

# Unarmed Civilian Peacekeeping as a Transformative Justice Concept: Civilian Protection and *Everyday Justice* in the Bangsamoro

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This article explores the prospect of theorizing unarmed civilian peacekeeping as a transformative justice concept. Utilizing the principles of transformative justice theory as a framework of analysis, it finds that unarmed civilian peacekeeping produces an environment of *everyday justice*, thereby contributing to transformative peacebuilding. Crucial to this proposed concept of everyday justice is the ability of an unarmed civilian peacekeeping approach to form a link between the elite-level negotiating panels in a peace process and the grassroots constituency in a post-conflict society. The case of voluntary and mandated nongovernmental organizations (NGOs) involved in the Bangsamoro peace process in Mindanao is used to corroborate these conceptual suggestions.

**Keywords** transformative peacebuilding, transitional justice, unarmed civilian peacekeeping, everyday justice, Bangsamoro

## Introduction

The growth of civil society in the Philippines coincided with the country's return to democracy in 1986. The weakness of the Philippine state (Kraft 2003) and its system of democracy provided an avenue for civil society actors to encourage general legal and electoral process reform (Eaton 2003), to mobilize on specific issues such as agrarian reform (Rood 1993), and to directly participate in coalition politics (Abinales 2001). In his piece on contemporary civil society in the Philippines, Magadia (1999, 255) defined civil society as the "complex of networks and associations in society, composed of formally organized non-profit reform-oriented groups, concerned with collective welfare goals and involved in political processes, which are distinct from and autonomous of formal conventional political institutions like political parties and government agencies." The "civil

society” label is often used in the Philippine context to refer to two types of voluntary societal organizations: Nongovernmental Organizations (NGOs) and People’s Organizations (POs). Whereas POs are purely membership-based associations like labor unions and peasant associations, NGOs are composed of professional or semi-professional staff, and maintain legal identity through the government’s Securities and Exchange Commission (SEC) (*ibid.*, 255-256). Following Magadia’s work, Clarke’s (1998, 3) definition of NGOs as “private, non-profit, professional organizations with a distinctive legal character, concerned with public welfare goals” will be utilized here. This article focuses on the role that NGOs have played as instruments of broader civil society in the Philippines to help create a foundation for sustainable peace in the Bangsamoro region of Mindanao.

In cases of intractable non-international armed conflict, NGOs are present through the collaborative and complementary structure between state and civil society. In transitional justice literature, such structure is seen as a step towards finding “alternatives to anti-impunity” (Engle et al. 2016, 289) with the help of civil society actors as key actors in a peace process (Backer 2003, 311). Calls for stronger civil society participation in conflict resolution is a response to the critique of top-down approaches to peacebuilding in transitioning societies (e.g., elite-level negotiations). Top-down strategies are sometimes seen as a deterrent to peace due to perceptions of being political and artificial (Hughes 2018), such as in the cases of Cambodia, Kosovo, and Timor Leste (Simangan 2020). Nongovernmental organization and civilian presence in peacebuilding efforts addresses these concerns and contributes to making conflict resolution more acceptable and recognizable to those on the ground (Martin 2016, 400).

A commonly utilized, but understudied, strategy is the deployment of unarmed civilian presence. This approach is not unique to non-governmental and civil society organizations, as even the UN, the European Union, and the Organization for Security Cooperation in Europe have deployed unarmed civilian interventions in places of conflict (Rossi 2015). The significance of civilian personnel utilization has been a recognized challenge in the development of effective UN peacekeeping (de Coning 2011). Indeed, theoretical and practical interest in an Unarmed Civilian Peacekeeping (UCP) approach has been increasing. Scholars have lauded the UCP approach’s use of nonviolent methods (Julian 2020) and its ability to promote local ownership through local infrastructures for peace (Duncan and Ai-Lin-Loh 2017). The approach utilizes parallel “reactive” (direct protection of civilians threatened by conflict) and “proactive” (diplomacy and conflict resolution) strategies (Venturi 2015, 62). In the same way that UCP’s reactive and proactive dimensions run in parallel with each other, the fulfilment of the peacekeeping mandate and its peacebuilding contributions tend to overlap. This study explores UCP beyond the “approaches-to-peace” lens, and instead, views it as a potential precursor to post-conflict

justice mechanisms. The analysis in this article looks at the operationalization of UCP through the involvement of NGOs in the Bangsamoro peace process in Mindanao, the Philippines.

The International Monitoring Team (IMT), formally established in 2004, was mandated to monitor the Tripoli Agreement of 2001, or the Agreement on Peace Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front. The Terms of Reference (TOR) for the IMT indicate that its role is divided into four aspects: security; humanitarian, rehabilitation, and development; socio-economic assistance; and civilian protection. The Civilian Protection Component's (CPC) mandate is to "monitor, verify, and report non-compliance by the Parties to their basic undertaking to protect civilians and civilian communities" (GRP and MILF 2021, 3). The NGOs involved in the CPC, as well as their strategy of unarmed civilian peacekeeping, is the focus of this analysis.

This article seeks to answer the following question: How can a constituency built around an unarmed civilian peacekeeping approach, and formalized through a peace agreement, help shape post-conflict justice in a protracted peace process? It examines the transformative nature of unarmed civilian peacekeeping approach as a peacebuilding instrument. The inclusion of the CPC aspect in the agreements for the Bangsamoro peace process shows that, in the absence of formal post-conflict justice mechanisms, the civilian protection mandate held by a consortium of international and local NGOs fulfils ad hoc justice processes that will likely have significant influence in the future shape of transitional justice in the Bangsamoro. Leveraging Lambourne's (2014) transformative justice theory, this article argues that UCP's holistic engagement approach created an environment of everyday justice, defined here as *an environment that recognizes structures and relationships between society and the former belligerents as key aspects of a sustainable peace project that deals with the conflict's violent past by transforming relationships, both at the level of peace panels and at the grassroots, while acknowledging the volatility of a post-conflict society and the significance of local context in the methods utilized to keep the peace*. It is argued here that NGOs that use a UCP strategy help transform and strengthen this relationship between post-conflict society and the main parties in the peace process. This article seeks to contribute to literature on the role that the NGO sector plays in peace processes. More importantly, however, in an effort to bolster the mainstreaming (Venturi 2015) of the concept of unarmed civilian peacekeeping, the article's suggested reconceptualization of UCP aims to help bridge the gap between post-conflict justice and peacebuilding literatures.

