalam
8. Forestry – Indonesia
9. People mobility – Indonesia
10. Human resources development – Malaysia
11. Capital formation and financial services – Malaysia

12. Energy generation – Malaysia
13. Agro-industry – the Philippines

In the same vein, well interconnected power transmission systems within EAGA are necessary not only to improve power reliability but to enhance overall economic efficiency throughout the sub-region in an environmentally sustainable way. The ICT Rural Outreach Program is an outreach for the rural community aimed at improving the ICT literacy of the people, especially those in the rural areas. It includes the setting up of an ICT community center, developing human capacity ICT literacy and entrepreneurs, and establishing a portal for local products to be marketed regionally

Issues faced in cross-border cooperation and opportunities

The cross-border cooperation creates opportunities for investment and sub-regional value chains through trade and business activities. Above all, it stimulates more private sector investments into the region. Indeed, the availability of abundant natural resources gives the sub-region huge potential for development of tourism, marine and agriculture-based industries. Under the BIMP-EAGA Clusters, the four countries are proactively spearheaded by key sectors and projects that generate positive economic benefits to the sub-region. These key sectors and activities provide vast potential opportunities for trade and investment, as well as, regional development and economic cooperation and regional growth.

The reoccurrence of maritime violence is the greatest impediment to the region's growth. This sub-region has unresolved disputes and conflicts, where their resolution is long overdue. The series of insecurity events within the maritime waters between Sabah and the Philippines give negative perception for businesses and investors from within the region and external investors. The maritime violence has impacted negatively on the aquaculture, marine capture, tri-border trade, tri-border connectivity, palm oil industry, tourism and SME enterprises along the coastal and island significantly. The suspension of barter system trade in the ESS Zone resulting in negative impacts - economy, small businesses, loss of government revenues, closure of businesses and unemployment.

Social impacts of the barter trade suspension on the local community are perceived to include the loss of employment which will affect the local economy; increase in unemployment and crimes rate; decrease in job opportunities; fall in supply of imported goods from neighboring country Indonesia; loss of income to barter trade players; and increase in smuggling activities of goods. Hence, it is vital to strengthen regional safety, security and stability of the region.

Negative impacts on state economy and socio-economic of coastal communities:

1. Loss of value of barter trading between Indonesia and Philippines
2. Loss of government revenue through import duties and taxes
3. Tax evasion through smuggling activities
4. Loss of jobs/unemployment for the local communities
5. Encourage more crimes and social problems

Evidently, the maritime violence is mainly attributed to the economic security in southern Philippines. Regional peace and harmony can be achieved through greater integration and cooperation play by the BIMP-EAGA council members by narrowing the development gap; improving the capacity building of human capital.

A lack of regional security and safety is a great challenge and threat to the sub-region's growth (Lopez 2014). Security is always a complicated issue; it is becoming more complicated with international terrorism. It is vital for the member countries to ensure that BIMP-EAGA must not be seen as an area connected to any terror groups or activities. There is a need to strengthen regional abilities to address long overdue regional conflicts and occurrences of disputes. There is lack of smart partnerships or core strategies among member countries to ensure safe flow of goods, peace and harmony in the region. There is need for implementation of a secure, safe and peaceful borderless environment with minimal or no protocol for trade and businesses in terms of allowing free flows of goods and people, fishing, education, and tourism (Sarmiento, 2014).

The acceleration of the BIMP-EAGA sub-regions' socio-economic development depends on trade and investments in the key activities and sectors within the regions. They include tourism activities, transportation and shipping, agro-industry, energy, and fisheries. Ensuring security and stability are by far the most important to support growth and development. In addition, the maritime problem is largely connected to the issues of underdevelopment and poverty in Mindanao.

BIMP-EAGA Regional Cooperation and Economic Security

The growth of the EAGA region and regional cooperation is impeded by lack of economics security in the southern Philippine regions. Often ignored and misunderstood in relation to national security, the economy has been taken for granted for years, but its strength is the foundation of both national and regional security. Economic security is considered as important a part of not only national security as military policy but also important in maritime estate management. Simply, economic security keeps the nation strong and enhances the prosperity of nation economic growth as well as regional growth. In simple terms, **e**conomic security affects the individual's social security, the condition of an individual, household or community that is able to cover its essential needs (like food, shelter, access to health care, education, etc.) and unavoidable expenditures in a sustainable manner".

Generally, the impact of income instability and employment, business protections, labour mobility and cross border to seek better living, loss of border trades and shipment are resulted of lack of economic security of the individual and community. Economic security may mean financial security is the condition of having stable income or other resources to support a standard of living now and in the foreseeable future. Economic security concerns access to the resources, finance and markets necessary to sustain acceptable levels, of welfare and state power**.**

Thus, one can easily relate the importance of economic security of the individual and community of southern Philippines. What happens to the BIMP-EAGA region is clearly attributed to the lack of economic security. The poverty level with large population and under-developed economy of the southern region stimulates the growth of seeking alternative for livelihood on land. Hence, the unmanaged maritime estate with easy access to resources led to the illegal practices, which include a wide range of crimes activities. Hence, it is important for the regional countries to cooperate and implement projects that bring economics benefits to the region. The respective member country governments must be committed to maintaining security and political stability in the region, on top of ensuring efficient infrastructural systems for raising competitiveness for trade and investments.

Clearly, incidents of kidnap in Sabah and Palawan Island have presented a negative perception and affected business confidence in the region. For example, the decrease in tourist arrivals in Sabah can be linked to the several kidnapping incidents. As a result, tourism businesses in Sabah suffered severely. Tourism development is greatly affected by peace and order problems such as kidnapping events. As part of any solution, all actors and stakeholders in the tourism industry must change the tourism climate in the region. A culture of tourism must be established. It could be done by engaging the communities. The communities hold the key in ensuring and sustaining peace and order. Issues on security can be confronted by winning over the communities towards a culture of sustainable tourism. Indeed, security and safety issues have become more complicated, with the added concern

about international terrorism. Partnerships and alliances among member countries serve as fundamental pillars of growth, sustained prosperity, peace and development (Ramos, 2014). Now more than ever, a more holistic approach towards improvement of security and safety in the region is required.

Improving business and investment activities in BIMP-EAGA region

Progress in achieving economic integration and competitiveness, social, economic and political stability have been slow in the region. There is a need to alleviate poverty. Again here, partnerships and alliances form the fundamental pillars for growth and sustainability in prosperity, peace and development (Ramos, 2014). The region also needs to stay ahead of ever changing global needs in physical and social infrastructure, logistic connectivity, trade rule liberalizations, and law enforcements.

The issue of connectivity is the biggest challenge in joint tourism development in the BIMP-EAGA sub-region. For example, there are limited tour packages to most areas and poorly connected inter-state and inter-country tours between Borneo, Palawan and Sulawesi (Goh, 2011). The issue of capacity of Customs, Immigration, Quarantine and Security (CIQS) officials to facilitate flow of goods and services under the ASEAN single window is important to trade and businesses. The coordination and harmonization of public policies to create a business climate for investors is also important (Ramos, 2014). Governments in the region welcome the private sectors to invest and support the implementation of initiatives in the areas of enhancing connectivity, establishing food security and promoting tourism within the region (*BERNAMA*, 2014).

Capacity building

The human factor is the critical factor for economic cooperation within the growth areas. A majority of sub-regions in the BIMP-EAGA are characterised by relatively low skilled and low productivity labour force. The entrepreneurial capabilities to develop many of the identified opportunities do not exist in the EAGA (Ishak Yussof and Mohd Yusof Kasim, 2003). Thus, appropriate human resource development efforts are essential to increase the capacity and capabilities of the EAGA economies. They are crucial to promoting and sustaining growth. Equal attention should be given to human capacity building and development.

The government of member countries had recognized the importance of continued investments in formal education, acquisition of relevant technological knowledge and managerial skills in order to sustain rapid economic growth. Quality education and training contribute significantly to economic development in terms of increased worker productivity and income. The economy becomes more productive, innovative and competitive through the existence of more skilled human resource. Only with highly qualified human resources can the region achieve global competitiveness (Dominguez, 2011). Based on this, human resource development therefore requires special attention to complement changes in the economic profile of the proposed growth regions.

Constant threats to forest and marine ecosystems from climate change

There is an urgent need to assess the BIMP-EAGA's vulnerabilities to climate change in order to determine its potential impacts on livelihoods, productivity and competitiveness, and to identify actions to improve the resilience of its local communities (Groff, 2014). Climate change has become a constant threat to forest and marine ecosystems. Member countries now face a challenge to ensure their natural resources are not diminished or loss due to climate change. This is on top of the constant challenges to strengthen sustainable growth, to ensure growths are clean and environmentally friendly, and to ensure cost reduction in business operations (Mindanao Business Conference, 2001).

The way forward for the BIMP-EAGA

The acceleration of the BIMP-EAGA sub-regions' socio-economic development depends on trade and investments in the key activities and sectors within the regions. They include tourism activities, transportation and shipping, agro-industry, energy, and fisheries. Ensuring security and stability are by far the most important to support growth and development. In addition, it is vital to make the BIMP-EAGA an attractive area for long term foreign direct investments that include innovation, sustainability, cost reduction of conducting business. There is a need to review the efficiency of the utilities industry. Member countries need to put in concerted efforts to create connectivity and to build capacity, in order to drive tourism and sustain continuous trade developments. Sustainable economic integration and growth are the way forward for this region (see Figure 2).

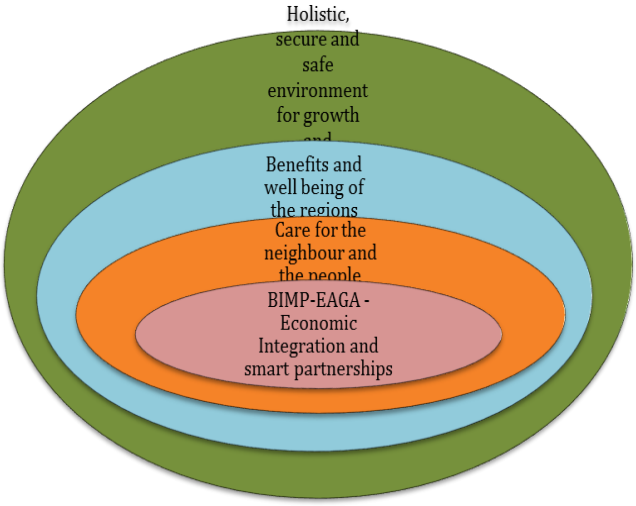

Figure 2: Greater integration, cooperation and sustainable way of thinking and practice

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Figure 2 suggests that the three pillars of sustainability, i.e., social culture, economy and environment, should weigh into all management options. Expansion of economic cooperation depends on the creation of economic complementarities, sharing of natural resources (East Asian Business Council, 1994), availability of information and technology, specialization and regionalization of production, as well as, human resources who are knowledgeable and competent in the necessary skills. Expansion of cooperation should also focus on environmental management in the resource-rich sub-regions and promotion of green and clean technologies to mitigate risks from climate change (Azaraimy, 2014). Conservation practices and maintenance of pristine conditions along coastal areas, the sea and forests are vital. The ecological profile of these areas needs to be elucidated as valuable baseline data, to be used in determining the future impacts from development. Hence the way forward must include steps to safeguard and to maximize the environment. The environment must be seen as a natural asset; as well as, the social and economic aspects of the environment must be recognized.

As the aim of the BIMP-EAGA is to increase trade, tourism, and investments through facilitating free movement of people, goods and services, sharing common infrastructure and natural resources, and implementing appropriate economic activities; then it is vital to not just ensure free flow of goods and people, but to also ensure security and safety within the regions. Security and safety issues must be addressed adequately and in a more holistic manner. A broader, holistic support framework would have committed human and financial resources at the sub-regional, national and local levels.

Part Two

'D' Factor for Maritime Security and Peace

From a security perspective, the one million square kilometer tri-border area in the Sulu-Sulawesi Seas between the southern Philippines, Indonesia, and Malaysia is significant (Parameswaran 2016)[1]. Its significance is pertinent because there is no area better captures both the complexity of the region's manifold maritime security challenges as well as the potential opportunities for greater multilateral cooperation among the states that rely on it. Parameswaran (2016) suggests that tackling the manifold problems and challenges in the tri-border area need some heavy lifting by concerned states. Hence, this section focuses on the role of President Rodrigo Duterte and its impact in the maritime security in BIMP-EAGA region. The roles and influences of President Duterte is important and significant because it involves discourses on the exercising of power through globalization. Kay claims that 'understanding the new means of exercising power via globalization is one of the most fundamental challenges for international relations theory and practice of the 21st century (Kay 2004: 13). Thus, examining the aspect of President Duterte is meaningful and relevant.

The commitment of President Rodrigo Duterte in fighting crime and ensuring peace in the Philippines and its surrounding region has positive contribution to the maritime security including BIMP-EAGA region. As the Philippines resumed chairmanship of ASEAN (Association of Southeast Asian Nations) in 2017, the President has outlined the direction of ASEAN to be pursued under his chairmanship in order to build a strong and resilient ASEAN. In that, he has emphasised to: place people at the core, work for regional peace and stability and pursue maritime security (Lim 2017)[2]. It is observed that Duterte's commitment in combating crime has always been consistent and his pledge for regional peace and maritime security has been apparent since he took office in June 2016 as the 16th President of the Philippines.

From Land to Sea – A Significant Connection for Peace and Stability

There is always a connection between land and sea. To begin with, they are borders to each other. There are claims that security issue in the sea begin from the issue on the land. For example, Admiral Dr Jayanath Colombage claims that the root cause of piracy is due to issues on land (Rider: 23 March 2017)[3]. As quoted in his own words, he said that "the sea is where piracy takes place, but it stems from conditions on land".

Kent claims that "while the land component may not actively patrol oceans, it can set the conditions required to develop that capability in other nations" (Kent 2016: 4)[4]. It has motivated and created interactions that affect and reflect the acceleration of economic, political and security interdependence (Kay 2004: 10)[5]. Hence, the complexity of interdependence in the international structure of globalization has encouraged states to cooperate in order to maintain power and remain in control of their respective territorials.

Putting the situation in the context of the Philippines, one of the main issues on land is the southern Philippines. Johnston reported that "the Philippines is said to be closer to peace today than at any point in the last four decades" and "if it can successfully navigate and deliver a sufficient degree of

[1] Parameswaran, P. 2016. Confronting Threats in the Sulu-Sulawesi Seas: Opportunities and Challenges. 10 June 2016. http://thediplomat.com/2016/06/confronting-threats-in-the-sulu-sulawesi-seas-opportunities-and-challenges/

[2] Lim, F. 2017. Duterte: ASEAN to focus on people's progress, peace, maritime security. 15 January 2017 [online]. [Accessed 28 March 2017] http://globalnation.inquirer.net/151692/duterte-asean-focus-peoples-progress-peace-maritime-security

[3] Rider, D. 2017. Piracy begins on land. In: Maritime Security Review. 23 March 2017[online]. [Accessed 28 March 2017] http://www.marsecreview.com/2017/03/piracy-begins-on-land/

[4] The Land Component Role in Maritime Security. http://apcss.org/wp-content/uploads/2016/12/The-Land-Component-Role-in-Maritime-Security-final.pdf

[5] Kay, S. 2004. Globalization, Power, and Security. Security Dialogue, 35 (1): 9-25. DOI: https://doi.org/10.1177/0967010604042533

autonomy to the south, the impact on local, national and regional peace and prosperity will be significant. But if it fails, the situation is unlikely to go back to the status quo ante: the future will be more un-predictable and potentially much more violent" (Johnston: 30 August 2016)[1]. While Duterte has been the most vocal supporter of the peace deal campaign and favours autonomy for Bangsamoro, he is not following the same route as the previous administration to deliver it (International Crisis Group 2016: i)[2].

President Duterte is seen to be serious and capitalized on his position to achieve power dynamics within the globalization of the international system. For instance, he is quoted as saying "We had an active discussion on enhancing of maritime and security cooperation. As maritime nations, the Philippines and Japan have a shared interest in keeping our waters safe and secure from threats of any kind. …Peace and development in the southern Philippines continue to be a priority for our countries. We both reaffirmed the need to ramp-up efforts to bring just and lasting peace and development in Mindanao" (Duterte: 12 January 2017)[3].

His emphasis in power dynamics particularly exercising the state power while involving the role of people, ideas and media power has brought great influence locally and internationally. Domestically, his actions and vow on crime have sent a clear message to the people on stern punishment including death while the international community has to acknowledge his firm action despite the fact that the international community may or may not agree to his course of action at all time. His strategies and determinations are very much in coherent to the realists (classical approach of international relations study) that focus on the military and economic capabilities of the nation-state, as well as the desires of states to advance national interests and gains (Kay 2004: 11). In that, it improves regional stability and peace while combating threats including the threats from the sea with consistently increases in people's belief of his determination to make a peaceful country and region a reality.

By many accounts, there is no clear definition of maritime security. Looking to U.S. military doctrine, there are definitions of maritime security operations, but not maritime security. Christian Bueger of Cardiff University stated, "Maritime security is a buzzword. It has no definite meaning." It seems even the United Nations (UN) would agree. The UN published, "There is no universally accepted definition of the term "maritime security". Much like the concept of "national security", it may differ in meaning, depending on the context and the users. At its narrowest conception, maritime security involves protection from direct threats to the territorial integrity of a State, such as an armed attack from a military vessel. Most definitions also usually include security from crimes at sea, such as piracy, armed robbery against ships, and terrorist acts. However, intentional and unlawful damage to the marine environment, including from illegal dumping and the discharge of pollutants from vessels, and depletion of natural resources, such as from IUU fishing, can also threaten the interests of States, particularly coastal States."

Maritime security involves protection from direct threats to the territorial integrity of a State, such as an armed attack from a military vessel. Most definitions also usually include security from crimes at sea, such as piracy, armed robbery against ships, and terrorist acts. However, intentional and unlawful damage to the marine environment, including from illegal dumping and the discharge of pollutants from vessels, and depletion of natural resources may also be considered aspects of maritime security.

[1]Johnston, T. 2016. Philippines Peace Process: Duterte Playing for High Stakes. 30 August 2016 [online]. [Accessed 10 March 2017] https://www.crisisgroup.org/asia/south-east-asia/philippines/philippines-peace-process-duterte-playing-high-stakes
[2] International Crisis Group. 2016. The Philippines: Renewing Prospects for Peace in Mindanao. 6 July 2016. [online]. [Accessed 10 March 2017] https://www.crisisgroup.org/asia/south-east-asia/philippines/philippines-renewing-prospects-peace-mindanao
[3] President Rodrigo Roa Duterte's Joint Press Statement with Japanese Prime Minister Shinzo Abe Reception Hall, Malacañan Palace. 12 January 2017. http://pcoo.gov.ph/jan-12-2017-president-rodrigo-roa-dutertes-joint-press-statement-with-japanese-prime-minister-shinzo-abe/

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Pope Francis tells peace adviser: I will bless Duterte

By Rosette Adel (philstar.com) | Updated January 19, 2017 - 10:44am

http://www.philstar.com/headlines/2017/01/19/1664115/pope-francis-tells-peace-adviser-i-will-bless-duterte

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Armed Violence in Mindanao:

Militia and private armies

The Institute of Bangsamoro Studies and the Centre for Humanitarian Dialogue

Introduction

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

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

Militia in Situations of Violent Conflict

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

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

The examples of Guatemala and South Africa demonstrate the consequences of neglecting militia in peace processes.[4] During Guatemala's civil war, civil patrols were organized by the army in 1982. Around one million men belonged to patrols at various points until 1995. Most patrols were armed by the army and gradually took over law enforcement duties. Although a peace agreement was signed in 1996 and patrols were legally abolished, they continued to operate and are alleged to have committed human rights abuses. In South Africa, self-defense units were formed by the African National

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

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

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

[4] Jensen and Stepputat, (2001).

Congress (ANC) in the 1990s. They increasingly pursued their own local interests, sometimes exploiting the communities they were meant to protect and the ANC lost control over them. Both countries continue to be racked by criminal violence largely attributed to the proliferation of arms and armed groups during the conflict period.

Armed Violence in Mindanao

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

Although attention is often directed at the Bangsamoro liberation movements and foreign terrorist elements, a closer look at the violence reveals that, in fact, most security threats come from elsewhere: powerful political clans; business interests; politicians; private security firms; non-state armed groups; and security forces.[1] The use of armed civilians or militia is widespread and poses a range of challenges. The presence of militia in conflict-affected communities complicates implementation of ceasefires as much of the fighting between government troops and insurgents is started by Civilian Armed Force Geographical Unit (CAFGU) members or CVOs.[2] Members of warring clans involved in clan conflict (rido) and who are also militia members can exacerbate the conflict and make resolution more difficult. The use of militia to gain political power and promote business interests can result in human rights violations.

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

In a context such as the Philippines, militia have emerged to fill the vacuum left by ineffective state security services and the weak rule of law, particularly in Mindanao. Militia act as *de facto* community police or as auxiliary forces created by the state. As noted by one observer: "*What differentiates these groups from other private armed groups in the country – particularly insurgent and rebel forces but also outright criminal organizations – is that they can claim either an explicit legal status or at least a grudging tolerance of agents of the state. This is problematic when members of these groups are accused of human rights violations, especially on matters relating to the Communist insurgency and the Muslim separatist movement. In most cases, these acts have nothing to do with state-sanctioned operations against 'enemies of the state' but instead involve private interests*."[3]

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

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

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

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

Politics is a significant driver of feuds and warlordism in the Philippines. Large and influential families in Mindanao, particularly within the Autonomous Region in Muslim Mindanao (ARMM), arm civilians to fight for political dominance. Clan conflict or rido, which is mostly driven by politics and competition for land, further exacerbates the situation.[1] Such action is tolerated partly because the national government relies on influential Mindanao families for political support during elections. In return, successive governments have allowed and enabled families to form private armies using state structures such as CVOs. As a result of the conflict and persistent underdevelopment of the ARMM, local government administration is weak and polarised and therefore unable to address this challenge.

Motivations and Methodology

The Institute of Bangsamoro Studies (IBS) and the Centre for Humanitarian Dialogue (the HD Centre) collaborated from 2009 to mid-2011 to support information for policy formulation in this area.

Both organizations are involved at different levels of the peace process in Mindanao.[2] The objectives of the study were to:

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

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

The report presents the findings of primary research undertaken over two periods and incorporating rating both quantitative and qualitative approaches. Firstly, over a six-month period in 2007, interviews were conducted by the HD Centre with a broad cross section of individuals in Manila, Zamboanga, Jolo, Davao, Pikit and Cotabato.[3] Secondly, between mid-2009 and mid-2010, the IBS led dedicated focus groups and interviews across Mindanao. These included surveying the views of 577 militia members in nine provinces and one city across Mindanao including Maguindanao, Cotabato (North), Sultan Kudarat, South Cotabato, Sarangani, Lanao del Sur, Basilan, Tawi-Tawi, Sulu and Davao City (see Figure 1: Map of Mindanao).[4] The endemic and chronic occurrence of armed violence across these ten focus areas was the basis for selecting them.

Militia, vigilantes, private armies, rebels or insurgents and politically-motivated private armies are all present in significant numbers in these provinces. Information generated through the work of the Sulu-

[1] See Torres, Wilfredo Magno (Ed.), Rido: Clan Feuding and Conflict Management in Mindanao, (Makati: The Asia Foundation, 2007); Kreuzer, Peter, Political Clans and Violence in the Southern Philippines, Peace Research Institute Frankfurt Report No. 71, Peace Research Institute, (Frankfurt: PRIF, 2005).
[2] Disclosure: In September 2010 Abhoud Syed M. Lingga, Executive Director of the IBS was appointed to the negotiating panel for the MILF. The HD Centre is a member of the International Contact Group in the GRP-MILF peace process and also assisted with the MNLF peace process also in Mindanao.
[3] Interviews conducted by Mireille Widmer of the HD Centre from May to October 2007.
[4] Specifically: 231 CAFGUs, 226 CVOs, 60 Civilian Emergency Force (CEF), and 60 Barangay Police and Barangay Marines (BPs and BMs).

based Armed Violence Reduction Initiative (AVRI), established by the HD Centre in 2007, supplemented this primary research.[1]

In addition, 14 focus groups and interviews of 22 key informants were conducted with participants representing a range of sectors including the military, police, academia, religious bodies, political and community leaders, business people, women's rights organizations and young people (see Annex 1: List of Focus Groups). Secondary sources such as newspaper articles, books, journals and electronic publications were also reviewed to complement and substantiate the validity of information gathered through primary research. The report was peer reviewed by two independent experts in this area in early 2011. This was preceded by a larger review meeting in Manila in July 2010 (see Annex 2: Publication Review Meeting, Participants List, 27 July 2010, Makati City).

Figure 1: Map of Mindanao

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

Terminology

Terminology regarding militia in Mindanao is often convoluted and quite specific to the Philippines.

In other contexts militia may be described as paramilitaries because of their association with a state security actor. In the Philippines, the term paramilitary is sometimes used to refer to, what this report describes as, militia given their creation and supervision by the Armed Forces of the Philippines (AFP). The term 'paramilitary' as defined by the US Defense Department means "forces or groups distinct from the regular armed forces of any country, but resembling them in organization, equipment,

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

training or mission."[1] There are different types of militia groups in the Philippines and they are classified according to the involvement of the central government and the military. CAFGUs for instance, are embedded in the military hierarchy. CVOs are an unarmed component of the local defense organization but when used as police force multipliers, the CVOs are being armed. Vigilante groups are also employed by the government for counter-insurgency work.[2] Therefore this report uses the wider term 'militia' to refer to those civilians that are organized and armed by state entities, elected representatives, clans and insurgent armed groups, whether they are uniformed or not.

Key Findings

Poverty and Underdevelopment

Common reasons cited by members for joining militia were poverty, lack of employment options, personal support for the group's goals as well as community and family protection. The chronic underdevelopment of Mindanao is a driver for involvement in organized armed violence and therefore represents a clear area for action. Sustainable youth employment strategies are a challenge but essential given that most militia members are drawn from poor households. The monthly living allowance of militia members is far below the national poverty thresholds, thus making them vulnerable to exploitation by affluent and influential individuals in exchange for monetary payment.[3]

Inadequate Preparations for Work

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

Weak Public Security

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

[1]Definitions from Director for Joint Force Development (J-7), Department of Defense Dictionary of Military and Associated Terms, (Washington, DC: Joint Staff J-7, 2010), p. 277. www.dtic.mil/doctrine/ new_pubs/jp1_02.pdf Accessed May 12, 2011.
[2] Banlaoi, Rommel C, "CAFGU, CVOs and Vigilante Groups in the Philippines". Paper prepared for the South-South Network (SSN) Philippine Armed Groups Political Mapping Research Project, (2006).

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

bodyguards for politicians and business people, effectively becoming private armies. Thus the claims to meaningful contributions to peacebuilding should be regarded cautiously.

Disbanding the Militia

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

Conclusion

The use of militia by clans, security agencies and politicians pose numerous challenges for more accountable public security in the Philippines.

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

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

Militia Entities in Mindanao

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

Terrorism is a less lethal, but no less renowned, source of conflict. Led by a small number of mostly criminal elements in the Abu Sayyaf Group, these sources of conflict have largely been contained in recent years. However, high profile kidnappings of foreigners and nationals by the Abu Sayyaf Group and other kidnap for ransom groups have had a significant impact as they resulted in heavy-handed

military operations.[1] While some members of the Abu Sayyaf still purport to retain some ideological motivation, most observers would agree they are being driven largely by criminal desires.

