Many U.S. soldiers serving in Joint Special Task Force—Philippines, with extensive experience in Afghanistan, Iraq and other theaters of war, have repeatedly described the non-international armed conflicts (NIACs) in Mindanao as particularly complex. In an area where there is a strong gun culture, where local residents are part-time insurgents and where kinship ties serve as force multipliers, how indeed do we distinguish civilians from armed insurgents?

This article discusses NIACs in the Philippines and briefly notes the challenges they pose to the security sector in applying the rules of international humanitarian law (IHL). To provide a basic framework in understanding the nature of conflict in the Philippines, we begin with an organizational-level analysis of the NIACs. However, it must be noted that on the ground, from the individual and operational levels of analysis, it is not so neatly delineated. For example, organizational identities in southern Mindanao, unlike in the West, are highly temporal and fluid. Civilians can be recruited to work seasonally for an insurgent group and then quickly and seamlessly resume their civilian lives after operations are completed. Added to this complexity are the changing organizational labels civilians effortlessly assume without much question. Some civilians may work for one insurgent group that has

* General Raymundo B. Ferrer, Armed Forces of the Philippines, and Lieutenant Colonel Randolph G. Cabangbang (INF), Philippine Army.
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an outstanding peace agreement with the government and then on the same day join a command structure of a known terrorist group. Then they very quickly switch to supporting relatives and kin who belong to a group currently in peace negotiations with the government.

Organizations in the Philippines revolve around personalities rather than positions. While the Armed Forces of the Philippines (AFP) strives for interoperability among its branches and with its allies, in Mindanao is an enemy for whom interoperability seems like second nature. The NIACs in the Philippines are largely a homegrown phenomenon with some components heavily influenced by foreign elements. Conflicts rooted in ideologies outside the Philippines have been co-opted to provide a philosophical justification to a grassroots-driven insurgency. This article will primarily focus on two major NIACs facing the Philippines. For convenience, they will be referred to as the two “Ms”: the Maoist group and the Moro group. Their origins will be traced and a description provided of their basic strategies and structures.

The Communist Party of the Philippines (CPP) and its armed wing, the New People’s Army (NPA), use Maoist ideology to justify the armed struggle against the government. The CPP is considered the biggest threat to the security of the Philippines. Its scope is nationwide. While strongest in the northern region of the Philippines, the Maoist group also has a presence in northern and eastern Mindanao. It tends to target farmers in the rural areas, workers in the mining industry, teachers, youth, women’s groups and many other segments of the working-class population that are vulnerable to the persuasion of the Maoist ideology for recruitment. The Moro group, on the other hand, limits itself to the southern Philippines. Like the CPP-NPA, it is also homegrown—a secessionist movement that has been fighting for independence for more than a hundred years. Islamic ideology inspires its members to fight for self-determination and recognition of their ethnic identity.

The Maoist and Moro groups both exploit conditions of poverty and marginalization in marshalling their armed struggle against the government. According to the Asian Development Bank, in 2008 about twenty-six million Filipinos out of a total population of ninety-two million lived below the Asian poverty line. In other words, they lived on about US$1.35 per day. The poorest of the poor live in Muslim Mindanao. The Muslim poor are particularly marginalized from mainstream Filipino society and this fuels much of their grievance against the Philippine government. While the Maoist group targets people through their occupation, the Moro group appeals to ethnicity and shared history in its recruitment efforts.

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The Maoist Movement

The communist insurgency—the longest-running Maoist insurgency in the world—is waged by the CPP and the NPA. In August 2002 the United States designated the NPA as a foreign terrorist organization. Not long after, in November 2005, so did the European Union. The CPP-NPA—together with its legal arm, the National Democratic Front of the Philippines (NDFP)—seeks to overthrow the Philippine government.