This article draws on case study material on NGO involvement in the Bangsamoro peace process, with particular attention given to organizations mandated to be part of the CPC. To a lesser extent, preceding voluntary efforts, such as *Bantay Ceasefire* (Ceasefire Watch) founded in October 2001 as an

“independent, grassroots, civil society monitoring” mechanism that aims to hold the two parties accountable to the conflict-affected communities, will also be discussed (Colletta 2006, 26). This research builds on written material and interviews. Scholarly publications, NGO and think tank reports, and peace agreement texts have been cited to establish the context of the peace process and demonstrate the expansion of a civilian constituency through NGO efforts in the process. Interviews<sup>1</sup> with representatives from organizations associated with the peace process, and with an academic who has conducted extensive research on the Bangsamoro, were conducted to supplement the documentary analysis. The comments of the interviewees should not be taken as representative of the views of the entire Philippine and Bangsamoro populations, and certainly not of the main conflict parties, but should be seen as indicative of insights on the potential contributions of UCP to the development of post-conflict justice mechanisms.

The article is divided into three parts. The first part establishes the theoretical premise for integrating the UCP concept within the theory and practice of peacebuilding and post-conflict justice through theoretical advancements in transitional justice and NGO discourses. The second part is a case study that provides an overview of the protracted nature of the Bangsamoro peace process and the need for strong civilian involvement. This is followed by an analysis of the transformative potential of UCP and its ability to help create an everyday justice environment. This part demonstrates that the strong constituency built around the voluntary and official UCP efforts fulfilled interim functions that served as building blocks to conflict transformation.

## Peace, Justice, and the Local Turn

### *Civil Society and Peacebuilding*

Recent scholarship on peacebuilding and justice has focused on the commonalities and complementarities of these two fields (Baker and Obradovic-Wochnik 2016). Mani (2002) wrote one of the earliest works that mentioned this nexus between peace and justice. This framework endures through research that discusses peace and justice as goals that must be equally achieved (Keller 2008) or balanced (Arvelo 2006), while others argue that searching for retributive justice as a peacebuilding strategy will not work well in institutionally weak states (Peou 2014). There has been disagreement between external and domestic actors in peacebuilding on “what transitional justice is and what its goals are” (Arnould 2016, 321). Scholars responded to this lack of a clear conceptualization by exploring the notion that transitional justice has been localized (McEvoy and McGregor 2008; Shaw et al. 2011; Simić and Volcic 2013).

Local resistance to transitional justice can be both a reaction to a narrow liberal peacebuilding approach and an attempt to rethink transitional justice

through alternative political orders (Lamont 2016). This focus on the local, and the critique about the narrowness of traditional peacebuilding, has been the cornerstone of arguments from scholars like Lambourne. To go beyond dualistic retributive-versus-restorative justice views, Lambourne (2009) argues for a transformative model that equally recognizes psychosocial (truth), legal, socioeconomic, and political dimensions of justice in peacebuilding processes. Similarly, others have suggested need-oriented and participatory approaches (Kurze et al. 2015) concerned with answering “whose justice” (Lundy and McGovern 2008, 265) must be of utmost concern in localized peacebuilding efforts.

In the context of transition from conflict to peace, the reciprocal, and often blurred, pattern of influence between the state and civil society has been subject to debate (Chazan 1992; Marchetti and Tocci 2009). As stated in the introduction, civil society concerns itself with collective welfare goals and engages in political processes. In the Philippine context, for instance, religious welfare organizations of Roman Catholic orientation have a history of engagement with society that dates back to the Spanish colonial era. The growth of the communist movement in the country in the 1940s elicited a response not only from the government, but also motivated religious and other welfare organizations to increase their social engagement with peasants and workers. The Marcos administration, starting in 1965, saw a widespread clampdown on civil and political rights, driving many civil society organizations underground; however, there was a later upsurge to help depose the Marcos regime during the People Power revolution of 1986. Since then, civil society in the country has grown as an important actor in political activism and welfare provision within the conducive environment provided by Philippine government and society. Besides NGOs, another important and visible category of civil society is Peoples’ Organizations (POs), commonly referred to in other countries as community-based organizations (ADB 2007).

Civil society plays significant roles in the peacebuilding phase of a peace process, more so than in earlier stages of conflict escalation and peacemaking. The increasing attention given to the role of civil society is largely a product of the local turn (Lederach 1997; Mac Ginty and Richmond 2013) in the execution of peacebuilding activities. Seeing the local as a participatory and accountable mechanism of activity, networks, and relationships (Mac Ginty 2015, 840) has implications on what peacebuilding models are deemed effective. Transitional justice, as an important dimension of peacebuilding, is often studied along these lines. A wider range of actors is preferred in the peacebuilding phase because conflict actors are expected to go beyond addressing manifestations of the conflict, towards the more substantive economic, political, and social issues. Such issues tend to mobilize social movements because they often neglect certain aspects of conflict transformation (Keck and Sikkink 1998).

The presence and participation of local agency in addressing substantive

issues is a manifestation of preference for a bottom-up approach in peacebuilding mechanisms. The interaction between local agents and international actors is often seen as a compromise between a liberal peacebuilding approach and localized conflict resolution practices (Mac Ginty 2011; Richmond and Mitchell 2012). Specific examples are evident in the hybrid tribunals for war crime cases in Kosovo and Timor Leste, that mixed foreign with local judges (Dickinson 2003; Martin-Ortega and Herman 2012). Civil society may engage in norm-framing and norm-changing strategies (Marchietti and Tocci 2009, 213) through inputs in national legal processes or new legal frameworks and capacity-building activities involving both local and international organizations, or even through psychological support to victims (Gready and Robins 2017, 957). More significant than discussions on the international and domestic dimensions of transitional justice processes, however, the literature has given considerable attention to the question of how civil society actually contributes in a transitional justice context. To do this, some have urged abandoning the narrow legalistic notions in transitional justice studies by instead focusing on conceptions of justice that are lived, and constantly contested, in local environments (Ramirez-Barat 2014; McEvoy 2008; Gready and Robins 2017). This line of scholarship generally coincides with a transformative justice model that seeks to redefine transitional justice discourse and the role of civil society.

Transformative peacebuilding includes political, socioeconomic, psychosocial (restoring relationships), and legal justice (accountability) dimensions (Lambourne 2014, 32-33). These four elements form the basis for Lambourne's model of transformative justice, and incorporate six principles: "symbolic and ritual, as well as substantive, aspects of justice, prospective (future oriented, long term) as well as present (including procedural) and historical justice (dealing with the past), local ownership and capacity-building, structural transformation and institutional reform, relationship transformation and reconciliation, and holistic, integrated, and comprehensive" (ibid., 33). It is argued here that the post-conflict environment, created through the help of a UCP approach in the Bangsamoro, exhibits these principles. Such an environment, therefore, provides an indication of how post-conflict justice is understood in a post-conflict society, and how influential civil society can be in the future shape of transitional justice institutions.