Though it occurs in other parts of the Philippines, clan conflict is perhaps the most intractable and troublesome source of conflict in Mindanao. While the trigger of a clan conflict may be something rather trivial, it is often exacerbated by historical grievances or rivalries dating back a generation or more. The conflicts may involve a number of other clans as a result of shifting alliances and conflicts may even be waged within clans, tearing families apart. The most common sources of clan conflict, however, are land disputes, political office, issues of honor and resources. Given the primacy of clan and ethnic identities, a conflict which begins as a family feud can potentially evolve into armed clashes involving armed groups, the army, the MILF or MNLF and the police. A case in point is the rido between the Tayuan and Mangansakan families. Among the members of the Tayuan family are MNLF commanders. When the Mangansakan family asked for help from the AFP, this exacerbated the conflict resulting in many casualties and the displacement of many families across four municipalities.[2]

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

Economic drivers

Muslim Mindanao's development is undermined by its continuous exclusion from the economic growth that the country as a whole has enjoyed over the past decades. This unsustainable development has taken place based on reconstruction and election-driven consumption spending, armed violence, the loss of educated people seeking opportunities elsewhere and instability. In 2006, poverty among families was high at 55.3 per cent in the ARMM compared to the national average of 26.9 per cent.[3] Furthermore, in 2003, economic and social conditions in the ARMM lagged behind in comparison with other provinces and regions where four of its five provinces – Basilan, Tawi-Tawi, Maguindanao, and Sulu – remained at the bottom of the ten low-growth provinces in the country in terms of human development.[4]

This exclusionary political economy is further reinforced and sustained through a complex system of competition and violence. The combination of two types of conflicts– rebellion-related violence against the infrastructure of the state, and inter- or intra-ethnic, clan or group violence between and among families, clans and tribes – serve the interests of those with access to economic and political power and exclude the majority of those in Mindanao from opportunities to improve their lives.[5]

Mindanao is marked by a strong underground economy in which is found the proliferation of unlicensed firearms; the trading of small arms and long weapons; the smuggling of goods; drug

[1] See Ugarte, Eduardo F, "The phenomenon of kidnapping in the southern Philippines: An overview", South-East Asia Research, Vol. 16, March, (2008), pp.293-341.
[2] United Youth for Peace and Development ,"The Celebrated Cases of Rido in Maguindanao and North Cotabato", in Torres, Wilfredo Magno (Ed.), (2007), pp. 290-291
[3] National Statistical Coordination Board, *Annual Per Capita Poverty Thresholds, Poverty Incidence and Magnitude of Poor Families: 2000, 2003 and 2006*. Available at: www.nscb.gov.ph/ poverty/2006_05mar08/table_1.asp Accessed 31 May, 2011
[4] Human Development Network, "Peace, human security and human development in the Philippines", *Philippines Human Development Report 2005,* 2nd Edition, (Human Development Network, 2005).
[5] Lara, F.J. Jr and Champain, P, Inclusive peace in Muslim Mindanao: Revisiting the dynamics of conflict and exclusion, (London: International Alert, 2009).

production, distribution and export; illegal mining; and human trafficking. The underground economy, corrupt electoral system and the vicious cycle of violence are legitimised (despite the loss of valuable revenues and the collapse of autonomous rule) in exchange for the delivery of votes to the ruling coalition during national elections.[1] However, in the absence of better opportunities, conflict situations and the underground economy provide alternative economic opportunities for the growing number of unemployed people in the region.

Population and Ethnicity in Mindanao

Mindanao is the second largest island in the Philippines located in the south near Indonesia and Malaysia. It is divided into five administrative regions and one autonomous region, and is composed of 26 provinces, 33 cities, 422 municipalities and 10,083 barangays (villages).[2]

Data from the 2007 census showed that Mindanao had a population of 21,586,641: 24 per cent of the Philippine population.[3] In the 2000 census the population of Mindanao was 18,104,337 comprising of more than 12 million Christian settlers with Muslims comprising more than 3.64 million, and Indigenous people, the Lumads, accounting for more than 1.53 million people.[4]

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

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

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

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

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

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

[1] Lara, F.J. Jr and Champain, P (2009).
[2] Lara, F.J. Jr and Champain, P (2009).
[3] National Statistical Coordination Board, www.nscb.gov.ph/activestats/ psgc/island.asp Accessed 31 May, 2011
[4] National Statistics Office, Population and Annual Growth Rates for Region, Provinces and Highly Urbanized Cities Based on Censuses 1995, 2000 and 2007. Available at www.census.gov.ph/data/census 2007/index.html Accessed 31 May, 2011

Historical Overview of Militia Formation

There is a long history of successive Philippine governments relying on militia as part of their counter-insurgency strategies. During the administrations of President Roxas (1946-1949), President Quirino (1949-1953) and President Magsaysay (1954-1958) militia were used to fight the Huks.[1] Since 1968, the AFP has had a formal mandate to organize, maintain, develop and deploy regular and citizen reserve forces.[2]

Key reasons for the creation of civilian militia have been attempts by the state to assert its control over the country; the need for locals who understand the geographic as well as demographic terrain; and the relatively low cost of employing local militia as opposed to deploying regular forces. In effect the widespread historical use of, and reliance on, militia has now legitimized them. The Constitution even recognizes the need for civilian security forces and the AFP has reinforced this legitimacy through widespread use and acceptance of them.[3]

Civilian Guards

This phenomena began in the 1950's when the Huks began to mobilize. The Huks were composed of 15,000 armed poor peasants who fought against the Japanese Imperial Army in Central Luzon and who turned into insurgents afterwards because their demand to have a share of the land owned by the landlords after the war was not granted. Another group composed of former United States Armed Forces in the Far East guerrillas was organized to help the government in its counter-insurgency campaign against the Huks. The 7th Battalion Combat Team organized several militia groups under different names, such as Civilian Guards, Civilian Commando Units, Home Guards or Special Police.

These militia were used as security for the town or villages; as a blocking force to intercept the movements of the insurgents and their supplies; as guides and helpers to carry supplies for the government troops; and as a strike force in co-ordination with units of the regular armed forces. "The guards were provided with radios and trained and equipped for counterinsurgency campaigns. Civilian guards took orders from the military but they were employees of local elites who were disliked by the people because of a bad reputation."[4] Among other functions, the Civilian Guards provided security for the towns or barrios, protecting civilians and their property; formed a blocking force to intercept insurgents and their supplies; guided and helped carry supplies for government troops; and served as a strike force in co-ordination with regular AFP units.[5]

[1] Huk is a short name for HUKBALAHAP ((Hukbo ng Bayan Laban sa Hapon or People's Anti-Japanese Army) organized in 1942. In 1949, HUKBALAHAP was renamed Hukbong Mapagpalaya ng Bayan (HMB) or People's Liberation Army. See, Palafox, Quennie Ann J, "The Nationalistic Struggle of Hukbalahap", Pambansang Komisyon Pangkasaysayan (National Historical Commission). Available at www.nhi.gov.ph/index2.php?option=com_content&do_ pdf=1&id=51 and Bridgewater, Lieutenant L. Grant, "Philippine Information Operations During the Hukbalahap Counterinsurgency Campaign", Joint Information Operations Center, Spring, (2006),
pp. 37-41. www.au.af.mil/info-ops/iosphere/iosphere_spring06_
bridgewater.pdf Accessed 12 May, 2011.

[2] See: 1987 Philippine Constitution, Article XVI, Section 4; and Republic Code of 1987. Also see, Samson, PSSUPT Pelagui, The Administration of CVOs: Peace, Security and Human Rights Concerns, Presentation during the focus group discussion sponsored by the IBS, the HD Centre and the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR) at Camp Aguinaldo, Quezon City, 9 October 2009.

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

[4] Espino, Irineo C, (2004), pp.3-11.

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

Barrio Self-Defense Unit

In 1968 AFP intelligence suggested that the armed wing of the Communist Party of the Philippines, the New People's Army (NPA) had grown in numbers. To better infiltrate this entity, and to assist in securing information about the location of NPA forces and weapons caches, from 1970 the AFP began sanctioning the organization of civilian volunteers for intelligence and information gathering. The Department of Defense officially created the Barrio Self Defense Units (BSDU) in July 1971[1] and they were established throughout rebel areas.[2]

Soon these forces were used for counter-insurgency operations. The Defense Order which established them legitimized the BSDUs as a militia under the Philippine Constabulary. The BSDUs' primary objective was to protect communities against the insurgents. A BSDU consisted of five enlisted men and five civilian volunteers, acting semi-independently under the command of an enlisted man. In Mindanao, the BSDUs were organized in towns and cities to assist the AFP in fighting the MNLF. They accompanied regular army troops in combat operations against the MNLF.

The BSDUs were more noted for their harassment, rape, torture and killing of civilians, and the looting and burning of property, than for their counter-insurgency role.[3] As noted by one individual: *"The BSDU . . . had members of unbearable attitudes and behaviour. They drank a lot from daybreak to midnight, sang and shouted at each other, disturbed people and stole chickens, ducks, and even dogs of the neighbours for their comrades drinking sprees. They were recruited mostly from lowly members of the populace with poor education, some as members of a gang or known criminals and could provoke a fight at the slightest difference."*[4] Th BSDUs also gradually became involved in illegal activities, acting on behalf of politicians in exchange for money. They were disbanded in 1976 after mounting public pressure.

Integrated Civilian Home Defense Force

Presidential Decree No. 1016 issued by President Marcos provided the legal basis for the creation of the Integrated Civilian Home Defense Force (ICHDF) in 1976 with the goal of integrating all paramilitary units and village defense under one banner so that they could work in tandem with state forces.[5] However, the ICHDF was plagued with management and co-ordination problems. Its mission was not made clear to military and police commanders, who in any case were under the influence of local executives and politicians. The militia received no training and was only given small living allowances, with no specific amount on an irregular basis. There were three groups within the ICHDF: active reservists, private security guards and part-time soldiers.[6] Th ICHDF was an attempt to integrate all paramilitary units and village defense forces. However, its command structure was not clear and members fell prey to military and police officers under the influence of powerful politicians, which in turn led to the abuse of civilians. It was dissolved and replaced by the CHDF in 1978.[7]

[1] See Defense Order No. 445, 10 July, 1971. This discussion draws from Espino, Irineo C, (2004), pp.8-10.
[2] Van der Kroef, Justus, Aquino's Philippines: The Deepening Security Crisis, The Centre for Security and Conflict Studies, (UK: The Eastern Press Limited, 1988), p.17.
[3] Pauker, Guy J, Government Responses to Armed Insurgency in Southeast Asia: A Comparative Examination of Failures and Successes and Their Likely Implications for the Future, (California: The Rand Corporation, 1985), p.29.
[4] Remarks of Renato Gacayan, faculty member of Mindanao State University-Maguindanao and participant in the focus group discussion conducted by the IBS at Cotabato City on 11 October, 2009
[5] Through Presidential Decree No. 1016 signed on 22 September 1976. See www.lawphil.net/statutes/presdecs/pd1976/pd_1016_1976.html
[6] Armed Forces of the Philippines, Cadre Commanders Handbook: The Silent Heroes in the Battle for the Barangays, (Quezon City: Office of the Deputy Chief of Staff for Operations, no date), p.24.
[7] Villoria-Mejia, Jacqueline, The Five Year Demobilization of the CAFGU Active Auxiliary: A Policy Paper, with brief background accounts of previous paramilitaries in the Philippines, National Defense College of the Philippines, (Fort Bonifacio: National Defense College of the Philippines, 1994). Villoria-Mejia was the former Director of the Commission on Human Rights.

Civilian Home Defense Force

"The CHDF (Civilian Home Defense Force) were notorious for stealing from civilians. In our place (Lanao del Sur), residents were afraid of the CHDFs because of their connivance with the military in salvaging. The youth, especially, were prone to being targeted under suspicion that they were members of the MNLF. Many youngsters disappeared with no trace of their bodies. Late in the afternoon they started drinking along the highway. They become drunk and would start to show unruly attitudes to passengers passing by. They also organized a syndicate group for stealing animals (carabaos and cattle) of the farmers." [1]

The CHDF had the same purpose as the ICHDF. It was envisioned that the CHDF would be better in terms of the screening, appointment, training, organization and provision of equipment than its predecessor. General supervision of the CHDF was considered the joint responsibility of the Provincial Governor, City or Municipal Mayor, and the commanders of military and Integrated National Police in the area.[2] However, the CHDF ended up falling prey to the same problems as its predecessors. They were particularly poorly trained, undisciplined and not well disposed to engaging insurgents (according to some accounts, they would drop their weapons and flee when attacked).[3] They were also accused of abducting and torturing civilians.[4]

[1] Dipsy D. Marohom, professor at Mindanao State University (MSU)- Marawi City and participant in the focus group discussion conducted by the IBS at MSU, Lanao Sur, 4 December, 2009
[2] Villoria-Mejia, Jacqueline, (1994), p.6-7.
[3] Staff Report to the Senate Select Committee on Intelligence, United States, 1 November 1985.
[4] Buss, Claude A, Cory Aquino and the People of the Philippines, (California: The Portable Stanford, 1987), p.135.

Militia type	Mandate
CAAs	• Defense of the barangays as holding forces, where CAAs will stay within the community to contain and suppress an insurgency; • Security of vital facilities and public utilities; • Intelligence collection; • Public information drive and community development activities.
SCAAs	• Secure establishments of sponsoring private companies or local government units.
CVOs	• Intelligence or information gathering; • Neighborhood watch (known as rondas); • Medical, traffic, or emergency assistance; • Assistance in the identification and implementation of community development projects; and • Gathering of relevant information and data for peace and order planning and research activities.

Table 1: Mandates of the CAFGU Active Auxiliaries, Special CAFGU Active Auxiliaries and Civilian Volunteer Organizations (Sources: Information on CAFGU Active Auxiliaries;[1] Special CAFGU Active Auxiliaries;[2] and, Civilian Volunteer Organizations.[3])

[1] Armed Forces of the Philippines, (no date), p.47
[2] Hermoso, Major Dickson P., "Armed vs Unarmed Peacekeeping: The Citizen Armed Force Geographical Unit (CAFGU)". Paper presented during the conference, 'Peace Policy Dialogue: Peackeeping Initiatives in the Philippines', Asian Institute of Management, Makati City,
14-15 September 2005.
[3] Banlaoi, Rommel C, "CAFGUs, CVOs and the Maguindanao Massacre", Autonomy and Peace Review, Vol. 6, No. 1, (2010), p. 68

As was the case with the ICHDF, powerful individuals connected to the police and military – as well as influential estate owners – maintained CHDF forces for their personal security.[1] Overtime, the CHDF became a liability for the government and its counter-insurgency strategy. At the same time, the MNLF and the NPA grew in strength and support because many of the frustrated rural poor joined the insurgent groups hoping for a better future.[2] The CHDF was disbanded in mid-1987, shortly after the ratification of the new Constitution adopted during the presidency of Corazon C. Aquino provided for the dismantling of private armies:

> *"Private armies and other armed groups not recognized by duly constituted authorities shall be dismantled. All paramilitary forces including Civilian Home Defence Forces not consistent with the citizen armed force established in this Constitution shall be dissolved or, where appropriate, converted into the regular force."* [3]

Ten days later, it was replaced by yet another incarnation. [4]

Civilian Armed Force Geographical Units

> *"The CAFGU Active auxiliaries are essential components of the Integrated Territorial Defense System for the maintenance of peace and security."*[5]
>
> General Narciso L. Abaya, Chief of Staff, Armed Forces of the Philippines.

President Aquino created the Civilian Armed Force Geographical Units (CAFGU) on 25 July 1987 as a part of a wide-reaching plan to integrate all auxiliary forces into a Civilian Armed Forces (CAF) command under the AFP, and comply with the new constitutional prohibition on private armies and other non-statutory forces.[6] Technically under the direct command of the Secretary of National Defense, CAFGUs are mandated to combat the insurgents by holding areas cleared of insurgents by state forces. The mobilization of CAFGUs requires presidential authorization. In 1990, the then Secretary of National Defense, Fidel Ramos, told a Senate Committee that the relative low cost of CAFGUs compared to regular AFP units was a "major factor" in the decision to establish the militia.[7] He supported the CAFGUs existence by arguing that *"the best form of community defence is that which comes from the community itself."*[8]

Special Civilian Armed Forces Geographical Units (SCAAs), funded by private business and Local Government Units (LGUs) and under the operational control of the AFP, were authorized by a 1989 Directive of Chief of Staff General Renato de Villa.[9]

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[1] Espino, Irineo C, (2004), p.12

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

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

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

[5] Statement in Armed Forces of the Philippines, (no date).

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

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

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

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

Mobilization and utilization of the CAFGUs now falls under the AFP Reservist Act of 1991, known as Republic Act 7077.[1] There are three distinct categories of mobilization: full mobilization involves all units of the Ready and Standby Reserves and is done through a joint act of Congress and Presidential decrees; partial mobilization is also done through a joint act of the Congress and Presidential decree and only the units of the Ready Reserve are activated to meet the threat; and selective mobilization can be done by authority of the President alone and involves selected Ready Reserve Units to meet a local threat or emergency situation.[2] They are also regarded by some in the AFP as useful for helping the military guard camps and patrol highways to protect civilians from robbery and kidnapping.[3]

Reservists perform voluntary services and fall into two categories: Civil Auxiliary Service and Military Auxiliary Service. A reservist under a military auxiliary service such as a CAFGU is subject to military law (Section 64, RA 7077). Civilian Volunteer Organizations (CVOs) are considered a Police Auxiliary Unit (PAU) and as such focus mainly on policing.[4]

There are two types of CAFGUs: the CAFGU Active Auxiliaries (CAA), which are organized under the direct supervision of the army and receives living allowances from the AFP; and the Special CAFGU Active Auxiliaries (SCAA), which receive living allowances from companies or LGUs that employ them to secure areas or business establishments.

They may also receive training and weapons from the AFP. Although opaque, the designation sets apart those formally incorporated in the military hierarchy (CAA) and their counterparts who are working as CAFGUs on a purely voluntary basis (SCAA). CAA's are required to serve 15 days per month.[5] The loyalty of SCAAs lie with their employers which leaves them open to exploitation and manipulation as private armies. Both politicians and private companies have taken advantage of this and may use SCAAs to further their own political and private interests.

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

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

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

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

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

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

Calendar Year	Strength
1988	37,360
1989	49,721
1990	69,747
1991	68,211
1992	75,461
1993	67,691
1994	55,581
1995	37,178
1996	36,236
1997	33,716
1998	32,748
1999	32,748
2000	32,748
2001	41,979
2002	51,320
2003	52,220
2004	52,748
2005	52,748
2006	52,748
2007	61,148

Table 2: Annual CAFGU Active Auxiliary strength (*Source* and note: Romero, Purple, (2008). 2007 is the latest year such data is available)

CAFGUs make up a significant part of the Philippines' security apparatus: the AFP currently numbers about 120,000 people while the CAFGUs comprise up to 53,000 members, mostly based in Mindanao (except for Sulu, where the Civilian Emergency Force or BPAU, the local equivalent of the CVO, operates).[1]

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

[1] Widmer, HD Centre, May 2007; Kraft, Herman Joseph, (2010), pp.195-206.

Benefit	Regular CAFGU Active Auxiliaries (CAAs)	Amount	Special CAFGU Active Auxiliaries (SCAAs)	Amount
Death Benefits	Special Financial Assistance	PhP 10,950 from government	Special Financial Assistance to be given by the company	PhP 10,950 or may be increased by the business firm/LGU
	Burial Assistance	PhP 2,000 from government	Burial assistance	PhP 2,000 or may be increased by business firm/LGU
	Armed Forces and Police Mutual Benefit Association, Inc. (AFPMBAI) Insurance	PhP 18,000 for death in battle from government	Armed Forces and Police Mutual Benefit Association, Inc, (AFPMBAI) Insurance	PhP 18,000 for death in battle or may be increased by company or LGU
		PhP 6,000 for nonbattle related death from government		PhP 6,000 for battle and non-battle related deaths may be increased by business

Table 3: Comparative benefits for militia type

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

Subsistence allowance	PhP21,900/annum
Combat Clothing and Individual	
Old Recruit	PhP 3,980
New Recruit	PhP 6,595
Death Benefits	
Battle Casualty	PhP 18,000.00
Non-Battle Casualty	PhP 6,000.00
Burial Services	PhP 2,000.00
Special Financial Assistance	PhP 10,950.00

Table 4: Allowances and pay of CAFGU Active Auxiliary members

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

The significant achievement of President Ramos was his issuance of Administrative Order No. 81 in 1993 requiring that all community defense forces (e.g. CAFGUs, CVOs etc.), which were no longer needed for counter-insurgency operations should be disbanded.[2] However, this order was not implemented in full. There was a decline in the number of CAFGUs from 1993 to 2000 but numbers began to rise from 2001 onwards as both the Estrada administration (1998-2001) and the Arroyo administration (2001 to mid-2010) used CAFGUs as a counter-insurgency force.[3] See Table 2: Annual

[2] Issued on September 13, 1993.
[3] Romero, Purple S, "CAFGU statistics", Newsbreak, December, (2008). Available at: http://newsbreak.com.ph/index.php?option=com_content &task=view&id=5734&Itemid=88889297

CAFGU Active Auxiliary Strength. In 2006 President Arroyo issued Executive Order 546 which gave the PNP a mandate to actively support the AFP in suppressing insurgency. The same order authorizes the PNP to deputize the CVOs as force multipliers, often used as justification in arming the CVOs.

Civilian Volunteer Organizations

The concept of Civilian Volunteer Organizations (CVOs) dates back to the Spanish colonial period. Filipinos formed organizations for self-defense against pirates, invaders and lawless elements.

Present day CVOs began in 1982 in the dissident-affected municipality of Claveria in Misamis Oriental and eventually spread throughout the Philippines.[4] CVOs were originally created to assist the CAFGUs in areas 'cleared' of insurgents by the military.[5] Numbers are now estimated at 800,000 members.[6]

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

Applicants must be at least 18 years old to volunteer to join a CVO. They must not have a criminal record and must be resident in the barangay. Screening of applicants is done by the local BPOCs based on criteria set locally by the barangay. The BPOC makes recommendations to the barangay chairperson based on the individual applicants that passed the screening process. However, questions have been raised about whether barangay chairpersons are biased towards their relatives and political allies who are among the applicants. CVOs can easily become vehicles for political supporters to use to harass rivals.[7]

There is a degree of confusion as to the legal basis of CVOs. Although they were initially not supposed to be armed, CVOs are now issued weapons by mayors and barangay captains – firearms are said to be "unlicensed but authorised".[8] When they encounter insurgent or criminal activity, they are supposed to report it, not respond with violence. However there are exceptions and CVOs are often seen carrying small arms. In conflict-affected areas when CVOs are deputized as force multipliers of the PNP they may be authorized by local Chief Executives to carry guns. In Manguidinanao, families connected to the government, supply CVOs with the requisite ammunition to fight against the MILF's high powered guns.[9]

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

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

[6] Kraft, Herman Joseph, (2010), pp.195-205.

[7] Interview with Vice Mayor Jun Salik of Upi, Maguindanao Maguindanao by Sulog Bra of the IBS, 11 September 2009; Comment by Ronnie Enderez, participant in the focus group discussion spon- sored by the IBS at Iligan City, Lanao Norte, 4 December 2009

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

[9] See Jimeno, Jalleen F, "In Maguindanao, no one dares cross the

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

The CVOs receive an allowance for their duty – ranging from 300 to 500 pesos (8 to 12 USD) weekly – but importantly, they also receive preferential treatment when they approach the mayor for help with the payment of dowries or funerals, or to settle personal conflicts. CVOs are known to serve at the command of the city/municipal mayors and are sometimes used as private armed groups. Given that CVOs are composed of voluntary forces without a fixed salary, they are deeply affected by patronage, compelling members to perform a wide range of 'security functions' in exchange for remuneration. There are no mechanisms in place to prevent CVOs from becoming *de facto* private armies and/ or security guards of local politicians and clans.

This is the case in the ARMM, especially in Maguindanao and Sulu where rivalry in politics among influential families is strong and paying for private armies is seen as a way of maintaining one's own security (in Sulu CVOs are known as Civilian Emergency Forces). In Basilan and elsewhere they are accused of widespread voter intimidation and election fraud.[10]

The 2010 Independent Commission Against Private Armies observed that the *"authority given to local chief executives to finance the administration and operations of PAUs [. . .] allows local politicians to 'buy' the loyalty of CVOs*."[11] Since their living allowances are provided by the LGU or business entities they are protecting, the CVOs are vulnerable to manipulation and it is not uncommon for members to take on additional 'services', such as being bodyguards and support personnel for politicians, to ensure they are rewarded for their loyalty. Extractive mining companies have used CVOs for questionable ends. For example, the Xstra Mining Company operating in Tampakan, South Cotabato, repressed an uprising of local people against its operation by colluding with the local police force in recruiting civilian volunteers to act as its security force. The CVOs were trained and provided with arms by the South Cotabato Police Unit.[12]

In general, the population views CVOs as an effective mechanism to mitigate armed violence – although in Mindanao opinions are less favourable, particularly in Moro communities.[13] In other places, particularly Luzon, CVOs have played active role in maintaining peace and order in the barangay and in civic-orientated activities, such as rescue operations during disasters.

Vigilante Groups

"Vigilantes pose a serious threat to civilian governmental supremacy in the Philippines. Continuing human rights abuses by vigilante groups are indicative of a broader failure on the part of the government to control or dismantle existing groups. Based on public statements for the last two years, it is clear that promotion of the CAFGU program, rather than direct action to dismantle or disarm vigilante groups, has been the greater concern of the government." [14]

Ampatuans", GMA News Online, November 24, (2009). Also see, Alamar, Noel, "CVO member's M-16 used in Maguindanao massacre", ABS-CBN News, 12 February, (2009). http://abs-cbnnews.com/nation/ regions/12/02/09/cvo-members-m-16-used-maguindanao-massacre Accessed June 10, 2011.

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

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

[12] Rosal, Gregorio, "Violence to escalate in mines development site", Sun Star, 11 April, (2008).

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

[14] Frankel, Marvin E, et al, (1990), p.135.

In its 1970s martial law offensive against Muslim dissidents, the Marcos administration resorted to arming Christian vigilantes, some of which remained active until the mid-1980s. In the Cotabato provinces they were given the nick-name "Ilagas" or "Illongo Land Grabbers Association", a reference to their brutality and ruthlessness. Such groups re-appear at times of heightened conflict. They are also embroiled in the government's counter-insurgency efforts.[1]

Following NPA attacks in Davao City in the early 1980s, rebels who had left the NPA organized the Alsa Masa (Masses Arise) and, armed by the military, conducted counter-insurgency operations and set up checkpoints throughout the city. Politically motivated murders of suspected government informants by the NPA dropped significantly as a result. Davao City Commander Lt. Col. Franco Calida turned the Alsa Masa from a small group into a city-wide vigilante organization using intimidation to recruit and expand the vigilante network throughout Davao province.[2] They have since spread to many areas of Mindanao.