The CPP was established in 1968 as part of a larger sociological wave that was then taking the world by storm—the rise of student activism in the 1960s and 1970s. Many scholars argue, however, that the roots of the organization could be traced back to the Hukbalahap—a contraction of the Filipino term Hukbong Bayan Laban sa mga Hapon, which means “People’s Army against the Japanese.” Also known as the Huks, these fighters mobilized against Japanese occupation. The Huks were largely farmers from central Luzon, and were estimated by one source to have about fifteen to twenty thousand active members and fifty thousand members in reserve in the early 1940s. After World War II, the Huks moved on to wage a guerrilla war against the government of the newly independent Philippines. By the early 1960s, the Huk campaign began to wane and the Sino-Soviet split at that time further fractured the group. The CPP established itself as separate from the Soviet-style Huk organization and in 1969 renamed the remnants of the Huks the New People’s Army. The current strength of the NPA is estimated to be around 4,200.

The Maoist group believes that the power of the gun is necessary to protect ordinary citizens from human rights abuses perpetrated by the government and local politicians. The NPA envisions a protracted people’s war, ideally, that would bring about the downfall of the status quo and the replacement of the Philippine government by a socialist State. The modus operandi of the NPA involves the targeting of foreign investors and businesses for extortion, or what it euphemistically terms “revolutionary taxes.” The ultimate goal is to drive these investors out of the Philippines and to bankrupt the economy. The NPA also assassinates individuals such as politicians, members of the media and other personalities who, it deems, stand in the way of its attaining its objectives.

It is observed that the general trend of the rise and fall of the CPP-NPA membership coincides with the level of violence associated with each presidential administration. During the Marcos era (1965 to 1986), rampant human rights abuses fueled the rise of membership in the CPP-NPA. Followers of Marx and Mao in Philippine colleges and universities formed student organizations that protested the plight of farmers in the countryside and the urban poor. Anti-government activism was fashionable back in the 1970s. College students then did not carry cell
In 1972, Marcos declared martial law and for the next thirteen years under his dictatorial regime the CPP attracted many recruits. That trend shifted in 1986 when Corazon “Cory” Aquino, the mother of the current president, Benigno “Noynoy” Aquino, came to power. She became the first woman president through the seminal People’s Power movement in 1986 that was largely propelled by the outpouring of outrage against Marcos over the assassination three years earlier of her husband, Ninoy. Early in Cory’s term (1986 to 1992), a ceasefire with the NPA was declared, political prisoners were released and peace talks with the CPP-NPA-NDFP were initiated. When the talks collapsed in 1987, the NPA returned to arms. The situation worsened when security forces violently dispersed and killed some peasants rallying for land reform one year after Cory assumed power. Acting under the advice of the United States, Cory launched a total war against the NPA. Sustained military offensives successfully reduced the communist forces from 25,200 in 1987 to 14,800 in 1991. A two-pronged strategy was used that could be described in current counterinsurgency parlance as hard power, or military offensive, combined with soft power, or socioeconomic development. In addition to the government actions, there were also brutal purges within the Maoist group that further demoralized its rank and file. Following the attacks of September 11, 2001, the NPA declared an all-out war against the central government, believing it to be controlled by the United States as part of its global war on terror. Although the NPA is unlikely to win a military victory against government forces, its presence persists in the countryside where poverty, injustice and the lack of social services provide conditions for marshaling people’s grievances against the government.

The Moro Front—Three Forms of Struggle

In addition to fueling the CPP insurgency, the oppressive rule of former President Marcos’s martial law in the 1970s triggered the Moro outcry against the central government, which they believed to be the cause of Moro suffering. As with the CPP-NPA, the perception of marginalization drives the underlying anger that fuels the Moro armed struggle. In contrast to the CPP-NPA, the secessionist Moro insurgency largely limits its armed struggle to the southern portion of the country, where the majority of Muslim Filipinos reside. For three centuries under Spanish rule and nearly fifty years of U.S. dominance in the Philippines, the Moros were never conquered as a group. Today, they feel that they have to live under the
Filipino Christian rule of the central government and abide by its non-Islamic way of governance.