#### *UCP: A Role for NGOs in the Local Turn*

Despite considerable recognition of civil society's role in transitional justice literature, the impact of its strategies on transitional justice processes has yet to receive more comprehensive conceptualization (Gready and Robins 2017). As an organized manifestation of civil society coordination with conflict parties, NGOs play an especially crucial role in the liberal peacebuilding project, given the theoretical and practical local turn in peace efforts. The political tension between

international, liberal cosmopolitan and nationalist models of engagement in peacebuilding efforts has challenged and constrained the legitimacy and effectiveness of NGOs' role in peace efforts (Walton 2008; Carey 2012; Walton 2012).

Notwithstanding these constraints, international interveners have adapted to support local peace efforts within conflict-affected communities (Furnari et al. 2015). International NGOs such as Nonviolent Peaceforce (NP), Peace Brigades International, and Meta Peace Team have operated in conflict situations using similar strategies and roles performed by specially trained civilians, adopting a nonviolent form of intervention, and coordinating closely with local civil society actors. These NGOs are some of the frontrunners in the field of unarmed civilian peacekeeping. While often underfunded and largely invisible to global media, UCP missions, acting as ad hoc efforts in deeply divided societies, have outnumbered UN peacekeeping missions (Moser-Puangsuwan 1996). The idea behind UCP's nonviolent approach was shaped by at least five sources: Gandhi's concept of *Shanti Sena*; European attempts to interposition "peace armies" in conflicts; proposals for the UN and the EU to establish an unarmed peacekeeping force; volunteer services developed since the First World War (such as Service Civil International and services of the Christian Church); and military peacekeeping (Julian and Schweitzer 2015, 2). Case studies of UCP projects in South Sudan (Easthom 2015; Furnari et al. 2015), Bougainville (Gehrmann et al. 2015), Sri Lanka (Schweitzer 2009), the Balkans (ibid.), and Mindanao (Rood 2005; Engelbrecht and Kaushik 2015; Schweitzer 2009) have appreciated the potential contributions of this strategy in peace efforts.

Studies on UCP have focused on its effectiveness in keeping the peace through nonviolent deterrence (Mahony and Eguren 1997) as an approach to protective accompaniment and reliance on local people for the security of peace monitors (Schweitzer 2009), as well as ensuring human security through denunciation, persuasion, mobilization, substitution, and support to structures and services (Slim and Eguren 2004). Likewise, Julian (2020, 99) recently explored the *transformative* impact of UCP in an effort to challenge the dominant militarism in peacekeeping practice. She argues that UCP's transformative capacity lies in its relationship with nonviolence theory, and that there is evidence, through the work of organizations like Peace Brigades International and NP, of UCP's ability to prevent violence.

The *transformative model* leveraged in this article seeks to conceptualize a UCP-created environment as an element (more specifically, an antecedent) of post-conflict justice. The above review of literature demonstrates three important theoretical premises that are relevant to the suggestion in this article. First, scholars have responded to the peace versus justice dichotomy by situating justice as part of long-term peacebuilding (Sriram and Pillay 2009). This implies that justice, as a crucial aspect of peacebuilding, must go beyond the conventional concept of a transition, in that it should involve setting up "structures, institutions,

and relationships to promote sustainability” (Lambourne 2014, 22). This opens the possibility of considering transformative models in peacebuilding. Second, and in relation to this transformative view, the local turn, which argues within the same lines as a bottom-up approach to peacebuilding, further recognized the ways in which civil society contributes to a peace process through expertise in contextualization and empowerment (Lederach and Sampson 2000, 55). A UCP strategy, while already considered a conventional and traditional NGO contribution, has yet to be further scrutinized as a transitional justice concept. Finally, while some would argue that NGOs are mere cogs in the state-dominated agenda of transitional justice, NGOs and their activities have been recognized as crucial to the goal of *keeping the peace*. Their value in the context of transition, therefore, must be further analyzed. Given these premises, the following section aims to conceptualize UCP as a transformative peacebuilding mechanism that creates an environment of *everyday justice*.

## Case Study: Unarmed Civilian Peacekeeping in the Bangsamoro Peace Process

### *The Bangsamoro Conflict and Peace Process*

The following is a modest synopsis of the issues at the root of the protracted social conflict (Azar 1990) in the Bangsamoro, aimed at providing context for the operationalization of UCP in the region. Current problems of Moro and indigenous peoples in Mindanao have been traced to the colonial legacy of historical injustice during Spanish and American rule, during which the illegal annexation of the Bangsamoro homeland and the subversion of Moro identity and history are claimed to have started. Legitimate grievances, historical injustice, human rights violations, and marginalization through land dispossession then continued and fueled the conflict through the succeeding post-colonial administrations (TJRC 2017). A Moro insurgency was ignited by the massacre of Moro Philippine Armed Forces recruits by non-Moro Philippine troops in 1968; this incident has often been referred to as the Jabida Massacre (Coronel-Ferrer 2005). In 1972, Nur Misuari founded the Moro National Liberation Front (MNLF) aimed at waging armed conflict to create an independent Moro state. A long, drawn-out conflict with the MNLF ensued until the time of the Fidel Ramos Administration (1992-98), during which a Final Peace Agreement was successfully achieved in 1996 through the efforts of the National Unification Commission and later, the Office of the Presidential Adviser on the Peace Process (OPAPP). The 1996 Final Peace Agreement, however, failed for two reasons: first, the MNLF expressed dissatisfaction over the socio-economic development provisions of the Agreement, and second, the secessionist group suffered from mismanagement and a lack of a common vision as a political organization,



causing it to break into several factions (Bertrand 2000).

One of these factions, the Moro Islamic Liberation Front (MILF), sought to continue a bid for secession from the Philippine state rather than seeking a power-sharing arrangement with the national government. While considered a security threat to the Philippine military, the MILF has been open to negotiations with the government as early as 1997, even agreeing to the involvement of Malaysia as an international mediator. Negotiations revolved around the constitution of a Bangsamoro ancestral domain. Talks on the ancestral domain eventually led to the Framework Agreement on the Bangsamoro in October 2012, and to the Comprehensive Agreement on the Bangsamoro (CAB), in March 2014, that identified a plan for peace for Muslim Mindanao and established a new autonomous region (Chan 2014). A Bangsamoro Basic Law (BBL) was drafted but failed to gain momentum after 44 Special Action Force (SAF) members were killed in 2015 in Mamasapano, Maguindanao by an alleged combined force of MILF and Bangsamoro Islamic Freedom Fighters (BIFF). The SAF contingent was on a mission to kill suspected Jemaah Islamiyah member, Zulkifli Abdhir.