Vigilantes are distinct from CVOs and CAFGUs because they arise from a spontaneous grouping of individuals who have armed themselves to fight against a threat to their community. However, the military has been implicated in the organization of vigilantes by providing their members with heavy weaponry to fight against communist members and other rebellious groups in Mindanao. The most active vigilante groups in Mindanao are: Alsa Masa, Alamara, Alsa Lumad, Ilaga, Ituman Group, Kuratong Baleleng, Nakasaka and Tadtad.[3]

Private Armies

Private armies are illegal. The police define them as organized groups of more than two persons with legally issued or illegally possessed firearms used in the conduct of criminal and/or oppressive acts primarily for the advancement and protection of the vested political and economic interests of a public official or private individual.[4] This definition excludes groups that are purely criminal in nature. However maintaining a private armed group is not a criminal offense – except when sedition or rebellion against the state can be demonstrated, or in the case of illegal association – and their members are therefore only charged, if at all, with illegal possession of firearms.

Private armies linked to clans and politicians pose similar problems to militia and vigilantes. There are 25 known private armies in Maguindanao, 45 in the ARMM and 102 more in Mindanao more broadly.[5] Usually controlled by local politicians, the practice of maintaining private armies exists throughout the Philippines but in Mindanao their impact is magnified by the insurgency and the level of weaponry in circulation. As armed groups, armed forces and police are drawn into family feuds, these can degenerate into full-blown armed confrontations with thousands of opposing combatants which leave tens of thousands displaced.

Private armies have been implicated in killings related to the operations of extractive industries in the Philippines. Mike Rivera, an officer of the organization Kaunsayan Formation for Community Development which is involved in advocacy for environmental protection and is opposed to mining, was shot dead while alighting from his car to go to church by a person involved with a suspected private army associated with a local mining company.[6] In a similar case, anti-mining advocates

[1] Lamban, Santos, Vigilante Groups Revival: Back to the Dark Days of Anti-Communist Regime, Philippine Alliance of Human Rights Advocates, (Manila: Philippine Alliance of Human Rights Advocates, 2000) pp.1-2.
[2] See Frankel, Marvin E, Posner, Michael H, O'Neil, William G & Helton, Arthur C, Vigilantes in the Philippines: A Threat to Democratic Rule, (New York: Lawyers Committee for Human Rights, 1988); May, Ronald
J. Vigilantes in the Philippines: From Fanatical Cults to Citizens' Organizations, (Honolulu: Center for Philippine Studies, University of Hawaii, 1992); Lawyers Committee for Human Rights, Out of Control: Militia Abuse in the Philippines, (New York: Lawyers Committee for Human Rights, 1990); and, Serril, Michael and Steward, William, "The Philippines: Rise of Vigilantes", Time Magazine, 11 May, (1987).
[3] Banlaoi, Rommel C (2006); Frankel, Marvin E, et al, (1988).
[4] Arevalo-Zenarosa, Justice Monina, (2010).
[5] Tan, Kimberly J, "132 armed groups exist nationwide", GMA News Television, 8 December, (2009). Source of the information was the Department of National Defense.
[6] Virola, Madonna, "Anti-mining activist shot dead in Oriental Mindoro", Philippine Daily Inquirer, 17 May, (2010).

Pedrito Tabaco and his brother-in-law Alfredo Rabit were gunned down by unidentified men while riding together on a motorcycle on their way home in Barangay Leron Buguey, Cagayan de Oro.[7] In the Cordillera Mountains, the Communist Party of the Philippines accused the Philippine military of performing the role of a private army for large-scale mining companies operating in the region. In Palawan, top military officials of the AFP offered their troops' services to large offshore mining companies operating in the Palawan sea and other potential oil and gas sites offered by the GRP for exploration.[8]

Attempts to ban and dismantle private armies have been made in the past. In 1993, the Department of the Interior and Local Government issued a Memorandum Circular to all Provincial Governors, City Mayors, Municipal Mayors, barangay captains and PNP commanders ordering the dismantlement of "all private armies in Local Government Units".[9] President Ramos launched Oplan Paglalansag, which called for the seizure of firearms, legally or illegally possessed. Regrettably these attempts have never gone far beyond words. The influence of clans in Filipino politics is such that law enforcement agencies are loathe to confront them, and leaders and politicians maintaining private armies are rarely, if ever, prosecuted.

Militia and Human Rights: A Volatile Mix

> *"The armed group only wanted us to leave the place so they could take over our land. Now we face hardships in life but hope someday we will get back our land."* [10]
>
> Comment from an informant from the municipality of Datu Piang who had been forcibly evicted by a CVO under the command of a clan.

Over several decades, militias have carried out torture, murder, extrajudicial killings, rape, looting of property, forced disappearances, and arson.[11] Yet a complete picture of atrocities remains elusive as many abuses go unreported as victims fear retaliation.

The Philippine Commission on Human Rights (CHR) stated that in the year 2000 alone, 853 cases of murder, execution, disappearances and illegal arrest were filed against 1,017 CAFGUs. From 2001 to 2009 there were 1,312 cases filed against combined paramilitary members and armed forces of the Philippines.[12] However, the Ecumenical Movement for Justice and Peace (EMPJ) attributes a larger number of cases of human rights violations to the actions of CAFGUs. From 1988 to 2002, EMPJ recorded some 20,000 cases of killings, looting, illegal arrest, mauling and desecration of the dead by CAFGUs.[13] Children below 18 years old in Maguindanao have been recruited as members of the CVO.[14]

[7] Virola, Madonna, "Gov't asked: Probe Cagayan anti-mining activist killings", Philippine Daily Inquirer, 19 May, (2010).
[8] Miles, Banaue, "Philippine armed forces protecting big mining firms", Allvoices.com , 22 September, (2010).
[9] Department of the Interior and Local Government, Memorandum Circular No. 93-85, 13 July 1993
[10] Statement of a farmer evicted from his land in the municipality of Datu Piang, Maguindanao by CVO under the command of a clan. Interviewed by Mastura Tapa of the IBS on 18 November 2009.
[11] Karapatan, Oplan Bantay Laya: Blue Print for Terror and Impunity: 2009 Year-End Report on the Human Rights Situation in the Philippines (Quezon City: Karapatan, 2009). The report states that from 2001 to 31 October 2009, there were 1,118 victims of extra- judicial killings in the Philippines and 204 who have been forcibly taken, disappeared and are still missing. The numbers of killed persons and disappearances surpassed the record of Marcos' martial law regime.
[12] Legaspi, Rowena, "Demobilization of CAFGUs: Problems and Prospects", Presentation during the focus group discussion organized by the IBS, HD Centre for Humanitarian Dialogue and the PIPVTR at Camp General Emilio Aguinaldo, Quezon City, 9 October, 2009.
[13]Cabides, Joel Joseph A, Citizens Armed Forces Geographical Unit: It's Relevance to National Security, Unpublished Master Thesis, National Defense College of the Philippines, Camp General Emilio Aguinaldo, (2002) p.28.
[14] See Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, Children and Youth in Organized Armed Violence in the Philippines: Contextualization, Personal Histories and Policy Options, University of the Philippines Centre for Integrative and Development Studies, Psychological Trauma and Human Rights Program, (Manila: The University of the Philippines, 2003).

Gender Patterns in Militia

A significant amount of literature has portrayed political violence and armed conflict as largely the domain of men, whether as forces of the state, or members of guerrilla groups or militia.[1] Images of male combatants are pervasive. Numerous accounts of political violence and armed conflict have perpetuated a rigid dichotomy of gender roles: men as 'defenders' of the nation and of women, and children; women as helpless and hapless victims of armed violence.

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

Membership in the various militia groups is technically open to women, according to the army commander in charge of militia recruitment.[2] However, only a few women 'apply' due to traditional proscriptions on women's involvement in security issues. However women do work as security personnel in private security firms thus some roles are considered acceptable. Most Maguindanaons consider the protection of family and community members as the sole responsibility of men. Women who are considering a stint in government-organized militia like the CAFGUs are discouraged by the measly pay of its members. The militia members' so-called "living" allowance is too paltry a sum to run the risk of community disapproval. A woman in Lamitan, Basilan has a graphic way of expressing her views on becoming a militia member:

". . . what will I get if I become a member? It is only headache! The living allowance is too small, not enough for our family. Magtinda na lang ako ng gulay sa palengke (I rather vend vegetables in the market). Mas malaki ang kita (The income is big)." [3]

Among male militia members there is little acceptance of the idea of female colleagues. Those interviewed repeated a range of culturally-embedded reasons for excluding women. When asked to elaborate, one man reflected: "I cannot compromise the safety of my wife or even one of my young daughters to be a CVO or CAFGU. Even if they are trained to handle guns I doubt their capabilities to fight against the enemy. They would die or may be captured by the enemy."[4]

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

"*Where will I place my conscience? My wife is out of home late in the night and guarding the community while I sleep soundly at home. A shameful life! The residents of this town will reproach me for attitudes as a husband."*[5]

". . . ano ang sabihin ng mga tao sa akin pag nakita nila ako na kasama-sama ko ang mga lalaking CAFGU (*what will the people say about me if they see me in the company of the male CAFGUs*)?

[1] Cynthia Enloe, as cited by Moser, Caroline O.N and Clark, Fiona C, in the introductory chapter, Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence, (London: Zed Books, 2001), p.3.
[2] This section draws on discussions conducted by IBS with Colonel Reynaldo Sungcaya, Major Ruben Matillano, Captain Jimmy Matalam and Captain Rommel Valencia of the AFP, which took place at the Graduate School of Mindanao-State University-Maguindanao, Datu Odin Sinsuat, Maguindanao, 28 August 2009.
[3] Interview with Francisca Joel, wife of a CAFGU member in Basilan interviewed by Sulog Bra, 16 November 2009.
[4] Interview with Catalino Ariston, Chair of the Committee on Peace and Order of the Municipality of South Upi, Maguindanao by Sulog Bra of the IBS on 25 September 2009.
[5] Interview with Teng Abdulrahman of South Upi by Sulog Bra of the IBS, 12 October 2009

Babaeng kaladkari *(a woman of dishonour or cheap)!* Patayin ako, hindi lang ang aking asawa, pati mga kamag anak *(I will be killed by my husband, or if not, my family members)*.[1]

In a similar vein, another male militia member said,

"Can a woman be a CAFGU or CVO member? If she is my wife I will never allow her. It is awkward to see my wife carrying gun while I am only an ordinary civilian. What will the people in our community say of me- 'under the saya' (under the skirt) of my wife! I will die of shame! I cannot accept that idea. It is discrediting man's honour."[2]

Another said,

"I cannot tolerate seeing them in the company of men while I do homework for the family. Isn't it like reversing the flow of water from downstream going upstream?"[3]

Statements from women also reflect entrenched gender roles:

". . . ano ang sabihin ng mga tao sa akin pag nakita nila ako na kasama-sama ko ang mga lalaking *CAFGU (what will the people say about me if they see me in the company of the male CAFGUs)?* Babaeng kaladkarin *(a woman of dishonour or cheap)!* Patayin ako, hindi lang ang aking asawa, pati mga kamag anak *(I will be killed by my husband, or if not, my family members).*[4]

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

When asked why no women were seen on duty in a local CVO guarding a politician, a woman in Maguindanao retorted: *"What will a woman get in tailing behind a politician? She'll be called his mistress and will create trouble for his wife, inviting scandal. No upright woman will do that kind of job."* [5]

Indirect roles

Women play a range of informal and indirect roles through supporting their male family members (husbands, brothers, sons, fathers, uncles etc) involved in the militias. They express support for the counter-insurgency campaign, both in terms of its security goals and more practically for the income it provides their families. One woman noted: "Do not disband the CAFGU. *They helped greatly in terms of peace and order in the community. [If they disband], my husband will lose his job and source of*

[1] Laila Sedik, a member of a women's organization and wife of a CAFGU member, who attended the focus group discussion in Basilan, 17 November 2009.
[2] Joel Francisco, CAFGU at Lamitan, Basilan, interviewed by Sulog Bra of the IBS on17 November 2009
[3] Interview with a CAFGU at Lamitan, Basilan by Sulog Bra of the IBS on 17 November 2009.
[4] Laila Sedik, a member of a women's organization and wife of a CAFGU member, who attended the focus group discussion in Basilan, 17 November 2009.
[5] Interviewee in Maguindanao in discussion with Sulog Bra of the IBS, 2 December 2009.

income." [1] The link between livelihood and militia involvement is profound and a recurring theme. It is therefore a significant factor in any sustainable action to disband such entities.

This factor also affects women's attitudes towards guns and gun carrying, legitimising it as defensive and protective. One woman commented: *"I could not allow my husband being shot by the enemy like a lame duck sitting in our house. At least, with the simple gun he has in his possession, he could defend himself and our family members from the enemy. Nowadays, without weapon to resist your enemy, you can easily be killed".*[2]

Respect and status flowing from employment is another reason women support their husbands' involvement in militias: *"Before, when my husband was not yet a CAFGU, the people in the community looked down on us because we were poor. Now, my husband could fight back because he has weapons. Nowadays you will be in pitiful situation without arms to use for the security of your family."*[3]

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

Roles and Identities

Across Mindanao, men are expected to protect female family members and this role includes the earning of income, as well as ensuring they can protect female relatives from harm. In the broadest cultural sense, men are 'authorized' to use violence to protect and serve their family's interest.[4] Such cultural perceptions of masculinity find resonance in other cultures, where the fundamental mark of being a 'real' man is the ability to hold and use a weapon for fighting.[5]

In Bangsamoro communities in particular, women are traditionally expected to perform support roles to the men in their families including nurturing roles (for example, childbearing and rearing, and performing routine duties to maintain the household)[6]. Bangsamoro communities are anchored on Islamic precepts and injunctions that spell out the roles and obligations of men and women. Islam provides specific guidelines on individual behaviour, that of institutions and organizations as well as the roles and status of every person in a family, in their community and in the community of believers or ummah. However, these guidelines are often more ideals than the reality in many communities affected by armed conflict in Mindanao.[7] Among some Muslim Moro women an even more stringent, religious-based separation of duties between men and women is observed.[8] There are a number of ways that a woman can 'dishonor' her husband and household and women's roles are rigidly specified and enforced.

Men are expected to earn a substantial income for their families, not only for the members of their immediate family, but also for their dependents, especially female, single siblings and parents or parents-in-law who live in the same house. Any digression from these standards is always a source of

[1] Thelma Iku of Bongao, Tawi-Tawi interviewed by Sulog Bra of the IBS on 13 November 2009
[2] Partner of CAFGU member, interviewed by Sulog Bra in Bongao, Tawi-Tawi on November 23, 2009.
[3] Partner of a CAFGU member in Basilan interviewed by Sulog Bra on November 17, 2009.
[4] Bra, Sulog, Participatory Rural Appraisal and Resource Social Assessment of 10 Coastal Barangays in the Municipality of Datu Odin Sinsuat, Maguindanao, Philippines. (Cotabato City: Talainged Foundation, 2008).
[5] Jacobs, S, Jacobson, R and Marchbank, J (Eds.), States of Conflict: Gender, Violence and Resistance, (London: Zed Books, 2000).
[6] Philippine Women's Research Collective, The End is the Beginning: Alternative Philippine Report on the Impact of the Decade for Women, (Manila: Philippine Women's Research Collective, 1985) ; Hildson, Anne Marie, Madonnas and Martyrs: Militarism and Violence in the Philippines, (Manila: Ateneo de Manila University Press, 1993) p.90.
[7] Cagoco-Guiam, Rufa, "The Philippines", in Chia Siow Yue, (Ed.) A Gender Agenda: Asia-Europe Dialogue 3. Economic Empowerment for Gender Equality, (Singapore: Asia-Europe Foundation and Japan Center for International Exchange, 2006).
[8] Ali Lidasan, Amirah, Moro Women's Struggle for Human Rights in the Philippines, Unpublished paper presented during the conference, "Advancing Gender Equality and Women's Empowerment in Muslim Societies", held in Jarkarta, Indonesia on 11-12 March, 2009

unease and even of shame. Men who perform household maintenance duties like cooking, dishwashing and cleaning the house are considered to have questionable gender orientation or are "under the saya," (literally, staying "under" the skirt of the wife).

The security of the family is exclusively the responsibility of men. A study in 2008 on 'task segregation' among rural families in Maguindanao revealed that wives left responsibility for the security of family members and the community to their husbands.[1] Many women see themselves on the fringes of community activities although they bear a heavy burden in terms of maintaining the society during peace and war.[2]

However, the experiences of women in peace-making and during times of war show that they are still a largely untapped resource for promoting a more inclusive peace in society. Their crucial roles in peacebuilding have not been fully recognized by either the national government or the rebel groups who are talking peace with the Government.[3]

This is perplexing as the Philippines has set high standards in the region on several aspects of women's rights. Women's involvement in the long-running and ongoing formal peace negotiations between the Government and the MILF has either been as members of the GRP negotiating panel or as part of third-party groups providing technical assistance to the panels. The MILF panels have consistently been composed solely of men. However the MILF announced in September 2010 that two women would be appointed as advisers to the panel.[4] In April 2011, Bai Cabaybay D. Abubakar and Raissa H. Jajurie were appointed.[5] Whilst women are involved in these processes, they remain a minority and are much more visible in informal efforts to make peace. At present there are no women in the MILF peace panel. However the MILF Social Welfare Committee is unsurprisingly composed entirely of women at all levels of organization (provincial, municipal and village). Women are yet to be fully accepted in other decision-making bodies of the MILF.

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

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

Security Services and Forces

Across Mindanao there are a range of armed groups waging insurgencies with various motivations. This report will not go into specific detail about these groups as these are thoughtfully described elsewhere. Two key state security services are, however, considered given their connections with militia creation and maintenance. This does not mean that the HD Centre and IBS see the various armed groups as having no place or role in deliberations on the matter of militia. Indeed the

[1] Bra, Sulog, Participatory Rural Appraisal and Social Resource Assessment in the Municipality of Kapatagan, Lanao Sur, (2009, unpublished). The study was supported by Mindanao Rural Development Program under its National Resource Management Project funded by the European Union.
[2] Cagoco-Guiam, Rufa, "Demanding a Voice", in Compromising on Autonomy, Mindanao in Transition, Accord. An International Review of Peace Initiatives Issue 6 (London: Conciliation Resources, 2009) p.64. The topic of women's roles in war and peace was also tackled in the documentary movie, "Beyond the Veil," produced by the Philippine Center for Investigative Journalism, 1999.
[3] See Santiago, Irene, "Mindanao", in Centre for Humanitarian Dialogue, Peacemaking in Asia and the Pacific: Women's participa- tion, perspectives and priorities, (Geneva: Centre for Humanitarian Dialogue, 2011).
[4] "MILF forms new peace panel, board of consultants", MILF Official Web, www.luwaran.com, September 13, (2010).
[5] Bai Cabaybay D. Abubakar is an educator and Raissa H. Jajurie is a lawyer.

negotiations between the Government and the MILF and MNLF will inevitably need to tackle the issue of militia.

Armed Forces of the Philippines

While the AFP increasingly encourages softer approaches to counter-insurgency – establishing community relations, conducting civic action programs, and implementing socio-economic development – its tactics are still largely based on eliminating and suppressing threats by force.[1] This approach has dominated the AFP's dealings with the Moro and NPA struggles. The government's strategic approach to the Muslim secessionist movements and the NPA insurgency in Mindanao is troop saturation and intensive military operations. The AFP's troop strength was estimated at 45,000 in 1967. By 1977 it had grown to 68,000 and increased most dramatically between 1990 and 2000 because of President Estrada's all-out war policy in Mindanao – by 2000 the AFP had 164,000 troops. Today the military reports it has 120,000 troops, 55,000 of whom are in Mindanao.[2]

Despite this growth, the force remains proportionally small compared to the civilian population[3]. Recruitment has stayed at largely the same levels in recent years, with an average yearly intake of 5 per cent.[4] To boost the reach of its counter-insurgency campaign at a relatively low cost, the AFP has therefore increased the use of civilian paramilitaries and militias.

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

As for visions of the future, senior military officers prefer to speak of "disengagement" rather than "downsizing".[5] In their view, an end to the armed conflict will result in disarming the CVOs, demobilizing the Moro insurgent groups and CAFGUs and building up the capacity of the police service. They do not envisage the AFP pulling out completely, and argue that the current policy shift towards the prevention of armed conflict and encouraging dialogue will be characteristics of the AFP of the future.

Gender roles in the Armed Forces of the Philippines

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

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

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

[2] Rommel Banlaoi, Executive Director of the Philippine Institute for Peace, Violence and Terrorism Research, 15 December, 2009. The source is the Operational Records of the Philippine Army, Camp Aguinaldo, Quezon City, Philippines.
[3] Tupin, Alex, New Society's Challenges in the Philippines, Conflict Studies, (UK: Great Eastern Press, Ltd., 1980), p.20; Rosete, Rogelio, Enhanced Development Command and Control of Army Ready Reserve Companies, Unpublished Master Thesis, National Defense College of the Philippines, Camp General Emilio Aguinaldo, Quezon City, (1998).
[4]Estabilo, Catalino B, Military Reservists in Internal Security Operations: Responsiveness and Relevance, Unpublished Master Thesis, National Defense college of the Philippines, Camp General Emilio Aguinlado, Quezon City, (2005).
[5] Interviews undertaken by Mireille Widmer, HD Centre in May- June 2007.

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

Nevertheless, the AFP recognises that women are essential to the waging of war and are skilled at key tasks such as intelligence gathering and disseminating and gathering information from the public.[1] They work to promote the AFP, countering claims that the military is abusive and travelling to insurgent areas to speak to, and seek support from, local communities.[2] Thus, while the male military officers wage the 'real' war, women soldiers battle the 'softer' war: winning the hearts and minds of communities.

Drawn by the economic and career opportunities in the army, more highly-educated and professionally-orientated women are coming out of the Philippine Military Academy in Baguio City. Women score better than their male counterparts academically. Women have risen to the level of commanding officer, where in many cases they have "equalled with their male counterparts in dexterity and leadership".[3] Rural women are driven to join the army largely out of economic need and the absence of educational activities.[4] Some manage to make a career, using the army as a springboard to undertake professional training to become doctors, dentists and engineers.

In rare instances when women are assigned to combat areas male soldiers typically feel a need to protect them. Some army officers noted that effectiveness in battle is reduced when women are around [5]and this view is expressed in other countries regarding the participation of women in combat.[6] Many men in the AFP continue to believe that women need the protection of men and that the presence of women in camps is a source of distraction among men. Traditional views on women's 'inherent' vulnerabilities are indeed difficult to get rid of, as the following statement suggests: "During field operations, we feel shy not to offer a hand to woman carrying heavy luggage. During encounters with the enemy, we worry about women being captured, tortured and raped, and if it happens we are helpless to save her."[7]

The Availability of Weapons in the Philippines

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

Accurate figures on the number of guns held are hard to gauge. In 2007 it was estimated that the total number of guns in circulation in the Philippines was 3.9 million (between a high of 5 million and a low

[1] As one example of how this is articulated see Balay Mindanaw Foundation and the Eastern Mindanao Command, Armed Forces of the Philippines, "Women soldiers in the frontline of peacebuilding", Soldiers for Peace: A collection of peacebuilding stories from Mindanao (Cagayan de Oro City, Balay Mindanaw Foundation, 2010), pp.66-67.
[2] Interview by Sulog Bra of the IBS with Captain Rommel Valencia, Colonel Reynaldo Sungcaya and Major Ruben Matillano, Graduate School of Mindanao State University-Maguindanao, 28 August 2009; Interview with Lieutenant Udtong Salim, Philippine Army, assigned as field officer in the Municipality of Barira and Matanog, Maguindanao, 15 April 2010.
[3] Colonel Prudencio Ramos Asto was interviewed by Sulog Bra of the IBS on 25 October 2009 at the Graduate School of Mindanao State University-Maguindanao. Colonel Asto's assigned place of duty is at Camp Siongco, Awang, Maguindanao
[4] Hildson, Anne Marie, Militaries and Martyrs: Sexual Violence in the Philippines, Paper presented at the Regimes of Sexuality Conference, Australian National University, Canberra, 5-8 July, (1993), p.88.
[5] Hildson, Anne Marie, Madonnas and Martyrs: Militarism and Violence in the Philippines, (Ateneo de Manila University Press, 1993), p.90.
[6] Enloe, Cynthia, Does Khaki Become You? The Militarization of Women's Lives, 2nd Edition., (London/Sydney: Pandora Press/Harper Collins, 1988).
[7]Statements of Norodin Ere (army draftee) when interviewed by Sulog Bra of the IBS in Datu Odin Sinsuat, Maguindanao, 23 November 2009

of 2.8 million).[1] The number of registered weapons in 2006 (the latest figures) was 962,486.[2] In 2005, the number of 'loose firearms' (firearms that have never been registered or that have expired licenses) were estimated by the PNP at 321,685.[3] However others dispute this figure and suggest that it is in the order of 4.2 million, extrapolating from the fact that unlicensed guns have been used in 93 per cent of resolved criminal cases.[4] Unsurprisingly, the widespread circulation of weapons is linked closely with crime.[5] The number of weapons held by insurgent groups is estimated at 8,170 by the MILF, 6,050 by the NPA and 300 by the Abu Sayyaf.[6]

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

The Philippine National Police-Firearms and Explosives Division (PNP-FED) reported there are 45 legal firearms manufacturers, 522 authorized dealers, 133 gun repair shops and approximately 5,000 illegal gunsmiths nationwide.[8] The Cebuano city of Danao is well-known for its gun industry.

Cheaper than foreign-made handguns, these guns are also highly marketable and easier to procure.[9] Prices vary depending on the gun's origins: a 9 mm costs around 25,000 PhP (USD 543); a .45 caliber pistol around 24,000 PhP, and an M-16 some 26,000 PhP (USD 565). A Danao gun-maker has said he "can finish making a KG-9 in a month . . . with a capital outlay of about 7,000 PhP (about USD150) and sell it for about 10,000 to 11,000 PhP (about USD220 to 240)."[10]

The government has tried a mixture of repressive and incentive-based measures to remove guns from circulation. Apart from Balik Baril (a disarmament program, which targets former insurgents) the government has also implemented other schemes, including Oplan Bakal and Oplan Kapkap (weapon searches in public places to recover loose firearms); Loi Bawi (to recover firearms not returned by active, retired or dismissed police officers); as well as 12 amnesty programs since the Cory Aquino administration.[11]

Philippine gun laws are complicated with regulations, orders, amendments and acts spanning some five decades. They are woefully inadequate for the volume of weapons in the country and the prevalence of armed violence. Sound laws are frequently undermined by temporary revisions, which then become the norm (for example, on the carrying of guns outside the home). These are fundamentally ineffective due to poor implementation and co-ordination across the relevant agencies:

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[1] Mendoza, Gemma-Bagayaua, "Armed and Dangerous: More Civilians Own Guns Than the Military and Police", Newsbreak, 29 January, (2011).
[2] Quilop, Raymund Jose G, "Small Arms and Light Weapons in the Philippines: Possession, Demand, Supply and Regulation (Overview)", in Santos, Soliman Jr, and Santos, Paz Verdades M, (Eds.) (2010), pp.231-257.
[3] Quilop, Raymund Jose G, (2010) p.204.
[4] Small Arms Survey, Small Arms Survey 2002: Counting the Human Cost, (Oxford: Oxford University Press, 2002), pp.98-99. Information on the 93 per cent figure comes from: Philippine Center for Transnational Crime, "Illicit trafficking and manufacturing of firearms: the Philippine context", (undated, circa 2006) Available at www.pctc.gov.ph/papers/FA's 20illicit 20Trafficking 20
& 20Manufacturing.htm Accessed 12 December 2010
[5] 125 In the Philippines the distinction drawn between homicides and murders is based on knowledge of motivation and whether and how someone is charged for the killing(s). If intent to kill can be proven it is murder. If it is not established then it is homicide: therefore, killings are homicides until classified as murders. Also see, Fianza, Gen. Florencio, Office of the Special Envoy on Transnational Crime (OSETC), "OSETC and initiatives on reg- ulation", presented at the Asian Parliamentarians Workshop on Small Arms and Light Weapons and the proposed Arms Trade Treaty, February 6–7, 2007.
[6] Quilop, Raymund Jose G, (2010), p. 238; PhilANSA, Voices to silence guns, The Philippines People's Consultation Report on the Arms Trade Treaty, (Manila: PhilANSA and the International Action Network on Small Arms, 2008) p.12.
[7] Small Arms Survey, (2002) p.99.
[8] PhilANSA (2008), p.12.
[9] Aragon, Chito O, "High powered firearms seized", Cebu Daily News, March 18, (2008).
[10] Communication between Jennifer Santiago Oreta and Cate Buchanan, HD Centre in May 2010.
[11] For statements from the President on stiffer gun control see, "Marksman PNoy Wants Stiffer Illegal Gun Possession Penalties", GMA TV News, 16 July, (2010).

the PNP, the AFP, border and customs departments. The most significant recent attempt to limit the growing number of guns is the Gun Control Act filed by Senator Antonio Trillanes IV in 2009. From August 2003, Trillanes has been detained at Camp Crame in Quezon City for rebellion against the government. He was among the military officers that led the aborted mutiny in 2003. However as a Senator he could still propose legislation while incarcerated.[1] In December 2010 he was released after the Makati City Regional Trial Court granted his petition for provisional liberty.