Philippine Muslim academic Macapado Muslim neatly summarized six key elements in the Moro grievance: economic marginalization and destitution, political domination, physical insecurity, threatened Moro and Islamic identity, a perception that government is the principal culprit and a perception of hopelessness under the present order of things. Indeed, on the matter of economic marginalization and destitution, the regions where most Muslims reside in Mindanao still remain among the poorest regions in the Philippines. Unemployment, illiteracy and poverty rates are highest in Muslim Mindanao. In terms of political representation in the government, Muslims in Mindanao still feel that they do not have a voice in the central government. And while tremendous gains have been made over the past several years to reduce the extremist hold in the various islands in Mindanao, physical security for the residents has still not reached an acceptable level. There is more to be done in order to encourage business investments in Mindanao and change the perception of rampant lawlessness in the islands.

Secessionist Moro groups have been insisting on the notion of a Moro and Islamic identity as justification for their right to have some form of self-determination. One of these groups, the Moro Islamic Liberation Front (MILF), was seeking independence for southern Mindanao, but a Supreme Court decision held that a draft settlement with the government that would have given the MILF control over large areas of Mindanao was unconstitutional. Now under the peace process it is pursuing with the central government, the MILF is asking to become a sub-state of the Philippines in which the political structure would be similar to the federal system of the United States.

The fifth and sixth elements are also related to the Moro identity—namely, the perception of the inability of the central government to understand Muslim Mindanao and the general apathy of most politicians in the north toward matters concerning the south. Marginalization of the south has always been an effective rallying cry for those who seek to manipulate Moro grievances to gain support for ultimately extremist causes. The perception of the hopelessness of the status quo is partly driving the moral justification for an armed struggle in southern Mindanao. The current Philippine president is trusted, however, by many Muslims and the attempt by the central government in Manila to extend various social services into the far reaches of Mindanao is slowly defeating the perception of hopelessness in many Muslim sectors in the southern Philippines.

These six elements of Muslim grievances have been used in one form or another in the rhetoric of many insurgent groups. There are three major Moro insurgent
groups engaged in violence in the southern Philippines. These are the Moro National Liberation Front (MNLF), the notorious Abu Sayaf Group (ASG) and the MILF.14 As defined by IHL,15 only the MILF among these three can truly be considered as engaged in a NIAC—it has a clear leadership and an organizational structure to implement whatever agreements it may forge with the State, as well as an armed force that it can use to pursue its belligerent agenda. The MNLF, on the other hand, signed a Final Peace Agreement with the government in 1996,16 although it argues that such has not been fully implemented. For its part, the ASG lacks command and control and in many ways, like the MNLF, no longer possesses a formidable armed capability. The MILF remains as the largest fighting force with an agenda of carving a distinct territory for itself in the southern Philippines.

The MNLF and the Origins of the MILF

Around the same time the CPP-NPA was formed, Nur Misuari, who was very much influenced by Maoist ideology, founded the MNLF in 1972 and started an underground youth movement in Mindanao. His goal was to free Muslims from what he described as the terror, oppression and tyranny of Filipino colonialism, and to secure a free and independent State for the Bangsamoro.17 Moro means “country” or “nation.” Moro is derived from the term early Spanish colonizers used to refer to the Moors and has over time become the collective word used for all the various Muslim ethnic groups in Mindanao. Muslims in Mindanao turned this pejorative term into a badge of honor. Bangsamoro means “Moro Nation.” When Nur Misuari declared jihad against the Philippine government in 1972, the MNLF led the armed resistance of all Muslims in Mindanao against martial law. The MNLF became the organizational vehicle that symbolized the Moro cause of thirteen disparate Islamized ethno-linguistic groups in Mindanao; their aim was and is the establishment of an independent Moro nation.

Four years of bloody war in Mindanao prompted the Organization of Islamic Cooperation18 to pressure the MNLF to accept some form of political autonomy in lieu of secession and independence. The MNLF signed the Tripoli Agreement in 1976,19 but frustrations over its implementation a year later led Misuari to revert to armed struggle, while his Vice Chairman, Salamat Hashim, broke away from the MNLF to establish the MILF as the second Moro secessionist group in 1984. The MNLF-MILF split was largely based on differences in political strategy and ideological orientation. The MILF could be described as Islamic revivalist, while the MNLF is more secular-nationalist. Hashim of the MILF wanted to push the peace process under the Tripoli Agreement; this commitment to peace negotiations remains one of the defining points of the MILF. The MNLF, however, believes the
use of force—the same type of armed struggle in which the Maoists of the NPA engage—is necessary to the achievement of peace in the southern Philippines.