The Bangsamoro Organic Law (BOL) was eventually legislated in 2018, leading to a plebiscite on the abolition of the Autonomous Region of Muslim Mindanao (ARMM), and the creation of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in January 2019. Geographically, the new region included the provinces of Basilan (except Isabela City), Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi, as well as Marawi City, Lamitan City, Cotabato City, and 63 barangays (villages) in the province of Cotabato. A Bangsamoro Transition Authority (BTA) took over the ARMM on February 26, 2019, with the inauguration of the BARMM taking place on March 20, 2019. The BTA is an appointed government that serves as an interim parliament until democratic elections are held in 2022.

The peace process for the Bangsamoro is often seen as a success on its own because it resulted in “significant and meaningful concessions” from both sides of the conflict, and the establishment of a “creative power- and revenue-sharing system with the unitary state” (Abuza and Lischin 2020, 8). A process of normalization of political relations is already underway, contributing to a drastic decline in political violence in Mindanao, Basilan, and Sulu (ibid.). Other significant milestones have become apparent after the signing of the peace agreements and the creation of the BARMM, such as a decommissioning process for former MILF combatants, scheduled to be completed before the parliamentary elections in 2022, the MILF’s transition into a legal political party, and the creation of a Bangsamoro justice system that incorporates a sharia high court (ibid., 9-10).

While these are encouraging developments, Abuza and Lischin’s (2020) analysis of the post-conflict peacebuilding process identifies certain challenges for its stakeholders: (1) the MILF’s lack of governance experience and intraparty

politics between different constituencies within the BTA; (2) the task of negotiating the BARMM's intergovernmental relationship with the national government and local government units; (3) intra-Moro political competition between different ethnic groups, including Maguindanaoans, Maranao, Tausug, Samal, Iranon, and other minority groups, as well as potential spoilers from well-armed political dynasties; and (4) potential security challenges from militant indigenous groups, such as the Maute Group, the Abu Sayyaf Group, and Ansuar Khalifa Philippines, who have pledged allegiance to the Islamic State.

It can be argued that the success of negotiations through the signing of the peace agreements, the ratification of the BOL, and the formation of the BARMM can be credited for the environment of everyday justice proposed here. However, these milestones portray negotiations as a process of state formation dominated by elites, that does not automatically lead to normality (Adam 2017, 63). Likewise, political normalization does not completely address the everyday issues faced in post-conflict societies, as demonstrated by the Transitional Justice and Reconciliation Commission's (TJRC) report on the continued presence of narratives on legitimate grievances, historical injustice, human rights violations, and marginalization through land dispossession (TJRC 2016). The normalization of relations between the government and the MILF, as well as the aggregate implementation of the peace agreements and the BOL, are political endeavors that take place mostly at the elite levels. Normalization has been defined as "a process whereby communities can achieve their desired quality of life," and an effort "to ensure human security in the Bangsamoro and to build a society that is committed to basic human rights" (Office of the Presidential Adviser on the Peace Process 2019, 20). Both Panels see it as a four-phase process that involves (1) the signing of the Annex on Normalization, (2) the ratification of the BOL, (3) the establishment and operationalization of the police force for the Bangsamoro, and (4) the signing of an Exit Agreement which provides that both parties have completed all agreed-upon commitments.

To complement this process, the potential impact that civil society has in bringing the outcomes of the peace process within reach to people in the grassroots must be acknowledged. Do civil society actors lose legitimacy and effectiveness when their advocacy is institutionalized (Black 2014, 177) through close collaboration with governments? The following analysis argues otherwise, demonstrating that the institutionalization of NGOs' civilian protection mandate in the Bangsamoro peace process addresses the shortcomings of a highly political normalization process by, first, creating space in which strategies of proactive engagement and protective presence is used to continue human rights advocacy, and second, by creating a link between the successful peace negotiations and the people at the grassroots.

*The Transformative Capacity of a UCP Approach in the Bangsamoro*

This section utilizes the transformative justice lens, termed by Lambourne (2014), to explain how the constituency built through a UCP strategy contributes to post-conflict transformation in the Bangsamoro. Despite organizational challenges due to linguistic, religious, social, and cultural differences, NGOs operating in Muslim Mindanao found themselves in a strong position. They were able to gain funding opportunities, and even grew in number, particularly after the signing of the 1996 Agreement (Toohey 2005, 98). While the signed agreements and ceasefires proved that successful elite-level negotiations were possible, conditions on the ground showed that the negotiating panels, and their high-level peace talks, were detached from the affected communities. To mitigate this detachment, civil society organizations created a link between the affected communities and the government, as well as with the ex-combatant and combatant groups (ibid., 97). Using the principles of transformative justice theory as framework, Table 1 summarizes the outcomes of the UCP approach primarily utilized by NGOs in the CPC.

First, transformative justice, as did the conventional transitional justice concept, deals with the establishment of conditions and structures to ensure both past (historical) and future justice (Lambourne 2014, 33). This implies equal weight given to present/procedural and prospective/long term commitment. In the absence of a formal transitional justice body to oversee procedural and prospective commitment, voluntary NGO presence in the communities helped foster an environment of everyday justice. In the Bangsamoro peace process, civil society pressured the parties to adhere to ceasefire agreements by utilizing fact-finding and monitoring mechanisms. For instance, the Mindanao Peaceweavers, a consortium of civil society organizations, called for bilateral ceasefires between the Government of the Republic of the Philippines (GRP) and the MILF in 2000 and 2003. NGOs were also instrumental in the creation of both voluntary and formal tracks for monitoring and fact-finding, such as the Independent Fact-Finding Committee that worked with a Quick Response Team in investigating violations of the ceasefire agreements.