"I see a woman as not being fit for combat", said another male draftee.[2] "A woman is slow to move and delicate in body built. She would be left behind in a fast moving military operation. Besides, she has the tendency to be emotional when seeing people dying in the battle. She cannot hide the reality that as a woman she has that instinct and biological component different from man."[3]

Philippine National Police

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

The PNP maintain their own militia, the Police Auxiliary Units (PAUs), who are members of the public trained by the police and issued weapons by the local government. The PAUs have various names – CVOs in many places, Bantay Dagat in most coastal areas, and the Department of the Interior and Local Government Unit refers to them as Barangay Tanods (village watchers). In Sulu, the Civilian Emergency Forces (CEF) is now officially referred to as PAUs as are the Barangay Police and Barangay Marines of Tawi-Tawi.[4] The number of PAUs in Mindanao and elsewhere in the Philippines is unknown because they are not officially registered by the PNP and are loosely monitored by the government.

The PNP typically struggles with its law enforcement mandate because of a lack of resources and its ties to local government officials. It also has a reputation for extra-judicial killings.[5] In 2006, the PNP was authorized to deputize the barangay tanods (who were originally unarmed) to assist in its law enforcement duties.

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

Where the Moro and cultural minority populace was dominant, the "Council of Elders" was organized as an alternative group that could settle disputes in each barangay using traditional methods. Among

[1] 132 Interview by Sulog Bra of the IBS with Edmund Gumbahali of the Sulu Armed Violence Reduction Initiative in Jolo, 13 March 2010
[2] Interview with Zaiton Onse, a soldier who resigned after five years of service, at Dalican, Datu Odin Sinsuat, Maguindanao by Sulog Bra of the IBS on 24 November 2009,
[3] Statements of Abdul Bra (army draftee) when interviewed by Sulog Bra of the IBS at Kurintem, Datu Odin Sinsuat, Maguindanao,
23 November 2009.
[4] Interview by Sulog Bra of the IBS with Edmund Gumbahali of the Sulu Armed Violence Reduction Initiative in Jolo, 13 March 2010
[5] 136 See, Philip Alston, Special Rapporteur of the United Nations Human Rights Council on extrajudicial, summary or arbitrary executions, Statement of UN Special Rapporteur on extrajudicial killings a er visit to the Philippines, 21 February, (2007); Asian Human Rights Commission, 'Getting away with murder', Special Report: The Criminal Justice System of the Philippines is Rotten, Vol. 6, No. 1, (Hong Kong: Asian Human Rights Commission, 2007).

the Moros it is called “Walay na Bitiyara”[1] (house where dispute is settled) and the Teduray (a tribal group in Maguindanao) call it “Bli Kitab”[2].

NGOs have intervened to reduce the number of disputes referred to the formal justice system through supporting alternative dispute resolution by implementing programs that strengthen the capacities of the local people in settling conflicts at the barangay level. For example, the Gerry Roxas Foundation, with the support of the United States Agency for International Development, implemented the Barangay Justice Services System and MinPeace (Peace for Mindanao) and currently the Barangay Justice for Peace in Mindanao which aim to support the capacity of each barangay in Mindanao for local dispute resolution, mediation, counselling and arbitration.[3] Furthermore, several local NGO bodies try to resolve local clan conflicts such as the Tumikang Sama-Sama in Sulu, a group of eminent persons that often mediate between warring clans.[4]

Some of the PNP’s weakness stems less from a lack of technical capability and, more, from corruption. A PNP official “acknowledged that some police officers are vulnerable to opportunities for corruption.”[5] A 2011 Pulse Asia perceptions survey revealed that the PNP is regarded as the second most corrupt government agency in the Philippines – behind the AFP.[6] Further, the Philippine Public Transparency Reporting Project reported that in ARMM before a police recruit will be issued a firearm he/she has to pay PhP20,000 (USD465).[7] The report also alleged that for a new candidate to pass the ARMM Police Regional Office selection process under-the-counter payments of up to PhP 350,000 (USD8,139) are paid.[8] Once in the PNP, low wages can make many police to become involved in bribery and corruption, opening them up to the influence of political leaders, influential and rich families, landlords and business-people who press them into service as their body-guards, security guards or private armies.[9]

In the ARMM, there is little practical distinction between the functions of the military and the police.[10] Officially, the AFP focuses on the insurgency(s) and the PNP on fighting crime, and supporting the AFP in terms of intelligence gathering and community mobilization.[11] However in practice it often appears that the AFP is taking the lead on all matters related to public security.

One possible reason for this confusion is the fact that, until the adoption of the new Constitution in 1987, the PNP – then known as the Philippine Constabulary – was under the authority of the Ministry of Defense. With the new Constitution, control of the police was handed over to the Department of the Interior and Local Government. The law allows mayors and governors both operational command over the local PNP and the power to take certain disciplinary measures - leading to a raft of new problems.[12] The PNP suffers from a lack of independence due to the manner in which police directors

[1] Interview by Sulog Bra of the IBS with Mayor Tucao Mastura of Sultan Kudarat, Maguindanao, 5 June 2010.
[2] Interview by Sulog Bra of the IBS with Mayor Ramon Piang of Upi, Maguindanao, 8 June 2009
[3] The IBS is the local resource partner of the Gerry Roxas Foundation in the implementation of the Barangay Justice Project in Maguindanao
[4] This initiative is supported by the HD Centre as part of its peace facilitation work in Sulu.
[5] “Some cops vulnerable to corruption: PNP”, ABS-CBN News,
29 March, (2011). See also, Varona, Glenn, “Collaborative Inquiry and Managing Police Ethics: Towards Better Governance of Policing”, paper presented at the Participatory Action Research and Action Planning 8th World Congress 2010, Melbourne, 6-9 September, (2010),
p. 4. Available at http://wc2010.alara.net.au/Formatted 20Papers/ 4.1.6.SEC.2.pdf
[6] The survey was conducted from February 24 to March 6, 2011. See ABS-CBN News, (2011).
[7] Davis, Alan and Fajardo, Rorie R, “PNP ARMM: Serious Allegations of Corruption over Firearms and Recruitment Being Made – And Denied”, Philippine Public Transparency Reporting Project, 21 March, (2011).
[8] Davis, Alan and Fajardo, Rorie R, (2011). Also see Rodis, Rodel, “Police corruption at its roots”, Inquirer.net, 17 October, (2010)
[9] The involvement of Police Chief Inspector Zukarno Adil Dicay, officer- in-charge of the Shariff Aguak police and concurrently deputy provincial director of the Maguindanao police in the Maguindanao massacre, showed clearly, according to the International Crisis Group, “that the police in Manguindanao province were a wholly-owned subsidiary of the Ampatuan family.” See International Crisis Group, (2009), p.5.
[10] Salilama, Police Supt. Badire, An Evaluation of the Philippine National Police (PNP) Insurgency Operations in Zamboanga del Norte, Unpublished Master Thesis, National Police College, Philippine Public Safety College, Fort Bonifacio, Makati City, (1996).
[11] Interview of former ARMM Police Director by Mireille Widmer, HD Centre, May 2007.
[12] See: Philippine Constitution Article Republic Act 6975, 13 December 1990. An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local government, and for other purposes

and officers are appointed, which requires recommendations from Provincial Governors. It is also regarded as having inadequate equipment, personnel and resources for intelligence.[1] As local government executives sometimes step in to provide vehicles and support, the ties between the PNP and local governments become both interwoven and confused.

Women in the Philippine National Police

In June 2010, some 13,440 women were registered members of the PNP.[2] In theory, this number represents 10 per cent of the total number of enlisted personnel in the PNP as women were allocated 10 per cent in the recruitment of national police officers in legislation enacted in 1998, by then President Fidel V. Ramos. In practice, however, the recruitment of women may exceed or be less than 10 per cent depending on the number of women who apply and who qualify.

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

Among women's rights advocates the Act is widely known for creating 'women's desks' in all police stations throughout the country. These desks aim to attend to sexual abuse and violence towards women, as well as children. However, over time, the few women in the PNP have often been relegated to working on these desks – including the most senior woman in the PNP.[3] Popular mass media in the Philippines, such as television soap operas, also depict policewomen as tied to their desks either taking care of cases on violence against women and children or tasked with relatively sedentary assignments.

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

[1] Various interviews undertaken by Mireille Widmer, HD Centre, June-July 2007.
[2] Letter from Police Director Abner Cabalquinto to Purple Romero of Newsbreak on behalf of IBS, June 22, 2010
[3] The only woman in a senior PNP position, Director General Yolanda Tanguigue, heads the national Women's and Children's Protection Desk at the PNP National Headquarters in Camp Crame, Quezon City. Two separate interviews were the sources of this comment. An interview with Ms. Bahian, a non-uniformed member of the General Santos City Police force, and an interview with SPO3 Merlyn Tolentino, who co-ordinates the Women's and Children's Desks in all police stations in the city.

In 2003, as part of implementing the Act, the PNP national leadership published the Police Community Relations Manual (PCRM) which promoted "100 Days of Police Transformation". A solid section is devoted to gender mainstreaming, a concept defined by the UN Economic and Social Council as:

> *". . .the process of assessing the implications for women and men in any planned action, including legislation, policies or programmes. . .it is a strategy for making the concerns and experiences of women as well as men an integral part of design, implementation, monitoring and evaluation of policies and programmes in all political, economic, and social spheres, so that women and men benefit equally, and inequality is not perpetuated. . .the ultimate goal of gender mainstreaming is to achieve gender equality."*[1]

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

The PNP justifies the need for gender mainstreaming in *"order to advance the cause of women as partners of men in providing services and protection to the people; and in pursuing, albeit gradually, the establishment of a well-grounded gender-responsive premier law enforcement institution in the country*."[2]

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

For all its progressive provisions on gender concerns, the Act remains token legislation and suffers from inconsistent implementation. The PCRM states one of the reasons why the PNP has chosen to focus on women's development in their Gender and Development (GAD) planning is the recognition that "women are half of the country's population, and as such, (they) are half of the producers of economic goods. . ."[3] Given this rationale, it is surprising that the Act only has a 10 per cent allocation for women police recruits. Secondly, there is an uneven commitment to the 10 per cent quota.[4]

Finally, and most substantively, the PNP plan focuses only on so-called 'women's issues'. While this is important, it is only one part of the equation and a holistic view of gender is necessary if Philippines security services are to be fully representative. Simply put: *". . .the involvement of women is not in itself enough to ensure gender sensitivity."*[5]

[1] Chapter IV, Section 1, "Gender Mainstreaming", Report of the Economic and Social Council, A/52/3 18 September, (1997), p.2.
[2] Philippine National Police, Police Community Relations Manual, (Camp Crame, Quezon City: Philippine National Police, 2003), p.49
[3] Philippine National Police, (2003), p.48.
[4] Interview by Rufa Guiam, consultant to HD Centre with Joannah Russel Bahian, administrative/personnel officer for PNP Regional Command 12, stationed at Tambler, General Santos City on November 12, 2010. Interviews clarified that when there are fewer male than female qualifiers in the process of recruitment of new police officers, the Commanding Officer or the Regional Police Director may opt to recruit more than the 10 quota and this has been done quite frequently at the Regional Police Headquarters in Region 12, says Ms. Bahian. However the excess of the 10 has so far only been up to 2 to 3 more than the 10 quota, and not more than that
[5] El Jack, Amani, Gender and Armed Conflict. An Overview Report, Institute of Development Studies, University of Sussex, (Brighton: BRIDGE, 2003), p. 34.

Children and Youth

> *"It's hard when you're not educated, isn't it? Who will give you a job or entrust you with work especially if they know about my background? What happens when they find out that I have killed people? I'm wanted by the law. This is the reason why I rarely go out. Don't you understand? I don't want this job but I need it to live . . . it's for my parents. What will happen to my brothers and sisters?"* [1]

The prohibition against using children in armed conflict is stated both in domestic law and the international treaties to which the Philippines has subscribed. Internationally, the Philippines ratified the Convention on the Rights of the Child on 26 July 1990,[2] which includes the right to protection from torture and maltreatment that will deprive them of their liberty or lead to separation from their parents.[3] In Filipino law, the protection of children in situations of armed conflict is stipulated in Republic Act 7610.[4] Article X (22) (b) provides that: "Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies."[5]

In August 2009, the MILF and the United Nations agreed on an action plan regarding the issue of recruitment and use of child soldiers in the armed conflict in Mindanao. The action plan prohibits the recruitment of children under the age of 18.[6] The MILF committed to informing all commanders and officers of the Bangsamoro Islamic Armed Forces (BIAF) that using and recruiting children is not acceptable; establishing a child protection unit within the ranks of BIAF; and, in partnership with UNICEF, ensuring a wide-ranging community advocacy campaign on preventing the recruitment of children into any armed groups. The MILF is now working with UNICEF on the implementation of the Plan.[7]

The AFP claim they adhere strictly to national law which bars those under 18 years of age from conscription into the military or militia. However, military training known as Reserve Officers' Training Course (ROTC) is still one of the three options that college students are required to take for graduation.[8]

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

The recruitment of underage youth into militia is more clear-cut, with documentation showing underage youth in both CAFGUs and CVOs.[9] One study revealed conscription of minors in the CVOs by the Ampatuans in Maguindanao. They were used to carrying out the killing of the family's enemies or individuals opposed to the leadership of the family.[10] One interviewee commented: "Young boys

[1] Statement of a child CVO member in Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003), p. 44
[2] World Organization Against Torture, State Violence in the Philippines, an Alternative Report to the United Nations Human Rights Committee, (Geneva: World Organization Against Torture 2004).
[3] Marcelino, Elizabeth Protacio, Cruz dela, Maria Tereza C, Camacho, Agnes Zenaida V and Balanon, Faye A.G, Torture of Children in Situations of Armed Conflict: The Philippines Experience, University of the Philippines CIDS, (Manila: University of the Philippines, 2000).
[4] Approved June 17, 1992.
[5] Excerpts from Republic Act No. 7610 entitled "Special Protection of Children Against Abuse, Exploitation and Discrimination" (Promulgated 17 June 1992) Republic Act 9231 amended certain provisions of RA 7610.
[6] Action Plan between the Moro Islamic Liberation Front and the United Nations in the Philippines Regarding the Issue of Recruitment and Use of Child Soldiers in the Armed Conflict in Mindanao, August 1, 2009. See also MILF-BIAF Supplemental General Order for General Order Nos. 1 and 2 in support of the Action Plan between the Moro Islamic Liberation Front and the United Nations in the Philippines Regarding the Issue of Recruitment and Use of Child Soldiers in the Armed Conflict in Mindanao, January 20, 2010.
[7] UNICEF, in partnership with the IBS and Plan International, is now conducting a rapid registration of children who may be found in the ranks of MILF-BIAF.
[8] Republic Act No. 9163, An Act Establishing the National Service Training Program (NSTP) for Tertiary Level Students, January 23, 2002. The NSTC components are: (1) The Reserve Officers' Training Corps (ROTC); (2) The Literacy Training Service; and (3) The Civic Welfare Training Service. Compliance with any of the three compo- nents is requirement for college graduation. ROTC training is optional and voluntary.
[9] Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003).
[10] Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003), pp. 49-50.

with guns are visible in their communities at night as substitute for the fathers who are tired due to the day's chores and want to relax at night. They send their young boys, who enjoy themselves in drinking sprees with their commanding officer."[1]

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

> *". . . my parents are poor with six children. Farming is the occupation of both my father and mother. We wake up early in the morning and help our father work in a small farm which is not our own. It is borrowed from a relative. The income earned every harvest, which is three to four months after planting, is not enough to support us to till the next planting season. My father will then borrow money from a businessman and pledge to sell the next harvest to him. We are drowned with loans. So, I decided to join the CAFGU at the age of 17. At least, I receive a small fixed monthly allowance that helps us survive financially."* [2]

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

In addition, some young people simply find the work inherently attractive and adventurous.[3] Providing security to politicians indulges the aggressive instincts of young men and appears to give them legitimacy. Politicians have taken advantage of this by seeking young bodyguards who are instinctively quick to obey orders without questioning them.[4] Some boys and young men also revealed in interviews that avenging the death of one's father can be an important motivating factor for militia involvement.[5]

The scale of the problem is difficult to assess. Among the hundreds of militia members interviewed in this study, only five individuals admitted being minors at the time of the survey while 11 admitted to being minors when they were recruited. Nevertheless, the 2008 report of the UN Secretary-General on the situation of children and armed conflict in the Philippines noted that there are indications that national laws *"are not being respected in the recruitment for the Government paramilitary forces, CAFGU."*[6] This is further corroborated by other sources.[7] The response to such documentation suggests some level of denial and refusal to accept responsibility. Military officers blamed other commands or orders, suggesting it reflected local arrangements outside AFP direct control.[8]

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

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[1] Interview by Sulog Bra of the IBS with Ahmad Sabdula, Upi, Maguindanao, 15 November, 2009.
[2] Interview by Sulog Bra of the IBS with a CAFGU member in Datu Odin Sinsuat, Maguindanao, 26 November 2009.
[3] Interview with Drieza Lininding, youth leader of Lanao del Sur, by Sulog Bra of the IBS on November 5, 2010.
[4] Mananghaya, James, "Mindanao politicians use teenagers as body- guards", Philippine Star, 13 October, (2008).
[5] Camacho, Agnes, Child Soldiers in the Philippines, paper presented to the Second Consultation Workshop on the Use of Child Soldiers in the Philippines with a theme "Enhancing Partnerships Towards Effective Strategies on DDRR", Lauremar Beach Hotel, Opol, Misamis Oriental, Philippines 9-12uman November, (2003).
[6] Report of the Secretary-General on children and armed conflict in the Philippines, United Nations Security Council, S/2008/271, 24 April (2008), p.7. National law prohibits the recruitment of children under 18 years old for the military and police.
[7] Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003).
[8] Lucero, Colonel Daniel, "The CAFGU Active Auxiliary: Peace, Security and Human Rights Concerns", Presentation during a focus group discussion organized by the IBS, HD Centre and PIPVTR at Camp General Aguinaldo, Quezon City on 9 October 2009.

However, this is a limited check on underage recruitment as birth certificates can be obtained and modified by bribing officials. As noted in one discussion in Iligan City, the barangay chairperson processed the papers for all his CAFGU recruits, including birth certificates, to accommodate his relatives. In return all the recruits owed allegiance to him and became his private army.[1]

Survey Findings

In order to assess militia members' demographics including their self-reported motivations for joining militia and roles in both counter-insurgency and peacebuilding, the IBS and the HD Centre carried out a questionnaire-based survey between July and December, 2009. The questionnaire, developed and validated by a group of experts and tested for reliability, consisted of 84 divided into six sections covering a wide range of topics and issues related to militia activities, including income, as well as official and unofficial roles (see Annex 3: Guide Questions for CAFGU Individual Interviews and Annex 4: Guide Questions for CVO Individual Interviews).[2] The questionnaires were administered through face-to-face interviews with 577 respondents (231 CAFGUs, 226 CVOS, 60 CEFs and 60 BP/BM) who were selected using opportunistic, purposeful and snowball sampling techniques.[3] Open-ended questions were included to elicit further responses. Ten research coordinators, one from each province, were hired to administer the questionnaires.

The survey was supplemented with focus group discussions, conducted in several locations and involving army and police officers, military personnel, militia members, political leaders, academics, members of the media, women's organizations, youth and student groups and religious leaders (see Annex 1: List of Focus Groups). Additional key informant interviews were held with politicians, young people, leaders of women's organizations, survivors of armed violence, army and police personnel as well as militia members. Detailed data is presented in Annex 5. Finally, an extensive literature review was conducted.[4]

Militia demographics

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

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

> *"So far I do not know of any woman CVO in South Upi. In our culture, security work or task is a duty of man, not a woman. It is awkward to see woman guarding at night while men are sleeping soundly . . . I myself, will not allow a woman relative of mine to become*

[1] Viewpoint expressed in focus group discussion in Iligan City on December 4, 2009.
[2] Annexes 3-5 are available online at www.hdcentre.org/projects/ philippines-mindanao
[3] 177 Opportunistic sampling involves an on the spot decision as to whom to interview for information to take advantage of an opportunity during actual data collection in the field. Purposeful sampling takes the credibility of the respondents as an important consideration rather than how the population is represented. Snowball sampling or chain sampling, involves identifying subjects via people who know an individual that could be a source of rich information about the topic. See, Patton, Michael, Qualitative Evaluation and Research Methods, 2nd Edition, (London: Sage Publications, 1990), p.179.
[4] Literature review available at: www.hdcentre.org/projects/peace making-research See Annotated literature review on conflict manage- ment in the Philippines

CVO. I would be embarrassed. Culture and reasons both speak that women are not fit to work as CVOs." [1]

Women respondents shared similar views:

". . . what will I get if I become a member? It is only headache! The living allowance is too small, not enough for our family. Magtinda na lang ako ng gulay sa palengke (I rather vend vegetables in the market). Mas malaki ang kita (The income is big)." [2]

Another said:

". . . ano ang sabihin ng mga tao sa akin pag nakita nila ako na kasama-sama ko ang mga lalaking CAFGU (what will the people say about me if they see me in the company of the male CAFGUs)? Babaeng kaladkarin (a woman of dishonour or cheap)! Patayin ako, hindi lang ang aking asawa, pati mga kamag anak (I will be killed by my husband, or if not, my family members).[3]

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

Militia members self-reported as predominately Muslim (51 per cent) and Roman Catholic (39 per cent), though all CEF and almost all (93 per cent) of BP/BM members are Muslim. Almost half (43 per cent) of all militia members reported attaining a high school level education; the one significant variation was BM/BP members of Tawi-Tawi, over 40 per cent of whom self-reported attaining a college education. Though militia are generally ethnically diverse, the most prominent ethnicity in the total sample was Cebuano (20 per cent) followed by Ilonggo and Tausug (17 per cent each) and the Magindanaon (16 per cent).

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

Motivations

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

Most respondents (85 per cent) joined their militia voluntarily, while others (11 per cent) were 'persuaded' either by the barangay chairperson or mayor to join; seven CEF members (1 per cent)

[1] Interview with Kagawad Catalino Ariston, South Upi, Maguindanao by Sulog Bra on September 25, 2009.
[2] Interview with Francisca Joel, wife of a CAFGU member in Basilan interviewed by Sulog Bra, 16 November 2009.
[3] 181 Laila Sedik, a member of a women's organization and wife of a CAFGU member, who attended the focus group discussion in Basilan, 17 November 2009.
[4] For example, in Barangay Pagasinan the chairperson assigned the BM and BP the responsibility of ensuring the safety and orderliness of the fish landing area; fishermen docking and hauling their catch had to pay the local government unit a fixed amount, a percentage of which went to the BM and BP.

said they were coerced to join by a politician.[1] Poverty/ lack of employment options was the most common rationale given for joining (33 per cent). Others included: defense of the community from rebels (17 per cent); family protection (15 per cent) and gaining power and respect of the people (13 per cent). However, rationale varied by group and location. Among CAFGUs, community defense or insurgents was the primary reason for joining.

For CVOs, poverty is the main reason for joining. Among CEFs in Sulu, besides poverty, support for political leaders was a reason for membership, followed in rank by 'peer pressure' and family members' insistence.

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

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

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

These allowances are a fraction of the minimum poverty threshold.[2] Allowances are described as 'supplemental' because militia members report for duty only 15 days a month and the remaining days are reserved for economic activities to support their respective families, although most members have no other occupation. Nevertheless, military officers claim militia work is done in 'the spirit of volunteerism', not full employment.[3] Focus group participants stressed that allowances are often delayed for several months.

As one CAFGU respondent said: "I look forward to that day the CAFGUs' allowance will be increased and released regularly on time. Nowadays, our families face financial hardship. Our small allowance, which is not enough for our daily needs, is delayed for three months. My wife, [a fish vendor in the market], borrowed money as capital from a money-lender with a high interest. Her capital for vending fish went instead to our daily needs." [4]

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

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

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

[1] Coercion is likely to be under-reported, however, and the tactics of 'persuasion' may include coercive threats, such as labelling individuals who refuse to join as insurgent supporters—which can carry heavy consequences.
[2] See Virola, Romulo A, (2011).
[3] Interviews by Sulog Bra of the IBS with Colonel Asto Ramos of 6th ID, AFP on 10 November 2009; Attorney Sukarno Abas of PNP- ARMM, on 20 August 2009; and Major Ruben Matillano of 6th ID, AFP on 28 August 2009.
[4] Excerpts from the statements of Joel Lopez when interviewed by Sulog Bra of the IBS on 18 November 2009 at Lamitan, Basilan.

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

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

Security and Counter-Insurgency Roles

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

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

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

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

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

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

The incidence of militia members' involvement in rido feuds diverged across militia; 92 per cent of BM/BP members, 56 per cent of CAFGU members, 47 per cent of CVO members and 32 per cent of

CEF members stated that their families did not have such feuds. Of those that did report rido feuds, militia members reported their involvement was 'helping in defense and protection of family members' (37 per cent) or remaining neutral or acting as a negotiator (32 per cent).

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

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

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

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

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

Policies and Socio-Economic Recommendations

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

Most CEFs (78 per cent) opposed integration. Their primary reason is that it will exacerbate feuds in Sulu. Notably, CEF members, when integrated into either the PNP or AFP, will have the legal grounds for carrying military firearms. According to one informant in the province of Sulu, armed violence can be expected to escalate as a result.[1] Lack of education and qualifications, the distance of the assignment from family, opposition from politicians and the military, were some additional reasons that militia members opposed integration.