The MILF wants to govern the Moro homeland under the ideals of Islam and Shari‘ah law. Religion is central to the workings of the MILF, as can be seen in the active involvement of ulama, or Islamic scholars, in the leadership and internal organization of the group. The MNLF, on the other hand, largely concerns itself with fighting for independence. The leadership style of the MILF is consultative with a central committee that drives the organization’s agenda, while the MNLF has centralized decision making that revolves around the group’s leader. In addition, the MILF is mostly dominated by the Maguindanaos from central Mindanao, while the MNLF is largely composed of ethnic Tausugs, the warrior class, from the Sulu Archipelago. Traditionally, these two Muslim tribes could not stand each other.

The rise of the MILF coincided with Misuari’s declining influence. The MNLF became increasingly fragmented in 1982 and ceased to be a formidable fighting force after signing the Final Peace Agreement. Some of the MNLF rebels were integrated into the armed forces and national police, and some joined various livelihood programs to help them reintegrate into society. Many of the livelihood programs were successfully sponsored by the United States Agency for International Development and the United Nations Development Program. Fisheries, seaweed farming and various other livelihood programs benefited many former MNLF rebels in the Sulu Archipelago.

The MILF Today

The twelve-thousand-strong MILF is the largest Muslim guerrilla group today and the most potent security threat in Mindanao. It is mainly based in central Mindanao, although it has a presence in Palawan, Basilan and other islands in the Sulu Archipelago. Since 1997, it has been pursuing what many describe as an on-and-off peace negotiation with the government. During this period, however, several breakaway groups have continued to engage government forces in armed conflict. To date, about 120,000 people have been killed and about two million people displaced from their homes as a result of MILF-led encounters with government forces.

The latest major conflict was in 2008 when the government of the Philippines initiated the Memorandum of Agreement on the Ancestral Domain (MOA-AD) that gave the MILF its own distinct territory, with a governing body called the Bangsamoro Juridical Entity. Before the agreement could be signed, however, certain non-Muslim leaders in central Mindanao received a copy of the embargoed MOA-AD and began a campaign to undo the agreement, claiming that part of the
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territory covered by the MOA-AD included areas that were never under Muslim leadership. A Christian Vice Governor of a Mindanao province declared that if the MOA-AD was signed there would be bloodshed. Other non-Muslim leaders in other parts of Mindanao filed a separate petition asking the government not to sign the agreement.

The non-Muslim groups were able to bring enough political pressure to prompt the Supreme Court to issue a temporary restraining order preventing signature of the agreement. When the signing ceremony of the MOA-AD was aborted, MILF renegade commanders went on a rampage and attacked villages in northern and central Mindanao. Hundreds died and about 390,000 people were displaced in what is considered to be a NIAC. The Supreme Court eventually declared the MOA-AD to be unconstitutional and Philippine military forces engaged the three renegade MILF commanders. One of those commanders, Ameril Umra Kato, broke away from the MILF and recently spoke of taking up arms if the current government of the Philippines—MILF peace process fails again or is endlessly delayed.

The MILF leaders put forth significant effort to bring an international audience into the peace negotiations. An International Monitoring Team, composed of representatives from Malaysia, Brunei, Libya, Japan, Norway and the European Union, oversees the 2001 ceasefire agreement between the MILF and the government of the Philippines. With international monitoring, over seventy agreements have been reached between the MILF and the Philippine government since 1997.

Alliance with the Abu Sayyaf Group

One Moro group without any form of ceasefire agreement with the government is the ASG. Although the conflict with the ASG now consists of isolated and sporadic acts of violence and thus does not meet the threshold requirement of a “protracted armed conflict” against an “organized armed group” to be classified as a NIAC, the ASG does have tactical alliances with the MILF and in the conflict's early years it could be argued that it was a NIAC.