The Consortium of Bangsamoro Civil Society (CBCS), which later became part of the CPC, organized *Yakap Kalilintad* (Care for Peace), a civilian protection group present in centers of armed fighting such as areas in Maguindanao and North Cotabato (author's personal communication with Calolong, May 18, 2020). The Peaceweavers' May 2003 conference in Davao City resulted in the deployment of periodic missions in the field, with involvement from people in the local communities and other Mindanao organizations. Supported by Initiatives for International Dialogue (IID), a Mindanao-based international NGO, Bantay Ceasefire conducted investigations, together with the Coordinating Committees for Cessation of Hostilities and the Local Monitoring Teams (Rood 2005, 28). As an independent, voluntary investigative effort, Bantay Ceasefire

**Table 1.** Evaluation of a UCP Strategy Using a Transformative Justice Framework

Transformative Justice Principles <sup>1</sup>	Outcomes of CPC-NGOs' UCP Approach
Dealing with the past through structures that ensure justice in the present and future	<ul style="list-style-type: none"> <li>• Fact-finding and monitoring of violations of ceasefire agreements</li> <li>• Coordinated investigations between volunteer NGOs and official mechanisms, and publishing of reports of organized hostilities</li> </ul>
Structural transformation and institutionalization of procedural justice and future respect for the rule of law	<ul style="list-style-type: none"> <li>• Official mandate for civilian protection given to NGOs (NP, MinHRAC, MPC, MOGOP, and since late 2019, CRS, and CBCS) as part of the IMT</li> <li>• Incorporation of field-level experience and information-sharing into the elite levels</li> </ul>
Healing or restorative truth in the present	<ul style="list-style-type: none"> <li>• Evidence of combatant and former combatant behavior used as reference for official investigations</li> <li>• Field-level reports used in transitional justice and institutional reform policy advocacy</li> </ul>
Symbolic and ritual relevance of justice	<ul style="list-style-type: none"> <li>• Personal engagement with the grassroots through well-established presence in post-conflict communities</li> <li>• Engagement between organizations of different religious and ethnic orientation, within and outside the CPC</li> </ul>
Capacity-building designed for local conditions	<ul style="list-style-type: none"> <li>• Proactive engagement and protective presence were valuable in capacity-building programs (e.g. Early Warning and Early Response and Community Based Human Rights) that raised awareness on civilian rights and addressed immediate security needs of the community</li> <li>• Local partners trained in incident documentation and reporting</li> </ul>
Legal, psychosocial, socioeconomic, and political justice	<ul style="list-style-type: none"> <li>• Support for community-level dispute settlement</li> <li>• Transition from mainly civilian protection and monitoring tasks towards enhanced referral and intervention mechanisms</li> </ul>

<sup>1</sup>Adapted from Lambourne's (2014) Principles of Transformative Justice

was able to publish reports regarding organized hostilities between GRP forces and the MILF. These reports complemented the official fact-finding efforts by the Committees on the Cessation of Hostilities and helped maintain the ceasefire. Local organizations, which had had some early success in ceasefire monitoring, met with NP international staff members in 2005 to explore the possibility of knowledge sharing in terms of preventive engagement, as opposed to post-incident verification (Gunduz and Torralba 2014, 19).

These voluntary efforts from NGOs helped not only in confidence-building, but also in ensuring that the idea of historical, present, and prospective justice was

accessible to the conflict-affected communities. The fact-finding and ceasefire-monitoring models established through Bantay Ceasefire were aspects of UCP presence in the Bangsamoro peace process that eventually extended to more formal and official monitoring, verifying, and reporting efforts organized by mechanisms like the Local Monitoring Teams and the CPC. It is argued here that formalization through a mandate from the GRP and the MILF has guaranteed that accountability is a long-term objective, and that it is part of overall structural transformation.

Second, the long-term vision of transformative justice is not simply about promoting accountability for past, present, and future atrocities related to the conflict; it also extends to the goals of structural transformation and institutional reform that ensures present, procedural, justice and future respect for human rights and the rule of law (Lambourne 2014, 33). Even before the creation of the BARMM, which is perhaps the most significant structural transformation that resulted from the peace process between the GRP and the MILF, the environment created by the formalization of NGO participation in the peace process became an important step towards structural reform. Under the August 2001 Agreement on the implementation of Cessation of Hostilities and Security Arrangements, the parties included a provision on the creation of the LMT (Local Monitoring Team). The LMT was composed of five members, one representative each from the following: Local Government Units, designated by the government; the MILF Political Committee; NGOs nominated by the government; NGOs nominated by the MILF; and the religious sector. These Teams operated as a parallel, official ceasefire monitoring mechanism with Bantay Ceasefire. Like the latter, they followed a UCP approach by providing a “buffer between the government and MILF sites” (Rood 2005, 35). The LMTs worked in conjunction with other official ceasefire mechanisms: the Coordinating Committees for the Cessation of Hostilities (CCCH), which started conducting investigations to breaches of the ceasefires in 1997; the Joint Ceasefire Monitoring Posts manned by military staff from both parties; the Ad Hoc Joint Group (AHJAG) which was set up in 2002 to deal with lawless elements that might affect the peace in ceasefire areas; and the IMT.

The IMT’s mandate included monitoring observance of International Humanitarian Law and Human Rights standards in the peace process. The Agreement on the CPC of the IMT was signed on October 27, 2009, recognizing civilian vulnerability to the effects of war, including large-scale loss of life and mass displacement. The CPC, during its inception, was led by three local NGOs and NP, working with governmental and inter-government organizations within the IMT (Gunduz and Torralba 2014, 10-11). While a Humanitarian Relief and Development Unit already existed to monitor compliance to international humanitarian standards, the work of the CPC was critical as its objectives were focused on civilian safety and security, complementing the IMT’s military-

focused security component. To be a member of the CPC, NGOs had to be recommended and approved by both peace panels. The initial members included NP, the Mindanao People's Caucus (MPC), the Mindanao Human Rights Action Center, Inc. (MinHRAC), and the Moslem Organization of Government Officials and Professionals, Inc. (MOGOP). In late 2019, MPC and MinHRAC became inactive due to a lack of funding from donors. The parties recommended the Consortium of Bangsamoro Civil Society (CBCS) and Catholic Relief Services (CRS) to replace the MPC and MinHRAC (author's personal communication with Alim, March 12, 2020).

This consortium of international and local organizations introduced a UCP approach into the institutional mechanisms of the IMT and the peace negotiations. Presence in the field allowed the CPC NGOs to purposely work at a structural level, through support for the IMT Secretariat and regular coordination between CPC members, and at a personal level, by coordinating information-sharing, activities, and movements using on-the-ground staff's personal rapport with partners. Field-level presence helped in addressing dilemmas related to the effectiveness of the IMT's monitoring mechanism, such as balancing military ceasefire monitoring with a human-rights based approach (Gunduz and Torralba 2014, 23). CPC members effectively maintained impartiality by transmitting reports of conflict incidents (*ibid.*, 37). While civil society organizations have been perceived to have little impact in Track 1 peace negotiations especially before 2009, the formalization of NGO involvement through the CPC mandate significantly improved their influence. The involvement of NGO components in the IMT through the CPC provided an additional communication channel between local-level monitoring networks and the political-level conflict parties.