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

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

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

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

Those members that favor disbanding cited separation payments and the reduction in militarization of communities as reasons. When asked about problems that might arise following the disbanding of militia, additional disincentives to disband were raised including rebel infiltration of communities and lack of support forces for the barangays. It was also suggested by some that disbanded members would themselves become a source of insecurity.

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

Reflections on Key findings

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

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

[1] Sahasi Salim, interviewed in Sulu by Sulog Bra of the IBS, November 12, 2009

Mandate confusion is a feature of militia in Mindanao

It appeared that only the CAFGU members had an accurate grasp of their mandate with others citing a wide range of reasons for their formation (for example, the protection of family members from enemies; private security for business people). This is not surprising given the multiple entities organizing, and theoretically supervising, the militia.

CAFGU members were subject to more detailed training and this was also a key reason why their mandate was clearer to them. Although militia are not allowed to participate actively in combat operations, the majority of the respondents said that they participated in fighting against insurgents.

Guns and militia

CVO and CEF members are not supposed to carry firearms but involving them in combat justifies arming them. CAFGU members are permitted to carry firearms. Clear guidelines on who is to provide firearms to the CVOs and CEFs, and for what purposes, as well as strategies for their safe storage and tracking are not available. In 2010 it was stated that the PNP have only accounted for 4,702 firearms in the possession of provincial guards, barangay tanods and provincial security forces,[1] but there is no report as to the number of firearms in the hands of CVO, CAFGU and CEF members. There is no systematic accounting, on the part of the AFP, for the total number of guns in the hands of the CAFGUs.

Integration into security agencies

The majority of militia members interviewed, except those in the CEF, would like to be integrated into either the AFP or the PNP. This is problematic because they mostly do not possess the minimum educational qualifications to enter into either service. The July 2010 announcement from President Benigno Aquino III to increase the number of soldiers could be an opportunity for those who can qualify to enter the AFP.[2] The increased number of soldiers could then be a good reason to implement Administrative Order No. 81 which disbands/deactivates armed community defense forces, including CAFGUs and CVOs.

Gender and Militia Involvement

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

Opportunities for Policymaking to Reduce Violence

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

The Office of the Presidential Adviser on the Peace Process

Among the range of government agencies involved in violence reduction, the Office of the Presidential Adviser on the Peace Process (OPAPP), which was established in 1993, is a leading one. It grew out of the recommendations of the 1992 National Unification Commission, which was tasked with formulating a viable amnesty program and peace process through nationwide

[1] Arevalo-Zenarosa, Justice Monina, (2010).
[2] Sisante, Jam, "Tell us what you need and we will give it', Noynoy tells AFO", GMA News TV, 7 July, (2010).

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

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

- Pursuit of social, economic, and political reforms that address root causes of the armed conflict;
- Consensus-building and empowerment for peace;
- Negotiated settlements with the different rebels groups;
- Programs for reconciliation, reintegration into mainstream society and rehabilitation;
- Addressing concerns arising from the continuing armed hostilities;
- Building and nurturing a positive climate for peace.[1]

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

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

[1] OPAPP Policy Framework. Available at http://opapp.gov.ph

List of Peace Agreements

MNLF process

- 1976 Tripoli Agreement:
  Establishes an autonomy framework in the Southern Philippines, including a "Special Regional Security Force".

- 1977 Ceasefire Agreement:
  Declares a ceasefire between the Philippine Government and MNLF forces.

- 1987 Jeddah Accord:
  Aims at reviving the stalled negotiations and strengthening the Tripoli Agreement.

- 1993 Interim Ceasefire Agreement:
  Refers to the informal ceasefire in place since 1987 and establishes a Ceasefire Monitoring Team.

- 1996 Final Peace Agreement:
  Final agreement on the implementation of the 1976 Tripoli Agreement, aims at fulfilling the terms of the Tripoli agreement and expanding and deepening the ARMM, established in 1989.[1] Provides for the "joining in" of MNLF forces into the police and armed forces.

MILF process

- 1997 Agreement for General Cessation of Hostilities and Implementing Guidelines:
  Formalises the ceasefire between the MILF and the Government. A number of implementation agreements were also signed, which set up a monitoring structure – the CCCH (Coordinating Committees on the Cessation of Hostilities).

- 1998 General Framework of Agreement of Intent:
  Re-commits the parties to the peace process.

- 2001 Agreement on General Framework for the Resumption of Talks:
  Establishes a Suspension of Offensive Military Operations and broad principles of future talks after the "all-out war".

- 2001 Agreement on Peace: Sets down the agenda for talks – security (ceasefire), rehabilitation, and ancestral domain.

- 2001 Implementing Guidelines on the Security Aspects: Provides for a cessation of hostilities and establishes sup- port mechanisms – another CCCH and Local Monitoring Teams (LMT).

- 2002 Joint Communiqué:
  Establishes the Ad Hoc Joint Action Group (AHJAG) against criminal syndicates.

- 2002 Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects:
  Provides the establishment of the Bangsamoro Development Agency (BDA) by the MILF to implement relief, rehabilitation and development projects.

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

- 2004 Joint Statement:
  Establishes the International Monitoring Team (IMT)

- 2005 Consensus Points:
  Consensus points agreed upon between the GRP and MILF peace panels on concept of ancestral domain, territory of the proposed Bangsamoro Juridical Entity (BJE), sharing of resources, and governance.

- 2008 Memorandum of Agreement on Ancestral Domain (MOA-AD):
  The GRP and MILF initialled the MOA-AD but the Philippine Supreme Court stopped the GRP peace panel from signing, and later declared the agreement unconstitutional.

- 2009 Framework Agreement on the Formation of the International Contact Group:
  The International Contact Group (ICG) was formed to assist the parties and the facilitator to sustain their interest in the negotiations and restore mutual trust between the GRP and MILF. Its membership is composed of states and interna- tional NGOs.

- 2009 Agreement on the Civilian Protection Component of the International Monitoring Team:
  To ensure the protection of non-combatants during armed conflict between the Government and MILF forces.

- 2010 Declaration of Continuity for Peace Negotiations between the GRP and MILF:
  To continue the peace negotiations building on prior con- sensus points achieved.

Dialogue with the MNLF and MILF

Dialogue with the MNLF and MILF has not resulted in a significant reduction of violence, partly because of sensitivities about giving up weapons. While the declaration of ceasefires can significantly reduce violence[1] no peace agreements concluded in the Philippines feature any direct reference to disarmament or demobilization, including the 1996 peace agreement with the MNLF.[2] Section 20 of the Agreement includes provision for 5,750 MNLF fighters to be integrated ('joined') into the armed forces, 250 of whom would be absorbed into the auxiliary service. A Joint Armed Forces-MNLF Secretariat Office was created to monitor the integration. The absence of references to disarmament or demobilization in the peace agreement was due to the GRP assessment that the MNLF could not be forced to turn in their firearms. Using terms such as 'disarmament' and 'demobilization' would be interpreted as a surrender of the MNLF.[3] It should be noted that the agreement was negotiated at a time when the MNLF was being eclipsed by the rise of the MILF. In his memoirs, then President Fidel

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

[2] 193 The 1986 GRP-CPLA (Cordillera People's Liberation Army) Mount Data Peace Accord did not require the disarming of CPLA forces. Today, former CPLA combatants are known to be finding employ- ment as guns for hire, including for politicians. They are often even issued government firearms as part of informal and unwritten agree- ments for them to serve as scouts or guides for the AFP in their counter-insurgency efforts. Likewise, the 2000 GRP-RPMP/RPA/ ABB (Rebolusyonaryong Partido ng Manggagawa/Pilipinas and the Revolutionary Proletariat Army/Alex Boncayao Brigade) Agreement included an arrangement – negotiated in a side agreement – that select rebel leaders and members would be issued SPTCFOR (Special Permit to Carry Firearms Outside of Residence) as a way to account for – but not collect – the weapons they carried (see OPAPP Report on the 2000 GRP-RPMP/RPA/ABB Agreement). The main reason in both these cases was the assertion by leaders of the CPLA and the RPMP/RPA/ABB that their lives and the lives of their members continued to be at risk, given that they were being hunted by the NPA. The CPLA and the RPMP/RPA/ABB are breakaway CPP/NPA/ NDF groups who have entered into agreements with the Philippine Government. This, therefore, makes them 'traitors' in the eyes of their former mainstream communist comrades. Among their top national leaders assassinated by the NPA are Father Conrado Balweg of the CPLA, Arturo Tabara of the RPMP, and Romulo Kintanar of the RPA. Numerous other regional and provincial leaders have suffered the same fate at the hands of the NPA. The CPLA and the RPMP/RPA/ABB have also been responsible for assassination attempts and killings of their former comrades who are still with the mainstream communist movement

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

Ramos said that insisting on disarmament and demobilization would have affected the sense of dignity of MNLF fighters, and led to an "unreasonable impasse".[4]

The 1996 agreement also provided that in the transition period, "there shall be a program or process to allow the joining of MNLF elements into the PNP" and the GRP should allocate 1,500 positions.[5] It was decided that the new PNP Regional Command would be the institution into which remaining MNLF forces would be re-integrated and that assistance would be provided to facilitate this.

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

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

In 2004 and 2009, the infrastructure of the peace process was strengthened. In 2004, the two parties agreed on the creation of the International Monitoring Team (IMT) which includes contingents from Malaysia, Brunei, Libya and Japan and now Norway and the European Union.[6] From its inception to late 2008, very few armed skirmishes occurred between the GRP and the MILF.

Following the breakdown of the peace process in 2008, the two parties agreed to the creation of an International Contact Group (ICG) in 2009 including three states – Japan, the United Kingdom and Turkey (Saudi Arabia joined in 2011) – and four NGOs – the Centre for Humanitarian Dialogue, the Asia Foundation, Conciliation Resources and Muhammadiyah. In 2009, the two parties also agreed to a Civilian Protection Component (CPC) to verify and report on each party's commitments to human rights and international humanitarian law. The CPC is attached to the IMT and composed of international and local NGOs. Its effect on violence and human rights is yet to be determined.

Talks halted after the breakdown of the Memorandum of Agreement on Ancestral Domain in 2008 but have made some headway since then.

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

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

[4] Ramos, Fidel V, (1996), p.25
[5] Section 19 (a), The Final Agreement on the Implementation of the 1976 Tripoli Agreement Between the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), September 1996
[6] Indonesia agreed to be part of the IMT but has not sent representatives.

Government and the Bangsamoro in which national security is the primary responsibility of the Central Government while internal security within the region shall be the duty and responsibility of the Bangsamoro State.[1] In this arrangement armed opposition groups will certainly have roles.

Such issues could eventually be addressed if the enthusiasm of the Aquino administration is maintained. The new government has committed to continuing negotiations with the MILF and with the CNN. In his inaugural address, the President said: *"My government will be sincere in dealing with all the peoples of Mindanao. We are committed to a peaceful and just settlement of conflict, inclusive of the interests of all – may they be Lumads, Bangsamoro or Christian."*[2]

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

One positive development in December 2010 was the issuing of a new Internal Peace and Security Plan (IPSP) by the AFP which replaced Oplan Bantay Laya, the Arroyo administration's counter-insurgency strategy. The IPSP marks a shift from a predominantly military solution to a "people-centered" security strategy founded on the consultation and involvement of stakeholders.[3] It is still unclear what changes this may bring about in practice but the Philippine military is already well versed in engaging in human security approaches in conflict areas and undoubtedly under this administration, maintaining and supporting the peace processes will be of primary concern.

Specific Efforts Targeted At Militia

While the OPAPP has driven forward talks with various armed groups, there have also been efforts over the past 20 years to tackle the specific challenges that are posed by militia. In 1993 President Ramos issued Administrative Order No. 81 directing the AFP and the PNP to jointly "evaluate and assess the tactical necessity of all community defense forces (e.g. CAFGUs, CVOs, etc.) organized according to law and immediately deactivate those which are no longer needed for counter-insurgency operations".[4]

Subsequently, the AFP issued 1994 Circular No. 2 which outlined the policies and guidelines governing payment of gratuities to members of de-activated CAFGUs. In the first semester of 1993, 41 CAA companies were de-activated.[5] The number of CAFGUs when the administrative order was issued in 1993 was 67,691 and this number declined to 32,748 in 2000. In 2001 the number increased to 41,979 and rose to 61,148 in 2007 (see Table 2: Annual CAFGU Active Auxiliary Strength). The de-activation was later discontinued due to lack of funds.

In March 2007, President Arroyo signed Administrative Order No.172 creating the National Committee on Social Integration (NCSI) that would *"implement the Social Integration Program for rebel groups."*[6] Weapons-related issues are explicitly addressed in this Administrative Order: *"social integration"* is described as a *"process involving the management of forces, arms and ammunition of former rebels*

[1] Lingga, Abhoud Syed M, "Assertions of Sovereignty and Self- determination: The Philippine-Bangsamoro Conflict." Mindanao Horizons, Vol. 1, No. 2010-01, (2010) p.18.
[2] President Benigno S. Aquino III Inaugural Address, June 30, 2010
[3] Armed Forces of the Philippines, Internal Peace and Security Plan,
(Quezon City: AFP, 2010), p.24
[4] Administrative Order No. 81, issued by President Fidel V. Ramos on 13 September 1993.
[5] 202 Senate Committee on National Defense and Security Report on P.S. Resolution No. 565, "Directing the Committees on National Defense and Security; Justice and Human Rights; and Peace, Unification and Reconciliation; to Inquire, in Aid of Legislation, into the Citizens Armed Forces Geographical Units (CAFGU), to Evaluate its Perform- ance Records in View of Various Recommendations for its Abolition or Demobilization and to Study Possible Remedial Measures and Alternatives."
[6] 203 Administrative Order No.172, March 23, 2007, creating the National Committee on Social Integration (NCSI) under the Office of the Presidential Adviser on the Peace Process to implement the Social Integration Program for rebel groups.

and their transition to civilian life."[1] To be headed by an OPAPP undersecretary, the NCSI would be composed of representatives of the Office of the National Security Adviser; the Department of National Defense; the Department of the Interior and Local Government; the Department of Justice; the Department of Social Welfare and Development; and the Department of Foreign Affairs. However, this program appears to have generated little success and the new administration appears to have dissolved it.

The November 2009 Maguindanao massacre provided the impetus behind the creation of the Independent Commission against Private Armies the following month, which had a mandate to report to the President on actionable recommendations concerning private armies, CAFGUs, CVOs and more effective firearms management. It offered the following recommendations: enactment of laws that provide stricter sanctions against holders of unlicensed firearms; strict implementation of all laws and regulations on firearms registration, licensing, accounting and inspections; aggressive implementation of laws related to gun control in order to regulate the possession, manufacture, gun smuggling, importation and exportation of arms and ammunitions; provision for an expanded definition of firearms with 'expired licenses' and 'illegal transfer of firearms'; a need to re-examine the executive issuances creating the CAFGU, PAUs[2] and CVOs which were based purely on 'military necessity' and of allowing local officials to deputize barangay tanods; and, a critical look at the implication of the Local Government Code on the provision that spells out the relationship between the PNP and AFP with the local executives to avoid vulnerability to manipulative actions.[3] Since then, little has been heard of this body and it is unclear how many of these recommendations were actually enacted or implemented. Clearly, though, it has had little immediate impact on the ground.

Conclusion and Recommendations

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

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

The following recommendations are offered to the Government of the Philipppines and in particular to the Office of the President, Congress, the Department of National Defense, the Department of Interior

[1] Administrative Order No.172.
[2] Police Auxiliary Units organized under PNP LOI 40/08 "Damayan", August 7, 2008 and PNP Memorandum providing Supplemental Guidelines to LOI 40/08 "Damayan" – Activation of Police Auxiliary Units (PAUs), August 10, 2009.
[3] Arevalo-Zenarosa, Justice Monina, (2010). The Commission was established under Administrative Order No. 275, December 8, 2009.

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

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

Weak security services and systems underpin armed violence and the prevalence of militia in Mindanao (and other parts of the Philippines). Without a holistic approach to reforming the ways in which the security system functions in Mindanao, little progress will be made to disband or reform active militia groups in a timely and sustainable way. Such a strategy should be formed through community and sectoral consultations. Reviewing how the police, military, justice system, border guards and other elements of the security system co-ordinate, prioritise and collaborate is critical and long overdue. An executive order from the Office of the President could pull the OPAPP, Department of National Defense and the Department of the Interior and Local Government together to jointly develop a comprehensive 'Security System Strategy' to end the security services' use of militia and initiate the eventual disbanding of private armed groups.

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

Designate CAFGUs to be the sole National Militia Unit

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

Re-orientation for militia members

The possibility of militia members re-orientating their activities should be carefully explored. For example, in Basilan, 2,400 CAFGUs were trained in peacebuilding. The AFP – and other entities – could be working to improve the training of CAFGUs with a view to increasing the possibility of some members qualifying for entry into the AFP or PNP, or working in other parts of government or community service. Both local and international NGOs should assist the AFP in this endeavour.

Set a timeframe for the disbanding of the militia

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

Provide Integration and Rehabilitation Programs for Members of Disbanded Militia Groups

Devising sustainable integration and rehabilitation programs will require consultation. This study found that many individuals joined militia groups due to poverty and to protect their families from enemies, and these motivations should be central considerations in any rehabilitation programs.

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

Implement Administrative Order No. 81

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

Phase out Police Auxiliary Units (PAUs)

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

Reform the CAFGU recruitment process

Members who were not recruited on the basis of merit and qualifications should be replaced with new recruits who have passed through a rigorous recruitment process based on clear and transparent criteria. Military personnel and government officials responsible for unstructured recruitment should face administrative action, including removal from office to end the culture of ad-hoc recruitment. Related to this, the blanket authority given to local government executives (barangay chairpersons, mayors and governors) to recommend individuals for CAFGU recruitment should be withdrawn.

Removing the reliance on the Peace and Order Councils, which are usually dominated by the relatives and supporters of the local chief executive, is critical to greater transparency in this area.

Forcible recruitment and allegations of the conscription of minors should be investigated and those responsible prosecuted.

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

This reform process should be led by the AFP and the Department of National Defense, and include an array of other agencies and NGO input.

Enforce a restricted mandate for CAFGUs

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

Limit the ability of CAFGU members to carry firearms

CAFGU members should be allowed to carry arms only while on duty. During off-duty days (15 days a month because they are on duty rotation) their arms should be placed in the custody of the commanding officer and properly accounted for. Similarly, CAFGUs should not be allowed to carry firearms and mobilized as combat forces beyond the place where they are recruited and assigned to work. Guidelines defining these limits should also include provisions on sanctions for those who violate the rules.

Improve the accountability of CAFGUs

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

Strengthen national firearms laws and regulations

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

the Department of the Interior and Local Government should lead the process of creating a gun law that includes strong penalties for violators.

Collect and destroy surplus weapons

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

Weapons in exchange for development

Careful and creative development processes that include incentives for handing in weapons or bringing them into the current legal regime as well as a tangible reduction of armed violence (for example, through the creation of viable gun free zones and revitalised local policing) have the potential to make a difference in Mindanao.

Importantly, incentives that target and reward communities, rather than individual weapons holders, can – if done appropriately – reduce the risk of commercialising obsolete weapons and 'rewards' individuals who choose not to possess weapons. Participatory techniques and lessons are plentiful in this area. Given that the Philippines pledged its commitment to the Geneva Declaration on Armed Violence and Development, such approaches could usefully be tested in many parts of Mindanao. An important element is to ensure that weapons collected are clearly registered and destroyed, preferably in public ceremonies and that development 'deliverables' are swift and well documented (for example, through public information campaigns). The OPAPP, the Department of the Interior and Local Government, civil society, inter- national donor agencies and local government units should collaboratively work together.

Gun free spaces

During elections in the Philippines, the Commission on Elections (COMELEC) enacts countrywide gun bans which make it illegal to carry licensed firearms in the street. However, exemptions are issued to particular individuals, a provision which is open to abuse and should be removed. In addition, detailed consideration ought to be given to creating permanent gun free zones across the country. Such zones would need to be properly enforced, including through the prosecution of offenders, and keeping records of guns that are confiscated and destroyed.

Strengthen policing in the ARMM

The current difficulties faced by the police in maintaining law and order must be better understood so the police service can be strengthened and better equipped to deal with them. While the PNP Regional Office-ARMM claims to fulfil this role, it does not do so adequately. The recruitment and deployment of PNP personnel has to be insulated from the interests of local political leaders and ARMM officials and lawmakers should implement reforms in the ARMM police to guarantee its

independence and capacity. The police-to-population ratio requires improvement to one police officer for every 500 persons as provided in Republic Act No. 6975.[1]

Boost local dispute resolution capacity

Local Government Units are often called upon to mediate between warring clans. However, the practice of paying "blood money" to settle disputes (which has to be disbursed by the authorities when the warring parties cannot pay) makes them averse to undertaking such a role. In other parts of the country, indigenous conflict resolution mechanisms are used to settle disputes. As part of this, an early warning mechanism could also be put in place to intervene before incidents can escalate. The GRP-MILF ceasefire monitoring arrangements provide a model that could be extended to other types of violence, particularly if the process of armed violence reduction was viewed as separate from the GRP-MILF peace process. The Department of the Interior and Local Government should give mandates to the LGUs to take the lead on this effort with funding support. Civil society, which is active in local dispute resolution, could be involved in drafting plans for implementing such programs.

Create an independent commission on militia management

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

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

Annex

Annex 1: List of Focus Groups

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

Annex 2: Publication Review Meeting, July 2010

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

Participants List, 27 July, Makati City

The following annexes are available online:

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

The Philippines: Renewing Prospects for Peace in Mindanao

Asia Report N°281

Introduction

The insurgency in the southern Philippines is one of the world's longest-running civil conflicts. For more than 40 years, armed groups in the Muslim majority areas of Mindanao have been fighting for independence from the Catholic-majority nation.[1] The issue has been on the agenda of every government since the Philippines gained independence in 1946. All attempts at a lasting solution have failed: the military has been unable to break the rebellion, and though agreements have established the parameters of a peace deal involving greater autonomy for the southern Muslim heartland within a unitary Philippine state, none have brought lasting peace. Political problems, constitutional obstacles and military confrontations have derailed all deals to date.

President Benigno Aquino, elected for a single six-year term in 2010, made peace in the south a key part of his platform and used his personal mandate and the power of his office to push through agreements with the main opposition group, the Moro Islamic Liberation Front (MILF), that brought the conflict closer to resolution than ever before. But his administration ran out of time to clear the final hurdle: adoption of enabling legislation. The process is now on hold until the new administration of Rodrigo Duterte, which took office on 30 June 2016, can address the issue.

Based on interviews in 2015-2016 with lawmakers, local and national officials, fighters, community organisers and Bangsamoro residents, this report explains the history of the agreements between the government and Muslim rebels in the south; discusses the implications of the delay in passing the enabling legislation and potential failure of the peace process; and assesses measures the new administration should consider in order to keep it alive and bring it to successful conclusion. The report primarily focuses on peace processes with the MILF and the Moro National Liberation Front (MNLF) movements.[2]

The Roots of the Conflict

Independence from the U.S. was followed by attempts to accelerate political and social assimilation in the southern provinces, leading groups there to resist integration in the mainstream and Manila's authority. Mass resettlement of Christians from the northern islands and discriminatory changes to public land laws left Muslim and indigenous groups a minority in what they perceive as their traditional homeland. In the 2000 census, just 20 per cent of Mindanao's eighteen million people were classified as Muslim; 72 per cent were "migrant settlers".[3]

[1] This Report (Asia Report No 281) is reproduced with permission from the *International Crisis Group, Brussels.* For background, see Crisis Group Asia Report N°80, Southern Philippines Backgrounder: Terrorism and the Peace Process, 13 July 2004. For earlier stages of the peace process and related issues, see Crisis Group Asia Reports N°s 248, The Philippines: Dismantling Rebel Groups, 19 June 2013; 240, The Philippines: Breakthrough in Mindanao, 5 December 2012; 225, The Philippines: Local Politics in the Sulu Archipelago and the MILF Peace Process, 15 May 2012; 213, The Philippines: Indigenous Rights and the MILF Peace Process, 22 November 2011; Briefings N°s 125, The Philippines: A New Strategy for Peace in Mindanao?, 3 August 2011; 119, The Philippines: Back to the Table, Warily, in Mindanao, 24 March 2011; 88, The Philippines: Running in Place in Mindanao, 16 February 2009; 83, The Philippines: The Collapse of Peace in Mindanao, 23 October 2008; and Reports 152, The Philippines: Counter-insurgency vs. Counter-terrorism in Mindanao, 14 May 2008; and 110, Philippines Terrorism: The Role of Militant Islamic Converts, 19 December 2005.

[2] The main armed groups active in Mindanao are listed in Appendix B. They include the MNLF, the Bangsamoro Islamic Freedom Fighters (BIFF), the Abu Sayyaf Group (ASG), the Maute Group, the Royal Army of Sulu, the New People's Army (NPA), and Ilaga.

[3] Cited by Mindanao Development Authority, available at www.minda.gov.ph/index.php/products- and-services/statistical-reference/demography.

Violence grew in the 1960s, reaching a critical inflection point with the alleged Corregidor Island massacre in 1968.[1] The details are disputed, but the narrative in the south is of young Muslim men recruited by the army for an unspecified special mission who mutinied on discovering they had been sent on a mission to foment unrest in the neighbouring Malaysian state of Sabah. Their military handlers allegedly took them to Corregidor and massacred them.

In 1969, Nur Misuari, then a University of the Philippines in Manila professor, founded the Moro National Liberation Front (MNLF), which aimed to forcibly establish an independent state of Bangsamoro (Muslim Nation), covering Mindanao, Sulu and the Palawan islands. The region descended into civil war, which worsened when President Ferdinand Marcos declared martial law in 1972, primarily in response to a violent, extensive communist movement. Thousands of soldiers and MNLF fighters died; tens of thousands of civilians were displaced.[2]

Marcos reached out to the MNLF in 1975. As Misuari was then in Libya, which headed the influential Organisation of Islamic Conference (OIC), Muammar Qadhafi was asked to host negotiations the following year. The 1976 Tripoli Agreement outlined nominal autonomy, a separate Sharia (Islamic law)-compliant judicial system and independent security forces. Legislation followed to create Regional Autonomous Governments in Western and Central Mindanao.[3]

The territory originally addressed in the legislation included thirteen provinces. Marcos unilaterally reduced this to ten the next year, and the short-lived truce broke down, with the MNLF saying the government had not fulfilled the Tripoli accord. Though it would take another decade for negotiations to resume under a new civilian government, the Tripoli terms, particularly regarding territorial claims, have framed both MNLF demands and the responses of successive governments. This dynamic event today remains at the heart of the disagreements between Manila and southern insurgents.