The inspiration for the al Qaeda–linked ASG came from radical Islamism—notably the jihad against the Soviet invasion of Afghanistan. Around the time that the MNLF was engaged in peace negotiations with the Philippine government in the late 1980s/early 1990s, an underground movement of disenchanted youth began to be mobilized by a charismatic preacher in Basilan, Abdurajak Abubakar Janjalani. He wanted an independent State for the Muslims in Mindanao. Academics continue to debate whether Janjalani participated in the fighting against the Soviets during the Afghanistan war. Regardless of whether he did or did not participate, the primary driving force behind the ASG’s formation was the perception by many
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idealistic Muslim youth that the MNLF had engaged in a jihadist war that it failed to complete. The disenchanted Muslim youth felt that the older cadres had abandoned the spirit of the Bangsamoro’s 1970s struggle against the government. They felt the MNLF leaders had betrayed their cause and acquiesced to the Philippine government when it entered into peace negotiations.

Janjalani formally founded the ASG in 1992 and justified his jihad-based violence on the following arguments: (1) the Philippine government with the help of its Christian allies, notably the United States, severely oppressed the Bangsamoro people; (2) this oppression occurred because of the unwelcome intrusion of Christians into the Muslim homeland; (3) to defeat this oppression, the struggle for the cause of Allah must be waged against the Christian invaders; and (4) it was the personal obligation of every Muslim to carry out this jihad and failure to do so would be a sin against Allah.

Obviously, many of the ideals espoused by the group overlap with those of the MILF; thus, the movement of members between these groups tends to be seamless. Additionally, many of the members of the two groups are related through blood ties.

Driven by its secessionist and extreme Islamic ideology, the ASG quickly became internationalized with the involvement of the Jemaah Islamiyah, whose goal is to establish a Muslim caliphate throughout Southeast Asia. With the death of Janjalani and the demise of several key ASG leaders, the ASG’s jihadist ideological fervor has died down, particularly among the rank and file. Many argue that the ASG has now been reduced to a criminal band. Kidnapping has always been a consistent staple for the ASG to raise funds, prompting many observers to argue that Janjalani’s jihad has become a cloak to justify the criminality of the ASG. While the long-time ASG members remain loyal to the original cause that led to the organization’s establishment, the financial pressures, lack of loyalty among the rank and file and the U.S.-backed military offensives against the ASG have degraded the once notorious Moro fighters into a bunch of thugs.

Challenges in Applying the Rules of IHL

IHL rules, for humanitarian reasons, seek to limit the harmful effects of wars and armed conflicts on non-participants. While these rules do not prevent the use of force by the State, IHL restricts the means and methods that may be employed. Memorandum Order 9, issued on August 7, 1998, directed Philippine security forces to implement the Comprehensive Agreement on Respect for Human Rights and the International Humanitarian Law (CARHRIHL) that was signed by the NDFP and the Philippine government five months earlier in The Hague. Prior to
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the issuance of the order, the issue of human rights protection and the application of IHL rules were not clearly spelled out to the parties to the ongoing NIAC.

For over forty years, the two concurrent NIACs in the southern Philippines have extracted an exorbitant toll in the number of lives lost, damage to property, expenditure of government resources and economic opportunities lost due to the prolonged conflicts. The social cost of the conflict in terms of damaged social cohesion and the diaspora of Muslims in Mindanao is arguably much greater. During the early years of the conflict, there were indeed IHL violations committed by the major players—government forces, Moro rebels and communist insurgents. Most of the abuses blamed on the government forces happened during the martial law years from 1972 to 1981. Reports on the protracted conflicts, however, make it appear that there were widespread and continuing violations of human rights.26

In fact, during the early years of the Moro secessionist and the Maoist communist insurgencies, NIAC rules were not all clear to State security forces. The Cold War period was characterized by wars of national liberation or internal wars. The four 1949 Geneva Conventions were a product of World War II and, except for Common Article 3, applied only to international armed conflict. Additional Protocols I and II to the 1949 conventions, the latter of which applies to non-international armed conflicts, were not agreed to until 1977. These rules would emerge after both the NPA and the MNLF had initiated hostilities with the State military forces.

The AFP has been involved in internal security operations since martial law was declared by President Marcos in September 1972. Since then, the AFP and the Philippine National Police have been performing both law enforcement and combat operations against insurgent groups. For lack of an understood legal framework, human rights law and IHL rules were confusing when applied to these two types of missions.