Third, transformative justice subscribes to principles of restorative truth, in which conditions for relationship transformation and reconciliation are created, as opposed to the traditional, simplistic notion of factual or forensic truth (Lambourne 2014, 33). Societies in transition must be perceptive of the various notions of truth and potentially diverse desires regarding justice and reconciliation (Castillo 2014, 29-30). The TJRC utilized a comprehensive framework for dealing with the past precisely for the purpose of recognizing the diversity of grievances, injustices, and human rights violations related to the conflict (Cagoco-Guiam 2016, 34). Hence, transforming relationships and fostering an environment of reconciliation must also be attempted by creating safe spaces where violence by combatants is mitigated. The UCP strategy of NGOs involved in the Bangsamoro peace process has involved collecting information related to combatant and former combatant behavior in conflict-afflicted areas. Evidence collected by these groups has been used as supplementary information to direct testimony in official investigations (Backer 2003, 302).

The CPC not only monitored the safety and security of civilian communities, but also recorded and reported on incidents of violence (GRP and MILF 2021).

These parallel objectives were made possible through both community-based experience and membership in the IMT. The CPC's fact-finding missions, verifications, and line of communication with the IMT developed into a strategic framework for addressing aspects of post-conflict justice in the absence a formal institution, such as the proposed National Transitional Justice and Reconciliation Commission (Gunduz and Torralba 2014, 27). Information gathered through field-level presence became crucial in advocating for transitional justice policy and institutional reform through available formal channels. For instance, the CBCS, on behalf of the grassroots constituency, advised Congress on certain provisions in the proposed Bangsamoro Bill (author's personal communication with Calolong, May 18, 2020). Currently, they are also part of transitional justice advocacy, ensuring that the future transitional justice institution will be people-driven (Cagoco-Guiam 2016, 36) and ultimately aimed at transforming relationships on the ground.

Fourth, transformative justice recognizes the symbolic and ritual relevance of transitional justice mechanisms in post-conflict societies (Lambourne 2014, 33). Moro and indigenous identities are significant aspects of justice claims related to the Bangsamoro conflict (Carranza 2014, 25). For example, conservative and fundamentalist principles of Salafi Islam tend to considerably shape the identity of Moros. This confluence of Salafi principles with Moro identity is not only apparent in the MILF peace panels, but also in the Salafi-educated members of society. Hence, engagement with the Bangsamoro has required understanding of traditional Muslim values and of antipathy towards external involvement in the peace process that may be perceived as Western or Christian (author's personal communication with Adiong, May 29, 2020). To achieve a deep level of engagement with the grassroots, the UCP approach utilized by the members of the CPC had to build on well-established presence in the conflict-affected communities. Prior to the invitation to join the CPC, NP had already been working in Mindanao, building up networks with grassroots human rights organizations. NP's leadership of the CPC also benefitted from an openness to international presence in the peace process, both at the elite and community levels.

While it is difficult to effectively provide a quantitative measure of the extent of the CPC's recognition of symbolic and ritual processes of conflict-affected communities, the impact of a UCP approach can be qualitatively identified through people's acknowledgement of the members' presence on the ground. Close contact with the conflict-affected communities allowed CPC members to maintain relations with different ethnic and religious groups in Mindanao, although interactions with Lumads, or indigenous peoples, are less frequent (Taberne 2011, 40). Another example of NGO engagement related to this principle is the coordination between different religious and ethnic organizations. Catholic Relief Services (CRS), one of the newer members of the CPC, was

funding Muslim and Lumad organizations even before CRS formally received the mandate in 2019 (Rood 2005, 12).

These examples of NGO engagement did not directly fall under the CPC mandate, but the grassroots and local partnerships achieved through these efforts allowed CPC members to have a recognizable presence on the ground, thereby legitimizing their UCP approach as a locally led peace mechanism. Given the ethnic and religious dimensions of the conflict, and the comparatively fewer Muslim civil society organizations, NGO efforts towards recognizing the individual and societal relevance of the conflict and peace process have been important for transforming relationships within communities affected by the conflict. Through direct links with the peace panels, NGOs can help influence the formation of a transitional justice process that respects the complexity of identities in the Bangsamoro (Carranza 2014, 28).

Fifth, transformative justice focuses on local ownership and capacity-building through adapted and localized political structures and accountability processes (Lambourne 2014, 33). Complementary efforts to build such structures and processes by expanding grassroots involvement in transitional justice have been initiated, such as the Bangsamoro Civil Society Summit on Transitional Justice and the ad hoc transitional justice civil society forum, convened by the Independent Working Group on Transitional Justice and Dealing with the Past in February 2019 (Veneracion-Rallonza 2020). Meanwhile, UCP NGOs used direct engagement with communities to encourage local ownership of transitional justice processes.

NGOs that have been engaged in conflict-affected communities through Bantay Ceasefire and the CPC used a UCP approach to build a constituency and gain experience to meet these expectations. As some of only a few organizations on the ground living and working with locals, CPC members have had the opportunity to enact capacity-building programs, and to cooperate with and influence local leaders. They have been able to maintain this presence and image by using UCP strategies of proactive engagement and protective presence (author's personal communication with Alim, March 12, 2020). While the CPC mandate mainly focused on monitoring, verifying, and reporting of information related to non-combatant protection in affected areas, NP has also had valuable experience in organizing conflict prevention structures at the grassroots level that understand the immediate needs of the community, such as Early Warning and Early Response (EWER) and Community Based Human Rights (CBHR) (Taberne 2011, 12).

The CPC's TOR stated that one of its objectives was "to strengthen ownership of the peace process by supporting and empowering communities to handle conflicts at grassroots levels" (GRP and MILF 2021). The CPC's proactive engagement relied on experience in empowering communities to strengthen local ownership of peace mechanisms. To enhance local communities' understanding



of the transitional justice agenda in the peace process, CPC members conducted awareness-raising activities on civilian rights under International Humanitarian Law and Human Rights (author's personal communication with Alim, March 12, 2020). Access to information from CPC members helped the community to make informed decisions regarding their safety and security (Gunduz and Torralba 2014, 28). Likewise, local monitors affiliated with CPC NGOs were taught how to document and share incident reports, as well as administrative tasks like monitoring and evaluation, and even proposal-writing in order to secure funding. Training local partners has facilitated the growth of skilled civilian local monitoring in Mindanao leading to a sustainable environment for accountability (*ibid.*). Furthermore, close coordination with community stakeholders has contributed to the CPC's monitoring and reporting mandate. Reports of rights-related incidents have been referred to a Regional Human Rights Commission, as part of an established structure for accountability (author's personal communication with Alim, March 12, 2020). As the Bangsamoro awaits a formal national transitional justice institution, the accountability structure built around the CPC's mandate of monitoring and community presence has helped transform conflict-affected communities into stakeholders in a locally owned transition process.