A. The 1996 MNLF Agreement

When Corazon Aquino came to power in 1986, ending 21 years of military rule under Marcos, she ushered in a new constitution that, in addition to other democratic reforms, created space for greater and more meaningful regional autonomy; cleared legal barriers to implementing the Tripoli Agreement; and resolved constitutional impediments to Moro autonomy in Muslim Mindanao.[4] After further talks under OIC auspices, the MNLF signed a framework agreement, the *Jeddah Accord*, in January 1987, in which it agreed to give up its two-decade fight for independence in return for autonomy.[5] Talks about the proposed autonomous region collapsed, however, over the terms of a referendum to ratify the final deal, and the MNLF returned to armed insurrection in February 1988.[6] When the government pressed ahead in November 1989 with a plebiscite to establish an Autonomous Region in Muslim Mindanao (ARMM), only two provinces in mainland Mindanao (Maguindanao and Lanao del Sur) and two in the Sulu Islands (Sulu and Tawi-Tawi) accepted autonomy.[7]

The peace process remained moribund until 1996, when President Fidel Ramos offered to expand the ARMM and give MNLF leadership of the Southern Philippines Council for Peace and Development

[1] Marian Pastor Roces in "Events Pertinent to the Violent Politics of Identity in 20th Century Min- danao Annotated Timeline" (unpublished, 2015).
[2] Breakdown by period at http://uca.edu/politicalscience/dadm-project/asiapacific-region/ philippinesmoro-national-liberation-front-1968-present/. "From 1972 to 1976, military and civilian casualties reached 120,000. More than 100,000 people fled to nearby Malaysia, and around one million inhabitants of the southern Philippines were internally displaced." "The Mindanao Peace Talks", Special Report 131, United States Institute of Peace (USIP), January 2005, p. 4.
[3] The MNLF was given OIC observer status in 1977. The full text of the agreement is available at www.opapp.gov.ph. The legislation is Batas Pambansa (National Law) no. 20.

[4] 1987 Constitution Article X, Sections 15-21, on Autonomous Regions, essentially confirming what is already contained in the Tripoli document.
[5] The Jeddah Accord with MNLF resurrected the 1976 Tripoli Agreement. www.opapp.gov.ph/ sites/default/files/The%201976%20Tripoli%20Agreement.pdf.
[6] Crisis Group Report, Southern Philippines Backgrounder, op. cit.
[7] ARMM History, official website of the ARMM: www.armm.gov.ph/history.

(SPCPD), a body set up to "monitor, promote and co-ordinate … development efforts" in the autonomous zone, and promised the region more aid. Misuari accepted, but even before he signed the ambitiously named Final Peace Agreement (FPA), the MNLF, always an unlikely coalition of ethnic, ideological and religious groups, split. A large faction under Salamat Hashim, a former student leader and graduate of Cairo's al-Azhar University, formed the breakaway Moro Islamic Liberation Front (MILF), which returned to the battlefield. In 2000, it took over the town of Kauswagan, Lanao del Norte, seizing hundreds of hostages and provok- ing Ramos's successor, President Joseph Estrada, to declare "all-out war" on it.[1]

B.The Autonomous Region in Muslim Mindanao (ARMM)

The MNLF, specifically Misuari, a rebel leader recast as lead government administrator in a dysfunctional regional bureaucracy, now led the ARMM. Based in Cotabato City, it soon failed to address the conflict's main drivers, though not always due to its own fault. Manila set funding and spending priorities; patronage politics and clan-based power centres unafraid of violence undermined its institutions; and sig- nificant indigenous populations in Mindanao, particularly the Lumad, believed both sides in the conflict had ignored them, marginalising their way of life and traditions.[2] Misuari was dogged by allegations of corruption and jailed for rebellion in 2001, after his followers attacked Jolo, Sulu to prevent elections to replace him as governor. He remained under house arrest until 2008, when he ran for ARMM governor and lost.

The MNLF maintains that the 1996 agreement remains unfulfilled. However, apart from a violent siege of Zamboanga by Misuari's MNLF faction in September 2013 in which more than 200 died and over 150,000 were briefly displaced, its splinter groups have not mounted a sustained armed campaign.[3]

C. The MILF and the Failed Memorandum of Agreement

Despite fitful attempts by the successive presidencies of Ramos, Estrada and Gloria Arroyo to negotiate, the situation in Mindanao oscillated between uneasy peace and all-out civil war. Soon after Arroyo came to power in 2001, she sought Malaysian assistance to resume talks with the MILF. In August 2008, a *Memorandum of Agreement on Ancestral Domain* (MOA-AD) was signed, which again envisioned the ARMM's expansion through plebiscites.[4]

The agreement included areas with many Christians, who feared they would lose their land.[5] Christian politicians from the south challenged it in the Supreme Court, which ruled it unconstitutional in October 2008.[6] That was a further blow for Arroyo, who was battling unresolved electoral controversies and a fourth impeachment attempt in Congress, and the MILF interpreted the ruling as Manila backtracking. Disgruntled commanders attacked Christian communities, aggravating a situation already rife with mistrust. Over half a million people were displaced by fighting between government and MILF forces in Central Mindanao.

[1] 11 Kenneth E. Bauzon, "The Philippines: The 1996 Peace Agreement for the Southern Philippines: An Assessment", Ethnic Studies Report, vol. xvii, no. 2, July 1999. Jose Antonio A. Custodio, "War in Mindanao: How did Estrada's all-out war against the MILF fare? Part 1 of 3", InterAksyon.com, 17 February 2015.

[2] Crisis Group Report, The Philippines: Indigenous Rights, op. cit.

[3] The OIC recently hosted the final tripartite review of the agreement. "Fifth and Final Tripartite Review Meeting between the OIC, Government of the Philippines, and the MNLF Concludes", OIC, 27 January 2016. "End to Zamboanga threat, but concern for Philippines displaced", ABC Radio Australia, 29 September 2013.

[4] The memorandum is at http://pcdspo.gov.ph/downloads/2012/10/MOA-–-Ancestral-Domain-August-5-2008.pdf.

[5] Crisis Report, The Philippines: Indigenous Rights, op. cit.

[6] The judgment for Province of North Cotabato v. The Government of the Republic of the Philip- pines Peace Panel On Ancestral Domain (GRP), G.R. no. 183591, 14 October 2008, is at http://sc.judiciary.gov.ph/jurisprudence/2008/october2008/183591.htm.

2010-2016: The Push for an Agreement

Benigno Aquino succeeded Arroyo in June 2010 with one of the largest electoral margins in Philippine history. His platform promised a transparent, consultative peace process with the MILF and a complete review and assessment of the law that set up the ARMM. Negotiations struggled initially because the MILF insisted on reverting to the nullified 2008 MOA-AD, and the government held out for a politically and constitutionally watertight deal. But both sides also displayed new pragmatism – Aquino personally met MILF Central Committee Chairman Murad Ebrahim several times – and four years later they agreed on a series of ground-breaking documents. In October 2012, they signed the Framework Agreement on Bangsamoro (FAB), followed by the Comprehensive Agreement on Bangsamoro (CAB) in March 2014.[1]

A. The Comprehensive Agreement on Bangsamoro (CAB)

The most significant difference between the FAB and the cancelled agreement on ancestral domain was that the MILF accepted the risk of losing "core territory". In the earlier understanding, ARMM territories would be included in any political set-up resulting from the new negotiation. In the FAB, the MILF agreed that the people in ARMM territories could vote on whether to join the new deal.[2]

The FAB also directed negotiators to agree on four annexes within a year: on transition and implementation, wealth sharing, power sharing and normalisation (referring to human and security issues such as disarmament and transitional justice). These were to provide details and clarification, notably on definition of the "asymmetric" relationship between the central and Bangsamoro governments and on how the MILF intended to implement Sharia.[3] The first three annexes were signed in 2013. The annex on normalisation and an additional annex on "Bangsamoro Waters and Zones of Cooperation" were signed in January 2014, completing the CAB. That comprehensive agreement laid down a detailed framework for a final political settlement consolidating and adapting all agreements made since negotiations began in January 1997.[4] However, Congress needed to pass enabling legislation to replace the ARMM, and a referendum was to be held in the Bangsamoro territory within 120 days of that action.

The CAB and its annexes include:

- **Transitional Arrangements and Modalities**, establishing a Bangsamoro Transition Commission to draft the Bangsamoro Basic Law (BBL); a Third Party Monitoring Team (TPMT); and the Bangsamoro Transition Authority (BTA) to prepare for the transition.[5]

[1] Aquino's campaign platform on Mindanao is at www.scribd.com/doc/33543591/Action-Plan-on- Peace-and-Development-in-Mindanao. Republic Act no. 9054 (the 2001 Organic Act on Muslim Mindanao) is the amendatory law that set up the ARMM. Crisis Group Report, The Philippines: Breakthrough in Mindanao, op. cit. The full text of the FAB is at www.scribd.com/doc/137673080/ Framework-Agreement-on-the-Bangsamoro. The full text of the CAB is at www.scribd.com/doc/ 215831703/Comprehensive-Agreement-on-the-Bangsamoro.

[2] FAB, op. cit., Section V (Territory), Article 2. The plebiscite will be held in the envisioned core territory of the Bangsamoro, namely, the current ARMM provinces and Marawi City; the cities of Cotabato and Isabela; the six municipalities in Lanao del Norte that voted for inclusion in the ARMM in the 2001 plebiscite (Baloi, Munai, Pantar, Nunungan, Tagaloan, Tangkal); and the 39 barangays (smallest political unit in the Philippines, a community village) in six municipalities of North Co- tabato province that likewise voted for inclusion in 2001 (Kabacan, Carmen, Aleosan, Pigkawaya, Pikit and Midsayap). All other contiguous areas may ask for a resolution from the local government unit or a petition signed by at least 10 per cent of the qualified voters may ask to participate in the plebiscite for ratification of the Bangsamoro Basic Law and the process of delimitation of the Bang- samoro two months prior to its conduct

[3] Steven Rood, "Road Map to a Bangsamoro in the Philippines", The Asia Foundation, 10 October 2012. Crisis Group Report, The Philippines: Breakthrough in Mindanao, op. cit., p. 8.

[4] Bangsamoro Peace Agreement Process: What Transpired and What Lies Ahead?", Office of the Presidential Adviser on the Peace Process (OPAPP), 4 March 2014. The full text of the Comprehen sive Agreement on the Bangsamoro is available athttp://peacemaker.un.org/sites/peacemaker.un. org/files/PH_140327_ComprehensiveAgreementBangsamoro.pdf.

[5] 21 "Annex on Transitional Agreements and Modalities", signed 27 February 2013. The Bangsamoro Transition Commission has eight members chosen by the MILF, including Chairman Mohagher Iqbal, and seven chosen by the government. President Aquino formed it by Executive Order 120, 17 December 2012, and by Executive Order 187 in August 2015 extended its duration until ratification of the BBL and added authority to draft a "Code of Parliamentary Procedures for the Future Bang- samoro Parliament and a Bangsamoro Administrative Code for the consideration of the Bangsamo- ro Transition Authority". The TPMT has five members (two nominated by the MILF, two by the government, and a jointly nominated chair): Rahib Kudto (United Youth for Peace and Develop- ment, Philippines), Huseyin Oruç (IHH, Turkey), Steven Rood (The Asia

- **Revenue Generation and Wealth Sharing**, detailing taxation, revenue sharing and other issues related to autonomous fiscal administration. The CAB grants the new administration greater control for raising and spending revenue. The MILF said that while previous agreements granted nominal political autonomy, successive regional governments, such as that of the ARMM, remained fiscally dependent on Manila.[6]
- **Power Sharing**, specifying "asymmetric" governance, with reserved powers to be exercised by the central government; concurrent powers to be jointly exercised; and exclusive powers of the Bangsamoro government. The central government maintains, among others, authority over defence and security, foreign policy, citizenship and naturalisation and immigration. Concurrent powers are social security and pensions, human rights and humanitarian protection and promotion, administration of justice and public order and safety. Four of the 58 exclusive powers were controversial: regulation of businesses and banking; budgeting; establishment of Government Owned and Controlled Corporations (GOCCs) and the Sharia courts and justice system. A joint intergovernmental relations body is to be created to address disputes.[7]
- Normalisation, pertaining to policing, decommissioning of arms under an International Decommissioning Body (IDB), disbanding of private armed groups and confidence-building measures from the government, such as transforming six MILF camps and granting amnesties and pardons. It also establishes a Transitional Justice and Reconciliation Commission (TJRC).[8]

B. Drafting the Bangsamoro Basic Law (BBL)

The Bangsamoro Transition Commission, led by the MILF's lead negotiator, Mohagher Iqbal, and the Office of the Presidential Adviser on the Peace Process (OPAPP) had been drafting a basic law in parallel for over a year when the CAB was signed in March 2014. After the MILF objected that the OPAPP was using a conservative interpretation of the constitution to limit devolution of powers, that office, overseen by Aquino's executive secretary, Paquito Ochoa, reviewed its draft using the Bangsamoro Transition Commission's document as a basis, and Aquino sent a consolidated version to Congress in September 2014.

C. The BBL Runs into Problems

The Philippine Congress has two chambers, a House of Representatives and a Senate. Each assigns a committee to consider and amend any proposed bill. Once the chambers have approved bills, the committees prepare a consolidated draft, if necessary, to be approved in a joint session. By the end of 2014, though neither chamber had submitted a final committee report, the Congressional leadership still said the basic law could be passed in early 2015.[9] This was a miscalculation. The president had

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Foundation, U.S.), Karen Tañada (Gaston Z Ortigas Peace Institute, Philippines) and Alistair MacDonald (chair, ex-EU Ambassador to the Philippines, now retired). "Seize the Moment TPMT Statement on the Basic Law for the Bangsamoro, now in Congress", Bangsamoro Online, 7 November 2015.

[6] Annex on Revenue Generation and Wealth Sharing, signed 13 July 2013.

[7] Annex on Power Sharing, signed 8 December 2013. The application of law should be "with due regard to the powers of the Supreme Court and the competence of the Bangsamoro government over Sharia courts and the Sharia justice system in the Bangsamoro", Provision II-11, Part Three – Delineation of Powers. Addressing persistent fears stoked by CAB critics that the exclusive powers could result in Bangsamoro's secession, the government's chief negotiator, Miriam Coronel-Ferrer, said, "[c]lipping the powers of the Bangsamoro can very well be justified by these reserved powers", and that many had already been given to the ARMM but were never exercised because of "the utter lack of initiative of its Regional Legislative Assembly, the weak governance, and its misaligned re- sources". Speech in Manila, 19 February 2014, www.opapp.gov.ph/milf/news/salient-provisions- comprehensive-agreement-bangsamoro-between-gph-and-milf-and-how-they. The special joint body will maintain "regular consultations and continuing negotiations in a non-adversarial matter". Annex on Power Sharing, Part One, Intergovernmental Relations, provision 3.

[8] Annex on Normalisation, signed 25 January 2014. The IDB has three international members and two members each appointed by Manila and the MILF. Launched by both peace panels on 27 Sep- tember 2014 in Kuala Lumpur, the TJRC released its report on 15 March 2016

[9] Hannah Torregoza, "Senate targets Bangsamoro law approval by 2015", Manila Bulletin, 21 De-

used his popularity throughout his tenure to overcome scepticism in Congress and the country more broadly, but decades of anti-Bangsamoro propaganda meant the BBL compromises were unpopular. A close observer likened the process to a "bullet train running on old railways".[10] There was similar mistrust of Manila's intentions in Muslim Mindanao.

The Mamasapano incident

It took a single incident to push the train off the rails. On 25 January 2015, the police launched a secret operation to arrest two explosives experts affiliated with the Indonesian militant group Jemaah Islamiyah, Zulkifli Abdhir (Marwan) and Abdul Basit Usman, in the Mamasapano town of Maguindanao in Mindanao. The men were hiding in a camp run by a radical Islamist MILF splinter group not involved in the peace talks, the Bangsamoro Islamic Freedom Fighters (BIFF). The camp was surrounded by MILF-controlled territory, but the police had not notified MILF officials of the operation. As a result, as government forces entered the BIFF camp, they became embroiled in a skirmish, and had to fight their way out. Forty-four police, eighteen MILF members, five civilians and an unknown number of BIFF fighters were killed.[11]

Legislators, the media and the public rushed to blame the MILF for the numerous police deaths. In February, some legislators, including earlier co-authors, withdrew support for the bill. Senator Ferdinand "Bongbong" Marcos Jr., son of the ex-president and chair of several key Senate committees, used his position to postpone consideration of the BBL indefinitely.[12]

A drawn-out, much-publicised investigation into the incident amplified national mistrust of the process and deepened fears that, rather than bringing peace, enhanced autonomy could strengthen Muslim separatists and foment violent extremism in the south. Critics in Congress used the televised hearings to portray the MILF as an advocate of extremism, comparable to IS. The wider global context of international terror and headline-grabbing videos of groups like IS further undermined the process.[13]

The fallout from Mamasapano

Peace process sceptics in Congress used the post-Mamasapano delay to modify and weaken the BBL drafts.[14] Arguing that it was to allay fears of eventual secession, both the House and Senate revised their version (the Senate renamed the BBL Basic Law for the Bangsamoro Autonomous Region, BLBAR) to redefine framework terms on power sharing in ways that reaffirmed Manila's dominance.[15] The House version also redefined reserved powers as "all other powers not granted to the Bangsamoro Government by this Basic Law" and as "retained exclusively" by the central government, while the BLBAR restricted exclusive powers "within its [the Bangsamoro Autonomous Region's] geographical areas" and reiterated the primacy of the constitution and the supervision of the president.

Meaningful exclusive powers were either deleted, reduced or moved to reserved and concurrent powers. The BLBAR even reduced and deleted powers already devolved to ARMM, including over foreign investments, budgeting, operation of pioneering public utilities and authority to grant leases,

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cember 2014.

[10] Crisis Group interview, Mindanao civil society leader, Makati City, 7 September 2015.

[11] At least 17 MILF fighters die in Mamasapano clash", Rappler.com, 6 February 2015.

[12] Angela Casauay, "Maguindanao clash casts doubt on peace process", "Two Senators withdraw as authors of Bangsamoro Law", both Rappler.com, 27 January 2015. Marcos ran for and lost the vice presidency in the May elections.

[13] For more on global trends in jihadist violence, see Crisis Group Special Report, Exploiting Disorder: al-Qaeda and the Islamic State, 14 March 2016.

[14] 30 House Bill no. 5811 approved by the Ad-Hoc Committee on the Bangsamoro chaired by Cagayan de Oro Representative Rufus Rodriguez. Senate Bill no. 2894 approved by the Committees on Local Government; Peace, Unification and Reconciliation; and Constitutional Amendments and Revision of Codes Committee chaired by Senator Ferdinand "Bongbong" Marcos, Jr

[15] Among other things, the BLBAR also reworded the relationship between the government and Bangsamoro, changing "Central Government" to "National Government" and "Bangsamoro" to "Bangsamoro Autonomous Region".

permits and licenses over agricultural land and forest management. The government peace panel's acting legal counsel, ex-Senator Rene Saguisag, said "peace proponents and Bangsamoro stakeholders" questioned the amendments and called passage of the BLBAR "an exercise in futility" that would "render the Bangsamoro weaker than the ARMM".[16] The ARMM Regional Board of Investments (RBOI) argued a BBL with fewer powers than devolved to ARMM would have a negative economic impact, including by potentially derailing an almost $33 million project to install a submarine cable linking the southern Philippines to Malaysia.[17]

Other amendments to provisions on local governance, taxation and finance and natural resource management also greatly diminished any chance for real autonomy. All this led to the draft laws being seen as non-compliant with the CAB. Though no politician wanted to be considered the one who killed the BBL, the issue became a political hot potato.[18] Legislators seeking re-election skipped the debates, which frequently meant there was no quorum. As a result, few plenary discussions were held on the bill, and it soon became clear that Congress would not pass the BBL before it adjourned on 3 February 2016, ahead of the elections.

The Duterte administration

Rodrigo Roa Duterte, a lawyer and seven-term mayor of Davao City in Mindanao, was the surprise winner of the May 2016 presidential elections. Despite coming to power with the support of both the Marcos family (he is the son of a provincial governor under the former president) and ex-President Arroyo, he was one of the most vocal supporters of a negotiated peace in Mindanao, speaking on the campaign trail about the "historical injustice" done to the Muslims – Duterte identifies as a Christian, but has Muslim ancestry – and how "nothing will appease the Moro people" except autonomy.[19] However, he has given clear signals that he is unlikely merely to pick up where the Aquino administration left off, by asking Congress to re-debate the drafts that already exist. At a meeting with the MILF and MNLF officials in Davao City on 17 June, he suggested forming a "Moro Convention to ensure wide representation" for discussion of a new bill. Rather than use the existing architecture of the Bangsamoro Transition Commission, he envisions that participants would "draft a law that will replace the BBL, akin to a special federalised system".[20]

The MNLF has embraced the plan, but the MILF has given it a more qualified welcome. "It's too early to understand the idea. We need to abide by the roadmap that is part of the signed documents", said Iqbal, its chief negotiator. "Any other tracks will be considered unofficial and therefore could only help but not replace the formal track. The BBL has to be compliant with the CAB, but the MILF is open to ideas or efforts either to improve or enhance it".[21]

A Bangsamoro Convention would go some way to address concerns about the MILF not representing other constituencies, particularly Christians, Lumad and rebel groups like the MNLF. Though it would not be strictly democratic, it would encourage buy-in from a broader range of Bangsamoro residents. However, it would also risk dissipating into a faction-ridden talking shop that paralyses the process. MNLF leader Misuari, a BBL critic, will have allies in the cabinet, including Emmanuel Piñol, Duterte's choice for agriculture secretary, who was the prime mover of the successful constitutional challenge to the MOA-AD.

[16] Jerry E. Esplanada, "Marcos' Bangsamoro bill 'exercise in futility'", Inquirer.net, 2 September 2015.
[17] Bangsamoro Transition Commission Commissioner Raissa Jajurie, "HB 5811 and SB 2894: Where is the Bangsamoro in the BLBAR of Congress?", presented to the Forum on the Economic Impact of the BBL, Cotabato City, 16 September 2015, rboi.armm.gov.ph/uploads/DOC_FILES/ HB5811%20and%20SB2894_16%20September%202015.pptx. "Business Forum Tackles Economic Consequences of a Watered-down BBL Less Than ARMM", 16 September 2015, www.rboi.armm. gov.ph/news/article/81.
[18] 34 Carolyn O. Arguillas, "Murad: Senate version 'clearly violated the peace agreement' but 'will wait until the final process'", MindaNews, 31 August 2015. Crisis Group interviews, columnist and politi- cal analyst, Quezon City, August 2015; diplomats and International Contact Group member, Makati City, September 2015.
[19] Third Presidential Debate, televised, 24 April 2016
[20] Crisis Group interview, high ranking ARMM official, 21 June 2016.
[21] Crisis Group correspondence, 23 June 2016.

There is also uncertainty about the timing of the proposals. Duterte is a long-term supporter of the idea of a federal Philippines, and it is unclear whether he will pass a Bangsamoro autonomy law and use it as a template for a nationwide federalisation policy – as suggested by the MILF – or defer passing the BBL while seeking a broad- er solution. He has suggested that he would put the question of a federal Philippines to a referendum in 2019, but it will be hard for the MILF and others in Bangsamoro to sell a three-year delay of autonomy. "The best is immediate, the second best is as soon as possible", as Iqbal put it.[22] The MILF will clearly protest if the proposed convention is tasked with renegotiating the CAB from scratch or if the changes result in a multi-year delay.

The Risks of a Failed Process

The MILF, with some 12,000 fighters, is the largest armed group in Mindanao and has worked hard in recent years to earn legitimacy. It will need to retain a central role in future negotiations. Any process or agreement that sidelines it or undermines its leadership risks metastasising the conflict by loosening its control over potentially disruptive elements both within and outside its ranks.

The Aquino administration's failure to pass the BBL encouraged belief in some constituencies that Bangsamoro had been "tricked again".[23] Most Muslim communities blame the government and say the Bangsamoro community still trusts the MILF.[24] Should the process stall, however, there are concerns regarding its ageing leadership and internal stability, and that disaffected cadres could be swayed by extremist ideologies. If leaders are forced to compromise too much to keep the process alive, they will be vulnerable to accusations of selling out in return for quiet retirement.[25] Iqbal, the chief MILF negotiator, said "when peace is moving forward, the chance of violence is reduced, but if it stalls, the moral ascendancy of the MILF will decline among our own people, and there will be other groups who espouse a more radical agenda".[26] There are growing concerns the MILF will fragment as the MNLF did in the past; a young commander warned that it could "break into 100 armed bands".[27]

A. Fragmentation of Consensus in Mindanao, Loss of Confidence in MILF

The MILF leadership has staked its political capital on the peace agreement. Non-implementation, regardless of the political or legal reasons, would strengthen the belief Manila was reneging on yet another deal, as MILF supporters believe happened to the MNLF under the 1987 Jeddah Accord and the 1996 pact, and to them under the 2008 MOA-AD. MILF-affiliated organisations are walking a fine line, reiterating that enabling legislation not compliant with the CAB is unacceptable, but that the MILF is committed to the peace process with or without such legislation. A senior regional commander of the Bangsamoro Islamic Armed Forces (BIAF), the MILF's armed wing, said its chain of command is intact and supports the hierarchy, and that field commanders will not splinter or ally with the more extreme BIFF.[28]

Despite this, there are credible, widespread fears that young, frustrated supporters of the agreement could turn away. Many younger generation Muslims are professionals who never joined armed political groups but trusted the MILF with the negotiations. Their frustration with the delays is palpable. The biggest risk of violence "is not the MILF waging an all-out offensive but basically their losing control of younger ones in Bangsamoro society", said a close observer of the process.[29] Teresita Quintos-Deles, Aquino's peace process adviser, echoed those concerns: "hard liners are not coming

[22] Ibid
[23] Crisis Group interviews, officials of youth NGO in the ARMM, 26 October 2015.
[24] Ibid. The polling organisation Social Weather Station has done surveys on the popularity of the peace process, available at https://asiafoundation.org/resources/pdfs/SWSFebMarJun2015 Surveys.pdf
[25] Francisco J. Lara Jr., "Disrupting violence in Mindanao", Inquirer.net, 1 February 2015. Crisis Group interview, international NGO official working on security issues in Bangsamoro, 8 March 2016.
[26] Crisis Group interviews, Cotabato City, October 2015.
[27] Crisis Group interviews, Makati City, Ortigas City, both 8 September 2015.
[28] Crisis Group interviews, Cotabato City, October 2015. For more information on the BIFF, see Appendix B.
[29] Crisis Group interview, legislator, Makati City, 10 September 2015.

from combatants but [from] young ideological supporters".[30] As early as June 2015, the League of Bangsamoro Organisations, a grouping of 137 youth organisations, circulated a petition urging rejection of a diluted BBL and the MILF to again call for independence. Gazali Jaafar, MILF vice-chair for political affairs, immediately called for all parties to remain calm and committed to the peace process.[31]

It is difficult to judge how credible the danger of violent youth discontent is. A process supporter said young Moro professionals or students were more likely to "blow [up] social media with posts" than resort to organised violence.[32]

B. Banditry/Anarchy

The MILF leads the peace negotiations, but the power equation in the region is complex. Heavy militarisation, criminality, corruption and clan feuds impact the process.[33] The MILF has been the de facto government in areas of the ARMM region in Central Mindanao. Combined law and order initiatives by it and the armed forces (AFP) have reduced, if not ended, the near-epidemic levels of kidnapping.[34] A breakdown of the chain of command would affect security in communities, and poor security in the context of slow development efforts could make these areas "sanctuaries of lawlessness", a journalist said.[35] In March, the Philippine National Police (PNP) said it was monitoring at least 76 private armed groups, most in the ARMM, to prevent electoral violence.[36] While the recent campaign was less violent than in the past, these armed groups will likely persist into an autonomous Bangsamoro, potentially providing a focal point for political disaffection.