Finally, transformative justice transcends the narrow perspective of formal legal justice by acknowledging that psychosocial, socioeconomic, and political justice dimensions are equally relevant in post-conflict transformation (Lambourne 2014, 33). The spectrum of UCP methods used by CPC members in the Bangsamoro peace process have mainly emphasized monitoring, verification, reporting, and referral of incidents of violence, while performing their mandate of civilian protection. While these methods and the resulting reports of incidents of violence can be beneficial in the search for redress through formal transitional justice institutions, no such institution presently exists in the Bangsamoro case. Hence, the CPC's UCP approach has provided a mechanism of procedural accountability and a structure that promotes respect for human rights and the rule of law. As an integrated and comprehensive peacebuilding mechanism at the grassroots, the CPC has provided sustainable support to community-level understandings of justice.

Crucial to the CPC's capacity to function as a sustainable mechanism for peacebuilding in the Bangsamoro, besides its respect for a balanced consideration of both retributive and restorative justice, has been its ability to remain relevant in the peace process in the post-conflict phase. From being a component of the IMT, the CPC was transferred to the direct supervision of the Peace Implementing Panels after the revision of the IMT's TOR on April 29, 2019. The new TOR also ensured that "the CPC shall remain in place even if the IMT ceases to operate" (Office of the Presidential Adviser on the Peace Process 2019, 32). As the peace process winds down towards the creation of governance institutions for the

BARMM, the CPC has essentially transformed itself into a post-conflict mechanism by re-allocating its resources towards enhanced referral and intervention systems, while maintaining its active presence in local communities (author's personal communication with Alim, March 12, 2020). There have been fewer incidents that require reporting, proactive presence, and accompaniment, but through the credibility and linkages built by engaging with local stakeholders, the CPC has been able to step up its support for community-level dispute settlement interventions (Gunduz and Torralba 2014, 32-33).

### *The Outcomes of a UCP Approach and the Creation of Everyday Justice*

This section explains how the above-detailed outcomes of a UCP approach contribute to the creation of an everyday justice environment and demonstrates how these contributions neutralize the limitations of a UCP approach in the peacebuilding process. Everyday justice was defined here as an environment which recognizes structures and relationships between society and the former belligerents as key aspects of a sustainable peace project that deals with the conflict's violent past by transforming relationships, both at the level of peace panels and at the grassroots, while acknowledging the volatility of a post-conflict society and the significance of local context in the methods utilized to keep the peace.

The above definition reveals two key aspects to this operationalization of the everyday justice concept. First, a link is created between the peace panels and the grassroots by the CPC mandate given to NGOs. Their UCP strategy has led to outcomes that offer some form of procedural and prospective justice redress for conflict-affected communities, in the absence of formal transitional justice institutions. Figure 1 shows that this first aspect of everyday justice is mainly created by the UCP outcomes of the first three transformative justice principles listed here. The second aspect of the everyday justice concept is the acknowledgement of the importance of a context-specific, localized peacebuilding approach. The second half of the UCP outcomes listed in this analysis have helped foster an environment that acknowledges the diversity of Bangsamoro identities and practices, as well as the volatility of the peacebuilding process.

This article proposes to incorporate an everyday justice perception in transformative peacebuilding theory. It is similar to Mac Ginty's (2014) concept of *everyday peace* in that the *everyday* is premised on the malleability and fluidity of identities and practices in a post-conflict society, the heterogeneity of members of a particular community, and the significance of local context and environment to methods used to observe and keep the peace (552-3). It differs, however, in that the *justice* aspect of the terminology does not completely counter what Mac Ginty refers to as the "technocratic turn" (551) dominated by formal peacebuilding projects of NGOs and international organizations. In the contexts of transition and peacebuilding, Lambourne (2014, 22) states that justice "must