Clan-based warlords are deeply embedded in Mindanao, predating the conflict, but the longstanding hostility between government and rebel forces has created a power vacuum that benefits warlords. Failure of the peace process would expand the ungoverned space in Mindanao and create a ready supply of recruits among young people who, having already suffered due to limited educational and job opportunities, see the promise of a peaceful and prosperous future fading rapidly. Conversely, successful devolution should create an environment where the forces of law and order can tackle them effectively.

C. Radicalisation

There appear to be strong cultural barriers in Mindanao against the ideology of global jihadist groups like IS. Though the protagonists in the Bangsamoro region are Muslim, the principal identities driving the conflict are nationalist and cultural. Violence in Mindanao is largely related to the shadow economy; when it is political, there is little evidence that it is driven by a religious agenda or framed as such.[37] In the past, the MILF and other participants in the fight for autonomy have sheltered jihadists from movements like Indonesia's Jemaah Islamiyah, but the welcome has generally been lukewarm.

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[30] Crisis Group interviews, legislator, Makati City, 10 September 2015; Quintos-Deles, Ortigas City, 8 September 2015.
[31] MILF urged to reject diluted BBL and pursue independence", League of Bangsamoro Organisations press release, 10 June 2015. Crisis Group interviews, officials of youth NGO in the ARMM, Cotabato City, 26 October 2015.
[32] Crisis Group phone interview, Maguindanao Muslim youth working with an international organisation and with BIAF relatives, Makati City, 27 October 2015.
[33] Crisis Group telephone interviews, official from the National Commission on Muslim Filipinos, 11 March 2016; officials from the International Contact Group, Commission on Elections, Consortium on Electoral Reforms and Commission on Human Rights Bantay Karapatan sa Halalan, 15 March 2016
[34] Crisis Group interview, journalist, Makati City, 7 September 2015. The MILF and AFP created the Ad Hoc Joint Action Group (AHJAG) in 2002 and have amended its operative guidelines subse- quently.
[35] Crisis Group interview, journalist, Makati City, 7 September 2015.
[36] Crisis Group interview, media, Makati City, 7 September 2015. In August 2015, the PNP reported that crime increased in the first half of 2015 up to 46.81 per cent. PNP General Ricardo Marquez had included Central Mindanao as an area where the PNP intended to focus operations. Julie M. Aurelio, "Crimes up by 50% in first half of 2015 – PNP", Philippine Daily Inquirer, 2 August 2015. "PNP Monitoring 76 Private Armies", Philstar.com, 30 March 2016.
[37] 53 A report from the World Bank-funded Bangsamoro Conflict Monitoring System estimated that 25 per cent of the 3,535 recorded incidents of conflict between 2011 and 2014 had political roots, sig- nificantly less than the 32 per cent triggered by competition in the shadow economy. The report de- fined political issues as "either vertical in nature, exemplified by the conflict

There is limited danger of the MILF becoming radicalised. BIAF's head, Sammy Al-Mansoor, has assured international observers that all his 32 regional commands are on board with the process. The head of President Aquino's National Security Agency, General Cesar Garcia Jr., agreed, but qualified his assessment, saying it would not take many radicals to provoke serious violence.[38]

Delays in delivering autonomy could aggravate a sense of alienation and frustration, especially among youth, and encourage a turn toward more radical groups that engage in greater violence and criminality.

There is precedent for radicalisation. When the MOA-AD collapsed in 2008, disaffected MILF fighters broke away to form the BIFF.[39] The MILF Central Committee and mainstream commanders consider BIFF a "ragtag band" that commits crimes against civilians and has neither legitimacy nor influence with the BIAF.[40] But it takes advantage of current disillusionment. A young NGO worker described being approached by BIFF recruiters during a community gathering in Nabalawag, Midsayap North Cotabato in 2015, even before it was clear the Aquino administration would not pass the BBL. A BIAF officer downplayed the risk but acknowledged that members have been doing "community rounds" to encourage other members and communities to join their ranks.[41] In recent skirmishes in Maguindanao province, BIFF has "[tried] to drag the military into potential clashes" with MILF's armed wing, according to monitors.[42] BIFF attacks have become more frequent in Maguindanao communities. Military operations against the group since February have resulted in over 20,000 displaced people in Maguindanao.[43]

Other groups are also using the delay and disaffection to ramp up activities. Abu Sayyaf, a small but long-established radical criminal group operating on the islands of Basilan and Sulu, has also become more active, pledging allegiance to IS and resuming kidnapping for ransom.[44] Hard-line Islamist radicals across the globe looking to expand their franchise are considering the Philippines. IS leader Abu Bakr al-Baghdadi mentioned the Philippines as one of thirteen countries and regions in which Muslims were urged to rise up in a speech in December 2015, and a video posted in June shows a man identified as Mohammed Rafi Udin, a Malaysian militant based in Syria, urging IS followers to go to the Philippines and unite under Isnilon Hapilon, an Abu Sayyaf leader.[45] Despite this, the Philippines military maintain there is "no direct relation" between IS militants and home-grown extremists in the country.[46]

BIFF and Abu Sayyaf declared their allegiance to IS in 2014. Their reputation as kidnapping gangs that use Islamic extremist ideology as post ad hoc justification of criminal enterprise limits their attraction to potential recruits. Nevertheless, IS and other movements have shown a clear ability to capitalise on social disorder and disenchantment to find new recruits. It would be unwise to assume

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between a separatist armed group and the State, or horizontal, as demonstrated in the rivalry between politicians or insurgent groups". http://bcms-philippines.info/vers1/dataandanalysis2.

[38] Crisis Group interview, member of International Contact Group, Makati City, 9 September 2015. "Senior Abu Sayyaf leader swears oath to ISIS", Rappler.com, 15 October 2014.

[39] A member of the Third Party Monitoring Team has noted "aggressive interventions against the BIFF" such that they no longer have a stronghold in a specific area. According to a member of the Joint Normalisation Committee, this led the BIFF to change tactics. The same official noted that in August 2015, the BIFF was reported to be ambushing and sometimes successfully killing a few sol- diers. Crisis Group interviews, 28 February 2016 and 29 August 2015, respectively.

[40] Crisis Group interview, MILF-BIAF official, Cotabato City, October 2015. The same officer spoke about an operation in Kabasalan against the BIFF in early August 2015 based on civilians reporting extortion and harassment by BIFF elements frequenting the area.

[41] 57 Crisis Group interviews, including youth NGO officials in the ARMM, Cotabato City, 26 October 2015

[42] Crisis Group interview, MILF-BIAF official, Cotabato City, October 2015.

[43] John Unson, "Two soldiers wounded in BIFF attack on Maguindanao detachment", Philstar.com, 9 March 2016. "Philippines: Maguindanao and Lanao del Sur Provinces Displacement Overview (February 2016)", UN Office for the Coordination of Humanitarian Affairs (OCHA), infographic, 2 March 2016, http://reliefweb.int/report/philippines/philippines-maguindanao-and-lanao-del- sur-provinces-displacement-overview.

[44] Associated Press, "Abu Sayyaf bandits free Malaysian hostage", Sun.Star, 9 November 2015, at www.sunstar.com.ph/network/local-news/2015/11/09/abu-sayyaf-bandits-free-malaysian-hostage- 440632.

[45] Speech released 26 December 2015, https://pietervanostaeyen.files.wordpress.com/2015/12/al-baghdadi_english.pdf.

[46] Jaime Laude, "Military: No IS presence in Philippines", The Philippine Star, 5 March 2016. "Southeast Asian Islamic State unity being formed in southern Philippines: officials", Reuters, 23 June 2016.

that young people disillusioned with MILF leadership; cynical about Manila's goodwill; and struggling to survive in an increasingly insecure environment would not find attractive an ideology that has carved out its own "caliphate" in the Middle East in less than three years.[47] The Maute group, a clan-based gang which claims association with Jemaah Islamiyah resurfaced in Lanao del Sur in the ARMM in February 2016 with a prolonged attack on an army post that displaced 30,000. Security forces say they found IS related documents in an abandoned camp (See Appendix B below).[48] It has barely 200 members but is reportedly using the failure to pass the BBL to recruit young people.

BIFF claimed to be talking to and setting up alliances with IS through social media in 2015 but denied having foreign IS trainers in its camps. Though smaller than Abu Sayyaf or BIFF, Maute gunmen allegedly "flew IS flags" during recent fighting, and "bandanas with the group's insignia were found when soldiers overran their base" in Lanao del Sur.[49] Apart from delivering appropriate law and enforcement measures, the key to keeping the attractions of Abu Sayyaf, BIFF and the Maute group in check will be to maintain the momentum of the peace process during the hiatus enforced by the change of administrations.

The risk of further religious radicalisation is limited, but real. The best way to address the risk is to regain the momentum for peace and rapidly pass enabling legislation that will grant Bangsamoro autonomy.

The Hiatus: Opportunity and Threat

There will be a delay before new enabling legislation is passed. Under Philippines law, the process of Congressional drafting and reconciliation of the BBL must start again under the new administration. Though the hiatus presents a threat to the process, it is also an opportunity. It gives both sides more time to reinforce the social and administrative foundations of the autonomous region and allows the government to mount an information program to generate public support for the deal.

In the short term, the new government needs to make good-will gestures to regain momentum and reassure sceptics of its commitment to the peace process. These need to be significant enough to counter the narrative that Manila acted in bad faith in failing to steer the BBL through the legislative process. In practical terms, this means backing newly-elected ARMM officials who have the support of Muslim groups; immediately making considerable social investments in the ARMM; helping build capacity to govern a future autonomous region; and moving forward on transitional justice. Reaffirming and strengthening ceasefire mechanisms would help avoid another Mamasapano. Finally, public information/education campaigns are needed in Mindanao and across the Philippines more broadly to stave off confusion and suspicion.

A. Support Leadership Roles for Pro-autonomy Politicians

The Duterte government should unambiguously back ARMM officials who were victorious in the recent election who share the MILF's peaceful objectives and support the transition to the new devolved entity. Aquino set the precedent by asking Governor Mujiv Hataman to run again but also advising him "to be ready to step down once the BBL is passed to allow room for transition".[50]

[47] "The BIFF-ISIS connection and social media", Rappler.com, 19 September 2014; "Senior Abu Sayyaf leader swears oath to ISIS", Rappler.com, 4 August 2014. An Abu Sayyaf video released in October shows members with recent hostages and IS flags in the background. Johnlee Varghese, "Isis in Philippines: New video shows kidnapped Canadian, Norwegian hostages pleading for life", International Business Times, 14 October 2015. Crisis Group Special Report, Exploiting Disorder, op. cit.

[48] Roel Pareno, "Military recovers ISIS-related documents from Maute group camp", Philstar.com, 10 March 2016.

[49] Karlos Manlupig, "The BIFF-ISIS connection and social media", Rappler.com, 19 September 2014. "Military: No IS presence", op. cit.

[50] Roel Parreño, "Aquino asks Hataman to 'sacrifice' as ARMM bet", PhilStar.com, 12 October 2015.

Hataman, who won, publicly sought the MILF's blessings for re-election, reassuring its leaders he fully supported the BBL.

No member of the MILF's United Bangsamoro Justice Party (UBJP) ran for a public office, but showing support for MILF-friendly winners in the recent elections would signal that the government believes in a long-term, sustainable partnership with the group and is willing to invest in that relationship even before the legal framework is established. If the failure to pass the BBL is not to risk being seen as betrayal, it needs to demonstrate that it trusts MILF promises of responsible citizenship and that the process will continue.

B. Implement TJRC Recommendations

The Transitional Justice and Reconciliation Commission (TJRC) was founded in 2014 under the CAB to study and make recommendations to address the "legitimate grievances of the Bangsamoro people", historical injustices, and human and land rights violations. The three-member commission – a Swiss chair and one delegate each of the government and MILF – released its much-anticipated report in March 2016.[51] It recommends the president create a National Transitional Justice and Reconciliation Commission on Bangsamoro and, to build confidence, that fact-finding research related to transitional justice cases be completed and the justice department promptly resolve cases.

The report did not focus on the contentious amnesty issue, which must eventually be addressed. Under the constitution, amnesty is an executive prerogative requiring approval by a majority in Congress.[52] The limits of amnesty will also define who is to be prosecuted for the many crimes committed by all sides in the conflict. Continuing uncertainty on this undermines support for the process, particularly among powerful figures who have been associated with violence.

C. Disburse Funds for Development, Working Together with the MILF

When people, particularly in the interior, are asked what peace means to them, they typically refer to basic needs such as "food on the table, education for their children, a means of livelihood" and to a sense of security with "no gunfire, no forced evacuation", as a young woman put it.[53] For many years, social welfare spending was a key element of Manila's counter-insurgency program, and the MILF still suspects that the government's Mindanao social programs are designed to supplant its legitimacy. "The political has to be ahead of the socio-economic", MILF negotiator Iqbal said.[54] But the front is willing to support development spending through joint bodies, particularly for infrastructure and health projects. Possible channels include the Joint Normalization Committee (JNC), which coordinates aspects of the peace process, specifically the bodies charged with transforming MILF camps and decommissioning its combatants.[55] If the MNLF or other secessionist groups can be brought fully into the peace process, this should be extended to it as well.

Accelerating social welfare investments and payments in ways that allow Bangsamoro regional interlocutors to share the credit would demonstrate, a diplomat said, an "early dividend of keeping the peace".[56] Administrators would need to take care that the disbursements are made impartially and do not become another toxic by-product of the political patronage machine.

[51] "Commission on Bangsamoro transitional justice to work on healing and reconciliation", OPAPP website, 3 October 2014. "TJRC Press Statement on the Public Launch of Its Report", Statement, Manila, 15 March 2016.
[52] 1987 Constitution, Article VII, Section 19.
[53] Crisis Group interview, Party List Representative, Makati City, 10 September 2015.
[54] Crisis Group interview, Mohagher Iqbal, Manila, 8 September 2015.
[55] Crisis Group interviews, Party List Representative, Makati City, 10 September 2015; Iqbal, Ma- nila, 8 September 2015. The JNC is co-chaired by National Security Council Undersecretary Zenon- ida F. Brosas for the government and Muhammad Nassif for the MILF. It includes the Joint Task Force for Camps Transformation (JTFCT) and the Task Force for Decommissioned Combatants and their Communities (TFDCC). "GPH, MILF formalize normalization bodies", OPAPP website, 28 September 2014
[56] Crisis Group interview, diplomatic official, Makati City, 9 September 2015.

National health insurance cards issued to people long underserved and marginalised often become their "first source of legitimate or documented identity".[57] Such issuance was part of the Sajahatra Bangsamoro (Peace in Bangsamoro Program) the government and MILF launched in February 2013 to increase access to national healthcare/health insurance and other social welfare measures and provide skills training, education opportunities, jobs and small-scale infrastructure. By January 2016, some 59 per cent of the $12.7 million budget had been spent.[58] An effective, widely publicised continuation or expansion of the scheme during the political hiatus would benefit the local population and give it a greater stake in supporting both the peace process and the established organs of governance.

Infrastructure is another uncontroversial area. The OPAPP runs the government's Peaceful and Productive Community (PAMANA) project as a "complementary track to peace negotiations" aimed at "isolated, hard-to-reach and conflict-affected communities".[59] Almost $76 million has been allocated to the ARMM budget in 2016, a significant increase to PAMANA's $273 million budget for investments to improve governance, deliver social services and construct infrastructure such as roads and water facilities. Starting more such medium-scale infrastructure projects in cooperation with the MILF and other local groups, would mean extra income for people in the short term and economic development in the longer term. The focus on economic development must be part of a coherent process, however, and as transparent and efficient as feasible.

D. The MILF's Role

Whatever mechanism is used to deliver autonomy, the MILF must have a significant part in it, but after years of armed struggle, it needs to gain governance and management capacity. It recognises the challenge: "You can't expect a militant to become a democrat overnight; we need institutions. This is a herculean task. We're like a small child; we need help to stand on our own feet", said Iqbal.[60]

Governance

By the original timetable, power in Mindanao would have devolved to an autonomous MILF-led administration in June 2016. The MILF would have been woefully underprepared. Throughout the negotiations, it has kept its distance from the ARMM, which it associates with the failed 1996 MNLF peace deal. The region's history and bureaucracy are an "unacceptable status quo" for the front, which at one point said ARMM employees would have to re-apply for their jobs under the new administration.[61] It backtracked, but the threat highlighted the capacity and judgment constraints under which the new government would operate.

In the current peace architecture, the Coordination Team for the Transition (CT4T) – the ARMM, national government and MILF officials – would be the natural platform to explore new governance structures, and identify and nurture talent from a broad range of Mindanao communities to work with the new autonomous government. Though the MILF has reservations about the ARMM, it would be

[57] Crisis Group interview, Party List Representative, Makati City, 10 September 2015.
[58] Cited in "Third Annual Report", TPMT, in https://www.scribd.com/doc/300585253/TPMT- Public-Report-Part-I-26-February-2016#download. The plan aimed to provide PhilHealth mem bership to 11,000 people, construct ten barangay health stations, cover some 16,000 children un- der the social welfare department's supplemental feeding program, provide some 600 college study grants, establish ten day-care centres, provide vocational training for some 1,000 persons, provide Cash-for-Work support for 11,000 persons, and promote agricultural development through small- scale infrastructure projects and livelihood development. Crisis Group telephone interviews, OPAPP officials, 28 March and 17 June 2016.

[59] For more on PAMANA, see PAMANA website http://pamana.net/pamana. 28 per cent of the to-
tal PAMANA Budget was allocated to ARMM per General Appropriations Act FY 2016 (Republic Act 10717).
[60] Crisis Group interview, Manila, 8 September 2015.
[61] Infographic roadmap, OPAPP website. FAB Preamble, p. 1, www.scribd.com/doc/137673080/ Framework-Agreement-on-the-Bangsamoro.

self-defeating to undermine its collateral benefits; in a region not known for the quality of its governance, the ARMM recently achieved International Organization for Standardization (ISO) certification for its governance procedures, and its skills base is important to the region's functioning and prosperity. Peace would be best served by optimising any support offered by the ARMM leadership, especially since the re-election of Regional Governor Hataman.

Political development

The MILF political vehicle, the UBJP, has little capacity so far to participate in law-making or governance. It held its first assembly only in 2014, a three-day event gathering of a reported 100,000 persons to MILF Camp Darapanan in Cotabato. In May 2015, it registered as a regional political party with the Commission on Elections (COMELEC), a move welcomed by the ARMM governor and President Aquino. "Whether you get into government is something that your constituents will decide, because we have free and democratic elections. But the fact that they are moving to put their organisation under a political party for 2016 is better than bearing arms against the government", ex-presidential spokesperson Abigail Valte said.[62] The MILF needs to clarify the boundaries between the movement and the UBJP. The ambiguity of that relationship makes the party legally vulnerable under the law governing political party accreditation, which states that "no religious sect or a political party that seeks to achieve its goal through violence shall be entitled to accreditation as a political party".[63]

Though it is open to all Mindanao residents regardless of race or religion, the UBJP needs to engage much more broadly with non-Muslims, such as Catholics and other Christians, and under-represented sectors, such as women, youth and indigenous groups, if it is to become a truly regional party with broad appeal and a pillar of the peace process. If handled properly, the Bangsamoro Convention proposed by President Duterte could encourage wider consensus.

Women's inclusion is an important issue in Mindanao, and the peace process is recognised as having generally been responsive to gender issues. Miriam Coronel-Ferrer, the government's lead negotiator, whom Duterte's new head of OPAPP, Jesus Dureza has signalled he will retain a woman, and both sides took care to include gender-sensitive language in the FAB and CAB. In 2011, the MILF appointed two women, one with indigenous roots, as consultants to its negotiating panel. A yet broader and more visible process of consultation with Mindanao's women and religious and ethnic minorities would help consolidate support for all actors in the process.[64]

Disarmament

On 16 June 2015, five months after Mamasapano, the government and MILF began the first phase of the disarmament and demobilisation process, involving 145 MILF fighters and 75 firearms in Barangay Simuay, Sultan Kudarat town of Maguindanao. MILF Chairman Murad Ebrahim told his commanders it was "not a surrender" but rather the start of MILF transformation "from an armed revolutionary organisation to a political organisation". The Independent Decommissioning Body (IDB), a seven-member team chaired by Turkish Ambassador Mustafa Pulat and including two foreign and four local experts nominated by the negotiating panels, is responsible for verifying and validating the

[62] Bangsamoro party ready for elections, says MILF", Inquirer.net, 28 December 2014. Tina San- tos, "MILF forms own political party", Inquirer.net, 9 May 2015. On 7 December 2015, the COME- LEC granted the registration petition. John Unson, "Stakeholders: MILF political party a boost to political stability", Philstar.com, 9 Mai 2015. Nikko Dizon, "Iqbal nephew qualified–Palace", Inquir- er.net, 10 May 2015.

[63] Batas Pambansa Blg. 881, www.gov.ph/1985/12/03/batas-pambansa-blg-881-s-1985.

[64] A Muslim woman who has long been an advocate for children in conflict areas said the MILF and OPAPP had conducted "almost 1,000" consultations in the period between the signing of the FAB and the Mamasapano incident, but there was still no compelling narrative presented to the wider public of a more inclusive peace process. Crisis Group interview, Makati City, 14 November 2015.

list of weapons and combatants submitted by the MILF.[65] It is unclear what will happen to the disarmament process if the Duterte administration does not move to pass a BBL. According to the CAB timeline, the next phase of decommissioning is to occur after the basic law has been passed and ratified. To prepare the ground and in addition to agreeing on how the process overall will proceed, the government and MILF should ensure that the first decommissioned fighters receive in full what has been promised: cash amounting to $540, government health insurance cards and choice of a socio-economic assistance package roughly amounting to an additional $2,900 per person.[66] The MILF must work closely with the government and IDB to show that ex-fighters can have a successful return to civilian life, so as to encourage those who come after them to turn in their arms.

Flexibility

The Bangsamoro leadership needs to show enough flexibility to finesse the support of two sceptical but opposing groups. It needs to persuade a distrustful wider Philippine population and political establishment that an autonomous Bangsamoro would be neither a step toward independence nor a base for militancy, while being resolute enough to retain the confidence of its own restive Mindanao constituency. A leaked 2015 letter from MILF Central Committee Chairman Murad Ebrahim to the Manila diplomatic corps reflected this tension, saying that "irrespective of the legislative process, the MILF remains committed to the peace process and to the pursuit of Bangsamoro aspirations through political rather than violent means", but also reiterating the position that no law was better than one "that fails to address the mistakes of the past or provide a better future".[67]

Despite its reassurances, the MILF is retaining the right to return to armed conflict if the current process fails terminally. The threat is veiled, but it is a threat nonetheless: if this process fails, "perhaps the Moro people have to create a compelling reason to create peace in Mindanao", a MILF leader said.[68]

The Role of the International Community

A. Political Support of the Peace Process with a New Administration

In its most recent annual report, the Third Party Monitoring Team underscored that "no administration can afford to ignore the costs of conflict in Mindanao – the human costs, the developmental costs, the security costs, or the risk of worsening a climate conducive to the spread of violent extremism". National poll results consistently suggest that the wider public still prefers peaceful negotiations over use of force.[69] With the election over, the international community should focus again on shoring up political support for the peace process.

All such support should place the CAB as the cornerstone of peace. Internationals already are significant in the peace infrastructure, especially its ceasefire mechanism (the International Monitoring Team, IMT, in place since 2004) and program for normalisation (the Turkey-led IDB and Swiss-led TJRC).[70] The OIC, EU, International Contact Group and TPMT continue to be vital, constructive forces, facilitating and assisting where necessary. The deep international engagement in the six years

[65] '"Today, we begin the long walk towards transformation, not surrender': Chairman Al Haj Mu- rad", Luwaran, 17 June 2015. "Independent decommissioning body convenes anew in anticipation of BBL passage", OPAPP website, 22 October 2015.
[66] Crisis Group interview, Makati City, 8 September 2015.
[67] Crisis Group correspondence dated 4 September 2015.
[68] Crisis Group interview, Manila, 7 September 2015.
[69] Third-Party Monitoring Team, Third Public Report, January 2015 to February 2016 (www.luwaran.com/images/stories/jointStatement/TPMTReport.pdf), 26 February 2016. Christian Hope Reyes, "Philippines: Polling the Peace Process", The Asia Foundation (http://asiafoundation.org/in-asia/ 2015/09/09/philippines-polling-the-peace-process), 9 September 2015.
[70] TPMT press release (www.scribd.com/doc/300582644/TPMT-Press-Release-Final-26-February-2016#scribd), 26 February 2016. The IMT is chaired by Malaysia and includes personnel from Bru- nei, the EU, Indonesia, Japan, Malaysia and Norway.

of the Aquino administration should be continued, on the ground in Bangsamoro and in Manila, to encourage the new government to expedite the BBL's passage or agree quickly on a widely acceptable alternative.

B. Strategic Areas of Support

International actors should focus long-term support on three areas: governance and capacity building, strategic communications and peace diplomacy, and justice and rule of law. Governance and capacity building should ideally help prepare the ARMM bureaucracy to transition into the future Bangsamoro administration envisioned in the CAB. The new autonomous region will inherit new powers it has no experience of exercising. International donors should focus on providing training and expertise for managing taxation and fiscal governance, investment policy, and land management in particular. Building capacity also means enabling the MILF's transformation from an insurgent group to a political organisation. To build on the MILF's own actions – establishment of what it calls the Bangsamoro Leadership and Management Institute and UBJP registration – the international community should continue to support political party and legislative capacity building and public administration training. International actors also need to help Muslim leaders retain the confidence of their core constituency by keeping them central to all interventions in the Bangsamoro region. One way is by quickly establishing a multi-donor normalisation trust fund.[71] It would also be important to partner with the business sector to identify live lihood training projects and provide socio-economic assistance to ex-combatants from the first phase of decommissioning. They can also help create a conducive environment for demilitarisation by supporting training for police and the judicial system in Bangsamoro.[72]

The hostility that many in the rest of the country feel toward the south and the MILF, fed by years of propaganda which starts at school age, needs to be addressed through sustained public information programming and changes in school curriculums. The Aquino government already announced that students will learn Bangsamoro history.[73] International support to platforms and spaces that bolster inclusive dialogue on a regional (local community and civil society organisation initiatives) and national scale (high-level consultations and national conversations) could help change the long-established negative national narrative on Bangsamoro and the MILF. All sides should agree on a strategic communications plan for the peace process – and for contingencies – to expand public understanding ahead of any legislative moves and to enable greater accountability in the media, which has not always been constructive.

Conclusion

The Philippines is on the cusp of an historic resolution of the long-running conflict in the south, but the process risks stalling unless President Duterte's new government seizes it as an opportunity to move swiftly to convince an increasingly sceptical audience in Bangsamoro that Manila remains committed to the deal in the Comprehensive Agreement on Bangsamoro. Supporters of autonomy are unlikely to accept a three-year delay while the new government investigates the possibility of federalising the Philippines, as the president has suggested.

[71] The parties signed two agreements in May 2016: the "Terms of Reference for the Establishment of the Bangsamoro Normalization Trust Fund (BNTF), a multi-donor trust fund envisioned in the Framework Agreement on the Bangsamoro (FAB) and the Annex on Normalization", and the "Terms of Reference for the Project Board of the Mindanao Trust Fund for the Six Previously Acknowledged MILF Camps (MTF-RDP Camps Project)". See www.opapp.gov.ph/milf/news/gph-milf-peace- panels-affirm-partnership-continuity-bangsamoro-peace-process#sthash.rmznXzB7.dpuf.