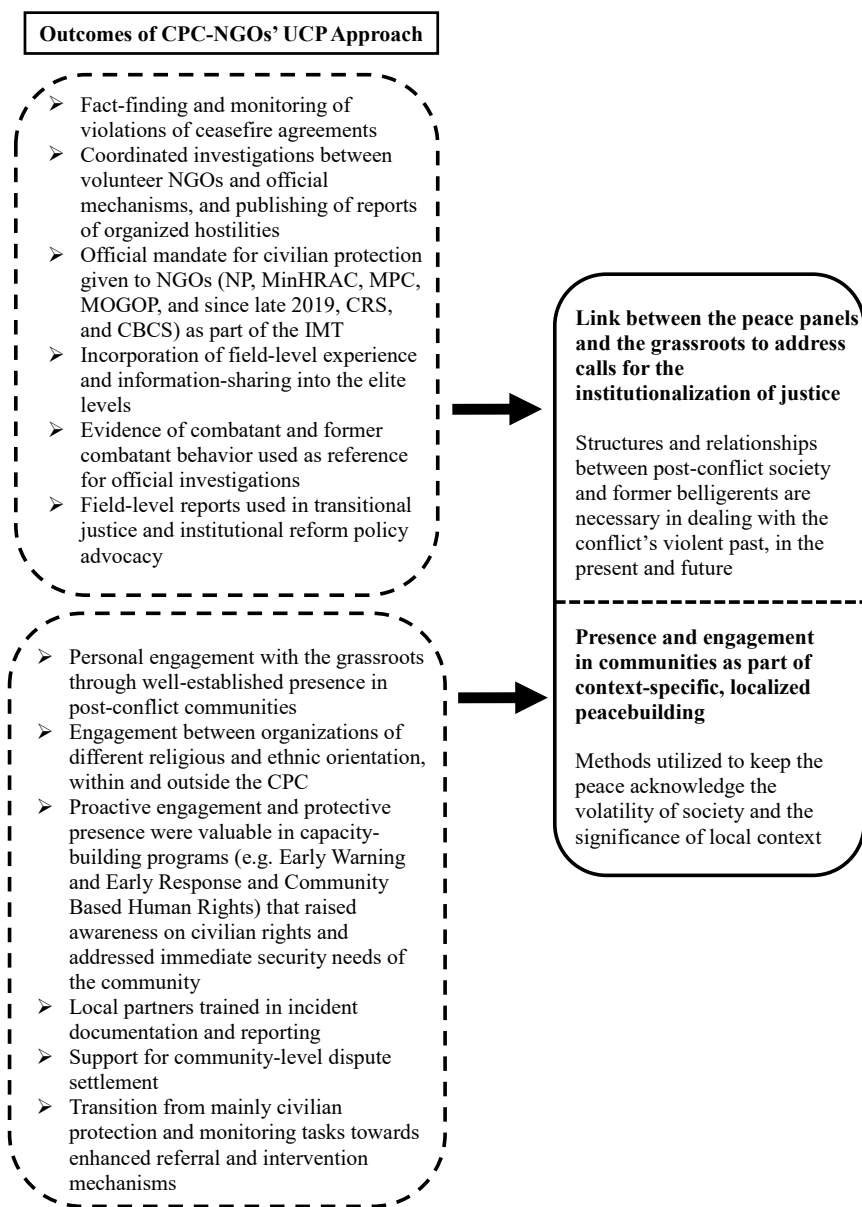


Figure 1. Aspects of an Everyday Justice Environment Created by NGOs' UCP Approach

set up structures, institutions, and relationships to promote sustainability.” The transformative capacity of UCP utilization by NGOs in the Bangsamoro demonstrates that while their activity and engagement in the peace process may be dismissed in the literature as conventional and technocratic, the CPC mandate bridged the gap between localized peace efforts and the “realm of control” (Mac

Ginty 2014, 551) in liberal peacebuilding.

This proposed concept of everyday justice, and the positive impact that CPC NGOs have had towards the creation of such an environment, however, is only part of the comprehensive endeavor of transformation in the Bangsamoro. Hence, the CPC's potential contribution to sustainable peace in the region may be limited by the following factors: (1) negative perceptions towards NGOs by the grassroots constituency in the Bangsamoro; (2) the typical uncertainties associated with NGO operations in liberal peacebuilding; and (3) the overall political and security environment in the country.

First, there is still a tendency for some grassroots actors to view NGOs as outsiders in the peace process, whether due to perceived links with Christian or Western ideas and institutions, or to a supposed weakness in representing and understanding the fundamentals of Moro identity (author's personal communication with Adiong, May 29, 2020). While the field presence of local CPC NGOs like CBCS and MOGOP has helped realize the aim of acknowledging the context-specific nature of peacebuilding, local Muslim and Christian monitors have sometimes faced challenges in operating and maintaining legitimacy. (Gunduz and Torralba 2014, 19). In this context, the presence of an international NGO like NP, with staff coming from different parts of the world, helps mitigate these negative perceptions by upholding a neutral stance and representing international normative standards (*ibid.*, 44).

Second, NGOs, in general, have continued to endure the typical uncertainties related to an organization's life cycle. Chakma (2019) notes that sustainability is a major risk factor in NGO peacebuilding, turning some local NGOs into profit-oriented and donor-driven organizations. For instance, changes in the membership of the CPC in late 2019, in which CBCS and CRS replaced MPC and MinHRAC due to a lack of donor support, demonstrated the issue of NGOs' funding sustainability. Furthermore, CPC NGOs have now exceeded their operational peak, reached in 2010-2011, when donor funding for civilian protection and field expansion was most stable. There are two ways in which the sustainability risk factors have been neutralized in the case of the CPC. First, the CPC has acknowledged that it is now in a transition period in which there is less funding and fewer contracted operations (Gunduz and Torralba 2014, 20). The CPC, then, has transformed its operations from having predominantly civilian protection- and incidence monitoring-oriented activities, towards enhanced referral and intervention mechanisms (author's personal communication with Alim, March 12, 2020). Second, its inclusion as an officially mandated unit under the Peace Implementing Panels means it will continue to be part of the peacebuilding project in the Bangsamoro. Even if the composition of member organizations changes again, as it did in the case of MPC and MinHRAC, the recent renewal of the TOR, on April 29, 2019, has ensured that the CPC will continue to operate and have the support of the peace panels.

Finally, the Bangsamoro peace process is a complex political struggle in a region that continues to face security challenges from pro-Islamic State groups and a culture of kinship-based politics or *rido* (clan feuding). It is primarily up to the national government and the BTA to sustain political momentum and ensure that security sector guidelines are properly implemented to deal with such threats of violence. While the CPC is not directly mandated to resolve these security issues, their strategy of proactive engagement and protective presence can help address related challenges such as human rights violations, civilian casualties, and displacement caused by counterinsurgency operations for Islamist militant groups (Abuza and Lischin 2020, 19) and violence related to clan feuding.

## Conclusion

Informed by principles of transformative justice, this case study demonstrates that a UCP strategy employed by officially mandated NGOs in the Bangsamoro peace process has created an environment of “everyday justice.” It argues that an unarmed civilian peacekeeping approach by NGOs in a peace process fosters a transformation of relationships between the grassroots and the main conflict parties, ideally setting the stage for institutionalized post-conflict justice. The formal mandate given to CPC members (NP, MPC, MinHRAC, MOGOP, and since 2019, CRS and CBCS) bolstered the role that NGOs play in the peace process as a legitimate and credible partner in a long-term, locally owned peacebuilding project.

This article intends to aid in the mainstreaming of UCP as a relevant mechanism in a broader understanding of post-conflict justice. It also aims to contribute to transformative justice discourse by suggesting UCP as an instrument for shaping the perception of justice in the grassroots, and the relationship between post-conflict society and former belligerents. As Bangsamoro society begins to see the fruits of the protracted negotiations between the national government and the MILF, the future of the CPC’s involvement in the peace process is more crucial than ever. The ability to maintain field-level presence and a grassroots network, while upholding an official mandate that gives them a direct line to the Peace Implementing Panels, is an opportunity not afforded to many NGOs. Through this analysis of the CPC, the author hopes to encourage further research on the potential contributions of officially mandated UCP organizations in other peace process contexts, and on their prospective influence on post-conflict justice.

## Notes

1. Using an online video conferencing platform, interviews were conducted with the following resource persons: Dr. Nassef Manabilang Adiong, Associate Professor at the Institute of Islamic Studies, University of the Philippines Diliman (May 29, 2020); Mr. Muamar Sharif Alim, Deputy Program Manager of Nonviolent Peaceforce Philippines (March 12, 2020); and Mr. Mohamad Calolong, Program Staff (CPC Focal) at the Consortium of Bangsamoro Civil Society (May 18, 2020).

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