[72] The CAB stipulates that 30 per cent of MILF combatants and weapons are to be decommissioned when the BBL is passed, another 35 per cent after the referendum and appointment of members of the Bangsamoro Transition Authority (BTA) and the remaining 35 per cent when the elected Bang- samoro government is established. See also Crisis Group Report, The Philippines: Dismantling Rebel Groups, op. cit.

[73] "Bangsamoro history to be integrated in K-12 curriculum", Philippine News Agency, 12 June 2016.

If the process is perceived as having failed, whether due to an inadequate basic law or a postponement that suggests Manila is reneging, there will not be a return to the status quo ante, but a progression to a much more volatile environment in which weak government control and an MILF diminished in stature result in a power vacuum that encourages criminality and religious militancy.

The new administration will need some time to find its feet and re-debate the BBL text or a mutually agreed alternative, as is required by law. It must make certain that the Mamasapano mistakes are not repeated during this period, however, by maintaining open dialogue with the MILF and ensuring the security organs are on the same page. Although the hiatus poses a threat to the peace process, it is also an opportunity for Bangsamoro to prepare better for autonomy by improving outreach to other constituencies – particularly Christians and Lumad – and to boost governance capacity. Simultaneously, the government and international community should underline commitment to a negotiated settlement by endorsing MILF efforts to prepare for autonomy and providing targeted development aid and investment. The government should also use the time to counter the broader public's fears that the BBL is a precursor to national fragmentation or a militant south. In parallel, the MILF and other insurgent groups, such as the MNLF, should accelerate their transitions from guerrilla movements to democratic competitors for a popular mandate and build their governance capacity. But this movement has been more than four decades in the making. There should be neither renegotiation nor open-ended delays.

The Peace Process in Mindanao, the Philippines: Evolution and Lessons Learned

Kristian Herbolzheimer

Executive summary

The Comprehensive Agreement on the Bangsamoro (2014) marks the first significant peace agreement worldwide in ten years and has become an inevitable reference for any other contemporary peace process. During 17 years of negotiations the government of the Philippines and the Moro Islamic Liberation Front managed to build up a creative hybrid architecture for verifying the ceasefire, supporting the negotiations and implementing the agreements, with the participation of Filipinos and members of the international community, the military and civilians, and institutions and civil society. This report analyses the keys that allowed the parties to reach an agreement and the challenges ahead in terms of implementation. It devotes special attention to the management of security-related issues during the transition from war to peace.

Introduction

On March 27th 2014 the government of the Philippines and the Moro Islamic Liberation Front (MILF) signed an agreement to end an armed conflict that had started in 1969, caused more than 120,000 deaths and forcibly displaced hundreds of thousands of people. The Comprehensive Agreement on the Bangsamoro is the main peace agreement to be signed worldwide since the agreement that stopped the armed conflict in Nepal in 2006.

Every peace agreement addresses a particular context and conflict. However, the Mindanao process is now a crucial reference for other peace processes, given that it is the most recent.

Of the 59 armed conflicts that have ended in the last 30 years, 44 concluded with peace agreements (Fisas, 2015: 16). The social, academic, and institutional capacities to analyse these processes and strengthen peacebuilding policies have thrived in parallel (Human Security Report Project, 2012).

However, no peace process has been implemented without some difficulties. For this reason all peace processes learn from previous experiences, while innovating in their own practices and contributing overall to international experience of peacebuilding. The Mindanao peace process learned lessons from the experiences of South Sudan, Aceh (Indonesia) and Northern Ireland, among others. Currently, other countries affected by internal conflict such as Myanmar, Thailand and Turkey are analysing the Mindanao peace agreement with considerable interest.

This report analyses the keys that allowed the parties to reach an agreement and the challenges facing the Philippines in terms of implementation. The report targets an international audience and aims to provide reflections that might be useful for other peace processes.

After introducing the context and development of the Mindanao peace process, the report analyses the actions and initiatives that allowed negotiations to make progress for 17 years and the innovations brought about by this process in areas such as public participation. Particular attention is devoted to the security-related agreements (including arms decommissioning by the insurgency) and to the mechanisms accompanying and verifying the agreement's implementation.

Context

The Philippines is an archipelago comprising around 7,000 islands. Remarkable among them are the largest one, Luzon (where the capital, Manila, is situated) and the second largest, Mindanao. Together with Timor-Leste, this is the only Asian country with a majority Christian population. Around

100 million people live in a territory covering 300,000 km2. The system of government is presidential and executive power is limited to a single term of six years

The country owes its name to King Philip II of Spain, in whose service Magellan was sailing around the world when he arrived at the archipelago in 1521. After being a Spanish colony for three centuries, in 1898 the Philippines came under U.S. administration. A detail with far-reaching consequences is that Spain never took real control of the island of Mindanao. Islam had arrived three centuries before Magellan, and the Spanish found a well-consolidated system of governance, mainly through the sultanates of Maguindanao and Sulu.

In 1946 the Philippines was the first Asian country to gain independence without an armed struggle (one year before India). It was also a pioneer in putting an end to a despotic regime by peaceful means when a non-violent people's revolution overthrew the dictatorship of Ferdinand Marcos in 1986. In 2001 a second people's power revolution brought the government of Joseph Estrada – who was accused of corruption – to an end. Even so, the developments that have occurred over nearly 30 years of democracy have been slow. Politics continues to be the feud of a few families who perpetuate themselves in power from generation to generation. Relatives of deposed presidents remain active in politics and enjoy significant support.

Some indicators show advances in poverty reduction, literacy and employment, but neighbouring countries such as Malaysia, Indonesia and Thailand are far ahead in this regard (UNDP, 2015). The persistence of social inequalities feeds the discourse of the New People's Army, a Maoist- inspired insurgency that has been active since 1968.

Apart from the armed conflict in Mindanao and the communist insurgency, in recent years the Philippines has also suffered the onslaught of cells of Islamist terrorists linked to transnational networks.

Roots and Humanitarian Consequences of the Conflict

The Muslim population of Mindanao has experienced harassment and discrimination since the times of the Spanish colony (1565-1898). The U.S. colonial administration (1898-1945) initiated a process of land entitlement that privileged Christian settlers coming from other islands of the archipelago.

This policy of land dispossession continued after independence, coupled with government policies aimed at the assimilation of the Muslim minority. Currently, the Muslim population is in the majority only in the western part of Mindanao and in the adjacent islands that proliferate up to the borders of Malaysia and Indonesia. Ten per cent of the population in this area are non-Islamised indigenous peoples.

In 1968 an alleged massacre of Muslim army recruits in Manila led to the creation of the Moro National Liberation Front (MNLF), which started an armed struggle for independence. In 1996 the government and the MNLF signed a peace agreement that granted autonomy to provinces with a Muslim majority. The group demobilised as a result, but a breakaway subgroup, the Islamic Front, rejected the terms of the agreement. However, this insurgency's preference for a negotiated solution led to the signing of a bilateral ceasefire in 1997 and the start of formal peace negotiations in 1999.

The armed conflict in Mindanao has caused around 120,000 deaths, especially in the 1970s. In the 21st century it has been a low-intensity conflict, but continuous instability has generated a phenomenon of multiple displacements: thousands of people flee when there are skirmishes – which sometimes involve other armed actors – and return to their homes once the situation is stabilised. In 2008 the last political crisis in the peace process triggered the displacement of around 500,000 people in a few weeks in what became the most severe humanitarian crisis in the world at the time.

Structure and Development of the Negotiations

The negotiations lasted for 17 years (1997-2014) and were initially conducted in the Philippines and without mediation. Since 1999 the negotiating teams comprised five plenipotentiary members, with the support of a technical team of around ten people (a variable number). The intensity and duration of the negotiations oscillated over the years. In the last period (2009-14) the parties met in 26 negotiation rounds each lasting between three and five days.

The negotiations were halted on three occasions, triggering new armed confrontations in 2000, 2003 and 2008. After each one the parties agreed on new mechanisms designed to strengthen the negotiations infrastructure. In 2001 the Malaysian government accepted the request of the government of the Philippines to host and facilitate the negotiations. In 2004 the parties agreed to create an International Monitoring Team (IMT) to verify the ceasefire, comprising 50 unarmed members of the armed forces of Malaysia, Libya and Brunei cantoned in five cities in the conflict area. In 2009 this team was expanded and strengthened: two officers of the Norwegian army reinforced the security component, while the European Union (EU) provided two experts in human rights, international humanitarian law and humanitarian response. In parallel, the IMT incorporated a Civilian Protection Component comprising one international and three local non-governmental organisations (NGOs).

In 2009 the negotiating parties agreed to create an International Contact Group (ICG) to act as observers at the negotiations and advise the parties and the facilitator.[1]

The ICG is formed by four countries (Britain, Japan, Turkey and Saudi Arabia), together with four international NGOs (Conciliation Resources, the Community of Sant Egidio, the Centre for Humanitarian Dialogue and Muhammadiyah).

Peace Agreements

The negotiations started in 1997 with an agreement on a general cessation of hostilities. In the Tripoli Agreement (2001) the parties defined a negotiation agenda with three main elements: security (which had already been agreed on in 2001); humanitarian response, rehabilitation and development (agreed in 2002); and ancestral territories (2008).

In October 2012 the parties finally adopted the Framework Agreement establishing a roadmap for the transition. In the following 15 months the parties concluded the annexes on transitional modalities (February 2013), revenue generation and wealth sharing (July 2013), power sharing (December 2013), and normalisation (January 2014). Finally, in March 2014 the Comprehensive Agreement was signed in the Presidential Palace.

The central axis of the agreement is the establishment of a new self-governing entity called Bangsamoro, which will replace the existing Autonomous Region of Muslim Mindanao after a transition led by the MILF. The agreement envisages a process of reform in the new autonomous region that will replace the presidential system that governs the rest of the country with a parliamentary one. The objective is to promote the emergence of programmatic political parties.

The government understands that the insurgency must be part of the solution and must assume the corresponding responsibilities. To this end it has encouraged the transformation of the insurgency into a political movement able to take part in local and regional elections.

In terms of endorsement, the peace agreement must be transformed into a law that will regulate the Statute of Autonomy, called the Bangsamoro Basic Law. After parliamentary approval, a plebiscite will be held in the conflict-affected areas. This plebiscite will also serve to determine the territorial extent

[1] For more information about this innovative ICG, see <http://www.c-r.org/resources/practice-paper-innovation-mediation-international-contact-group-mindanao>.

of the autonomous region, since the municipalities bordering the current autonomous community will have the option to join the new entity.

Constitutional reform is a contentious issue. The MILF insists on the need for reform in order to consolidate the agreements. However, the government has been reluctant to initiate a process that could be tedious and could open a "Pandora's box". But doubts about some of the agreements' compliance with the constitution suggest that such a reform process might eventually be discussed. Beyond the agreement with the MILF, the peace process in Mindanao could contribute to opening a national debate about the territorial organisation of the country, since important sectors in other regions are demanding broad constitutional reform along federal lines.

Roadmap of the Transition

A controversial issue during the negotiations was the expected time line for implementation. The MILF suggested a six-year period, while the government refused to make commitments beyond its presidential term (2010-16), since the Philippine political system lacks guarantees in terms of the continuity of public policies from one administration to the next. Finally, the MILF accepted this argument and the 2012 Framework Agreement defined a roadmap for implementation with a time horizon of the presidential elections of May 2016.

The key implementation institutions are as follows:

1. The Transition Commission comprises 15 people (seven appointed by each side, under an MILF chairperson). Its main mission was the drafting of the Bangsamoro Basic Law, which was submitted to Congress for approval in September 2014.

2. The Transitional Authority will be headed by the MILF and will comprise representatives of various social, political and economic actors from the autonomous region. It will be formally set up after the Basic Law is enacted by Congress. Its mission will be to pilot the transformation of the existing autonomous institutions until the holding of elections for a new autonomous government (initially expected in May 2016, although they might need to be postponed).

3. The Third Party Monitoring Team (TPMT) is in charge of monitoring the implementation of the agreements. It comprises five members (two representatives of national NGOs, two of international NGOs, and a former EU ambassador to the Philippines who acts as coordinator). The TPMT issues periodic reports for both parties, and public reports twice a year. But its most relevant role – and probably the most controversial – will be to certify the end of the implementation process, which, in turn, conditions the MILF decommissioning process.

4. Despite the fact that both parties are represented in all the relevant organs, the negotiating teams remain an organ of last resort to resolve potential problems or disagreements. Malaysia – the facilitator country – and the ICG continue to provide support at the request of the parties.

The Challenge of Normalisation

Apart from enacting the Bangsamoro Basic law and adapting the various regional institutions to the new Statute of Autonomy, the main objective of the transitional period is the consolidation of normalisation, which is understood as "a process whereby communities can achieve their desired quality of life, which includes the pursuit of sustainable livelihood and political participation within a

peaceful deliberative society".[2] The concept of normalisation includes what is termed disarmament, demobilisation and reintegration in other contexts, as well as additional elements aimed at the consolidation of peace and human security.

The process of normalisation has four essential elements:

1. The first is socioeconomic development programmes for conflict-affected areas. The MILF-led Bangsamoro Development Agency will be in charge of coordination, together with the Sajahatra presidential programme of immediate relief to improve health conditions, education and development.

2. Confidence-building measures include two key processes. Firstly, development programmes will be aimed specifically at MILF members and their relatives in their six main camps. Secondly, the government will commit to using amnesties, pardons, and other available mechanisms to resolve the cases of people accused or convicted of actions and crimes related to the Mindanao armed conflict.[3] It is worth noting that neither the MILF nor the government security forces face pending accusations of gross human rights violations or crimes against humanity.

3. In matters of transitional justice and reconciliation, a three-person team is mandated to elaborate a methodological proposal about how to address the legitimate grievances of the Bangsamoro (Muslim) people, correct historical injustices, and address human rights violations, including marginalisation due to land dispossession. The team can also propose programmes and measures to promote reconciliation between conflict-affected communities and heal the physical, mental and spiritual wounds caused by the conflict. This mandate includes the proposal of measures to guarantee non-repetition.

4. The sensitive issue of security has four elements. The first is reform of the police, since responsibility for public order will be given to a new police force for the Bangsamoro that will be civilian in character and accountable to the communities it serves. The negotiating parties commissioned the Independent Commission on Policing to draft a report with recommendations in this regard. This report was delivered in April 2015. Secondly, the parties agreed to carry out a joint programme to identify and dismantle "private" armed groups (paramilitaries), which are often controlled by mayors and governors. The operational criteria for this task are still awaiting development. The third element is arms decommissioning by the MILF. This process is defined as the activities aimed at facilitating the transition of the insurgent forces to a productive civilian life. An Independent Decommissioning Body (IDB) is in charge of registering the MILF's members and weapons, and planning the phases of collecting, transporting and storing weapons.[4] There is as yet no agreement among the parties on the final destination of the weapons decommissioned by the insurgency, and they will be temporarily stockpiled in containers and subject to joint supervision by the insurgency and security forces under international coordination.

[2] See the Annex on Normalisation (2014), which is included in this report's list of references.
[3] There is no official data about the numbers of detainees, but they are not large.
[4] In the Philippines it is legal to bear arms, and disarmament affects mainly illegal arms. Legal weapons will need to be registered.

The MILF has committed to total decommissioning to be undertaken in phases conditioned on the implementation of the agreements, as described in the following table:

Phase		Development
1	The IDB completes the verification of MILF weapons	Symbolic act (150 combatants and 75 high-calibre weapons) Completed in June 2015
2	Congress approves the Bangsamoro Basic Law	Demobilisation of 30% of forces
3	Congress approves the Bangsamoro Basic Law	Demobilisation of 35% of forces
4	Congress approves the Bangsamoro Basic Law	Total demobilisation

The Agreement on Normalisation established a time frame of two years to complete the process.

The fourth and last security-related element affects the armed forces, who have committed to carrying out a repositioning to help facilitate peace and coexistence. This repositioning will be based on a joint evaluation of the security conditions.

Other Normalisation-Related Elements

A Joint Normalisation Committee will coordinate the overall normalisation process. In terms of financing, the government will assume the responsibility to supply the funds necessary to sustain the process, while the MILF has the right to procure and manage additional funds.

A Joint Peace and Security Committee has overall responsibility for the supervision of all security-related matters of normalisation until the full deployment of the new Bangsamoro Police. On the operative side, Joint Peace and Security Teams (comprising members of the armed forces, police and the MILF) will handle law and order in the areas agreed by the parties. In parallel, the existing mechanisms for ceasefire verification will remain operative (the Coordination Committee for the Cessation of Hostilities, the Ad Hoc Joint Action Group (AHJAG) to combat crime in MILF areas and the IMT).

The Agreement on Normalisation does not refer to the MILF cantonments because this point was discussed in the framework of the 1997 bilateral ceasefire agreement. After intense debates the parties identified major and satellite camps where the combatants and their relatives had a stable presence and formed rural communities. There was no registry of members of these communities or their weapons, and free individual movement is allowed.

The agreement also established that any movement of troops – by the insurgency or security forces – should be coordinated with the other party. A special agreement (the AHJAG) allows the police to

maintain public order in MILF-controlled areas in prior coordination with the MILF. The state performs its administrative duties under normal conditions in the whole territory.

A difference from the Final Agreement reached with the MNLF in 1996 is that this agreement does not provide for the integration of MILF combatants into the security forces, except for the new autonomous police.

In terms of de-mining, in 2002 the MILF adhered to the Geneva Call against the use of anti-personnel mines. In 2010 the government and MILF agreed to allow the Philippines Campaign against Land Mines to conduct civic education and the identification and destruction of unexploded ordnance.

Enabling Factors for the Peace Process

First and foremost, both parties have long acknowledged the limits of armed confrontation. In 2000 the government broke off the ceasefire to launch “all-out-war”, which led to the MILF’s military defeat in just four months. However, both the government and the security forces realised that the root causes of the problem were not resolved and that the Muslim population retained an unbroken determination to fight for its identity and dignity. From the perspective of the insurgency, since its creation the MILF recognised that armed victory was not possible, and instead focused on the primacy of peace negotiations.

More recently, the reformist government of Benigno Aquino promoted a change in the country’s military doctrine (AFP, 2010) in the framework of its commitment to resolve internal armed conflicts and deal with the growing geopolitical challenges resulting from China’s emergence as a regional power. The new objective is no longer to “win the war”, but to “win the peace”, and the new doctrine emphasises the establishment of relations of trust with the communities affected by the conflict. The overall goal is the liberation of human and financial resources previously devoted to the internal confrontation in order to be able to better deal with external threats.

Interestingly, the parties have also understood the limits of peace negotiations. Both the government and the insurgency admit that the reforms needed to acknowledge and respect the way of life and history of the Muslim and indigenous peoples demand a wide national consensus.

The problems that hampered the implementation of past peace agreements highlight the need for a collective ownership of the peace process and its results by society. For this reason both parties have engaged in intensive consultations with the social, academic, political and institutional sectors with the double objective of strengthening the process with the inputs of those who support it, and listening and responding to the concerns of those who are more sceptical and potentially opposed to the negotiations. On several occasions the MILF has gathered hundreds of thousands of followers in huge conventions to ratify the decisions of its Central Committee.

Apart from these consultation processes, the government and the insurgency have included civil society members in their teams and on several occasions have invited civil society delegates and members of Congress to witness the negotiations. The parties also agreed on the participation of civil society in several of the bodies involved in the implementation of the agreements, notably the TPMT.

These institutional efforts towards inclusion are largely a response to the pressures of an organised civil society that has relentlessly promoted peacebuilding initiatives parallel to the negotiations. These initiatives include the creation of peace zones, inter-religious dialogues, capacity-building in the theory and practice of conflict resolution, the consolidation of citizen agendas, lobbying the armed actors, and the creation of ceasefire monitoring mechanisms such as the Bantay Ceasefire or the Civil Protection Component of the IMT.

Some additional elements help explain the progress of the negotiations:

- The parties' pragmatism and realism: The insurgency abandoned the objective of total independence in the context of negotiations, while the country's various governments have all recognised the existence of the root causes of the conflict and committed to a solution based on dialogue.

- Confidence-building measures: The lengthy bilateral ceasefire contributed to building trust between the insurgency and military and police commanders, including at the personal level. This trust is currently the main guarantor that there will be no relapse into armed confrontation. Furthermore, both parties recognise international humanitarian law and international human rights treaties (on the recruitment of child soldiers, the prohibition of the use of anti-personnel mines, etc.). These factors have been fundamental in reducing the levels of confrontation and generating trust between the parties and civil society.

- Strengthening of capacities: Both the government and the MILF are well aware of the problems that emerged during the implementation of the 1996 agreement with the MNLF. The parties therefore decided early on to strengthen the capacity of the MILF to manage civil institutions: in 2002 they created the Bangsamoro Development Agency and in 2009 the Bangsamoro Leadership and Management Institute, both led by the MILF.

Additional Highlights

The main peacebuilding developments in the Philippines emerged during the presidency of Fidel Ramos (1992-98). Ramos was a retired general who had been chief of staff of the armed forces during the Marcos dictatorship as well as during the first democratic government, i.e. of President Corazón Aquino. In 1992 Ramos promoted an ambitious process of national dialogue (Coronel-Ferrer, 2002) for the drawing up of a national peace policy. The result of this consultation was a conceptual framework that identified the structural problems affecting the country and defined "six paths to peace". The conceptual framework emphasises negotiations between the government and the insurgency as one of the paths to peace, but states that a peace process must necessarily be wider and more inclusive than mere peace negotiations. This innovative national peace policy has coexisted for years in contrast to (and in conflict with) a classic national security doctrine focused on defeating the internal enemy.

In 2003 a crisis in negotiations and the return of violent incidents mobilised civil society to promote an initiative of its own to verify the ceasefire, known as the Bantay Ceasefire. The network was composed of around 200 voluntary members and, despite the financial constraints it faced, became an essential complement to the formal verification commissions, receiving the appreciation of both parties.

An additional element is the outstanding role played by women in the peace process. The Philippines is possibly the country with the best implementation of UN Security Council Resolution 1325 (2000) on women, peace and security. Teresita Deles holds the position of presidential adviser for peace, while Miriam Coronel was the first woman to lead a negotiating team that eventually signed a peace agreement. Women have also led the legal advisory teams of both the government and the MILF. Similar to other contexts, women in the Philippines have a wide presence and leadership role in civil society, with Muslim and indigenous women playing a fundamental role (Herbolzheimer, 2013; Conciliation Resources, 2015).

Implementation Challenges

In spite of the positive developments, the implementation of the peace agreement is facing multiple obstacles.

The first limiting factor is time. During the negotiation of the Framework Agreement (2012) the government managed to link the transitional period to the end of the presidential term in May 2016. But the negotiating teams have not been able to keep up the agreed pace of negotiation and implementation. As a result, the parties will have to agree to an extension of the implementation period.

Responsibility for the delay is shared. On the one hand, the insurgency lacks enough qualified and reliable/trustworthy personnel to take on all the responsibilities derived from the transition. On the other hand, the government negotiating team has to deal with limited buy-in on both the agreement and its implementation by other sectors of the bureaucracy.

At the same time Congress has been dragging its feet in enacting the peace agreements into law, while the judiciary must still assess whether the agreements comply with the constitution. There is a high risk that these two state institutions will raise issues that may further block the implementation of the agreements that have been signed.

Furthermore, in the Philippines, prejudice against Muslims – a heritage from the colonial period – still runs deep.

With less than a year remaining until the country's presidential and legislative elections (May 2016), some prominent politicians and media outlets are turning to populist rhetoric to antagonise public opinion against the peace process.

Even among better-intentioned political actors, a lack of knowledge about the social, political, and cultural reality of the insurgency in particular and the Muslim population in general results in faulty diagnoses and mistaken responses. Successive governments have associated the Moro problem with poverty and economic marginalisation, thus neglecting the relevance of identity and parity of esteem. On its part, the insurgency has been unable to articulate a political discourse that the whole country can understand and endorse. Only after patient dialogue have the peace negotiators deconstructed some of these erroneous imaginaries, but both the Christian and Muslim sectors of society still distrust each other.

The main security-related problem is the proliferation of arms and armed groups. One reason is that holding weapons is legal in the Philippines. Related to this, successive governments have failed in their attempts to disband paramilitary groups run by local politicians.

There is also a proliferation of additional armed groups, which can be classified into three categories: an MILF breakaway group that is sceptical about the government's political commitment (the Bangsamoro Islamic Freedom Fighters); extremist cells linked to international extremist violence (Abu Sayyaf, Jemaa Islamiyah); and ordinary criminal organisations.

Other difficulties are inherent to any process of transition from war to peace. Apart from political will, the government needs to prove its capacity to transform words into deeds, which has historically proved to be a challenge. In parallel, the insurgency needs a radical paradigm shift from a semi-clandestine military structure to a social and political movement – a terrain in which it has limited experience and where to some extent it is at a disadvantage compared to more established political actors.

Lessons Learned for Other Peace Processes

Each peace process responds to a specific conflict that emerges for concrete reasons and in concrete circumstances (social, political, cultural and temporal). However, comparative analysis is fundamental in every peace process. Some of the lessons from the Philippines could be relevant to other contexts:

- Peace is not a product, but a process. The transformative capacity of a peace agreement and its sustainability over time depend on its legitimacy, which in turn is dependent on the extent that social, political and economic actors feel a sense of ownership of the deliberative process leading to the peace agreements and their implementation.

- Negotiations are just one among multiple paths to peace. In parallel to the negotiations between the government and the insurgency, other dialogue processes must build or restore relations between sectors of society that have been or remained divided during the armed conflict. This is essential to achieving the social, political, economic and cultural transformations needed to overcome a protracted armed conflict.

- The current context demands efforts to facilitate the participation of historically excluded sectors such as women, victims and ethnic communities. Including these sectors greatly contributes to raising the international legitimacy of a peace process.

- The crises that emerge during negotiations are also opportunities to improve the mechanisms that support the talks.

- A government involved in a peace process must include the legislature and take into account the perceptions of the judiciary before the signing of an agreement. Constitutional amendments are the best guarantee to consolidate a country's structural transformation.

- Giving an insurgency the opportunity to transform itself into a political movement free of coercion and threats is the best guarantee of the non-recurrence of armed conflict. Such an evolution can be enhanced by preventing the potential social and political isolation of the insurgency, as well as agreeing on transitional measures for the political participation of the insurgency before it can compete on equal terms with more established political movements.

- The decommissioning of arms by the insurgency, and the repositioning and reform of the government security sector are gradual and interdependent processes that contribute to confidence-building. The insurgency is aware that the hard-earned legitimacy it has gained as a peace actor can be lost with just one mistake in the management of its weapons, or if it does not allow the state to be fully present and perform its social, administrative and public order duties in the whole territory.
- The implementation of a peace agreement can be as difficult as the negotiations. In the Philippines, this has been managed through the creation of hybrid agreement implementation bodies that allow the joint and complementary work of national and international, civil and military, institutional and civil society actors.

- The implementation of a peace agreement implies an asymmetric power relationship that is favourable to the state. If an insurgent movement does not comply with the agreement, it loses legitimacy. If the state does not comply, the insurgency has limited means to apply pressure because a return to armed conflict is not an option.

- The international community plays a decisive role in accompanying and supporting the peace process. But its role is always secondary and does not replace national leadership. The agenda for negotiations, the time line, the design of consultations, the terms of reference for

international support, and other fundamental elements of a peace process are exclusively in the hands of national actors.

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