The nature of the NIAC in the Philippines today and the operational strategies employed by insurgent groups pose serious challenges to adherence to IHL. Discuss below are some of these challenges.

Principle of Distinction

The principle of distinction requires that combatants be distinguished from non-combatants in carrying out military operations and that only the former may be the direct object of attack. This principle has, at times, been difficult to implement. The often-used phrase to describe the dilemma faced by the AFP is “a farmer by day and a guerrilla by night.” This phrase is literally true in the case of NPA militia members, who can be both farmers and fighters. Even though IHL permits these farmer/fighters to be targeted at all times, since they are members of an organized
armed group performing a continuous combat function, this is extremely difficult in practice, because their failure to distinguish themselves from the civilian population makes the issue of identification a difficult one.

Another issue is that the NPA routinely engages in conduct that would be perfidious in international armed conflict. Regular communist guerrillas usually carry guns similar to those issued to the State security forces. Disguised in regulation government uniforms and bearing arms, the insurgents deceive civilians enough to avoid detection and get inside police stations or military detachments to successfully conduct raids.

In addition, the NPA routinely uses unarmed civilians as couriers and messengers, as an early warning system and as bearers of logistics for their fighters. Although this is not a distinction issue, when arrested they simply deny their participation in NPA activities. In most cases such arrests are carried out by government forces based only on intelligence information. While no arrest is made until the intelligence information has been corroborated by informants or captured enemy personnel, courts hold this is insufficient to gain a conviction without accompanying physical evidence that, in most cases, cannot be supplied. The result is a cycle of arrest followed by release and return to participation in NPA operations.

In their operations, communist guerrillas are known to mingle with civilians. They move around villages, engaging in propaganda work and soliciting foodstuffs. When government troops come upon them in the villages, civilians can get caught in the crossfire. Also, within NPA camps, civilians, who are generally relatives of the rebels, are utilized as cooks, for various errands in support of the NPA or as lookouts. While these camps are situated well away from civilian villages and can be targeted without risk to the inhabitants of those villages, endangering the civilians within the camps can be characterized as a human rights issue for the NPA’s propagandists to exploit.

For the members of the MILF, on the other hand, their camps are also their communities. It is not uncommon for MILF villages to be fortified with trenches, firing positions, outposts, guard posts and other defense structures. Usually, Muslims build a mosque or madrasah within their camps around which, because of the communal nature of their society, houses are clustered. During ceasefires, the MILF members have their families staying in the camps to farm and do other chores.

The AFP does not have precision-guided munitions in its inventory. While the munitions employed by the AFP are sufficiently discriminate to meet the requirements of the law of armed conflict, civilian objects are sometimes hit by the AFP’s bombs or artillery rounds. In order to minimize these occurrences, the AFP has
established a rule of engagement (ROE) whereby a forward air controller or a forward observer is required to be present before engaging a target with indirect fire.

Most MILF members are part-time farmers and part-time fighters. During engagements with military forces, they shift easily from civilian status to fighters. The MILF also has women members who serve as auxiliaries and are employed to carry the ammunition, food and medical supplies. Because of these circumstances, military operations frequently result in internal displacements, especially to the families of MILF members. It is required, therefore, that before offensives, evacuation areas be coordinated with the local government to ensure the safety of the internally displaced persons (IDPs), many of whom are family members of the MILF active fighters. This humanitarian consideration can work to the advantage of the MILF members. Food and medical supplies distributed to the IDPs have been known to end up with the MILF fighters, legitimately raising the need to control the distribution of relief goods to ensure they are not passed on by the IDPs to the MILF combatants.

**Principle of Proportionality and Limitations on the Use of Means and Methods of Combat**

This principle is generally addressed in AFP ROEs issued by higher authorities to operational commanders. It is, for example, generally prohibited to use artillery or bombs to attack NPA camps unless the camp is well fortified, since the NPA uses only light weapons, and since the use of higher-order weapons has the potential to cause excessive fear among civilians living nearby.

In the case of the MILF, which has well-fortified camps in or around its communities, it is sometimes necessary to use artillery or bombs to neutralize these strongholds. Care is taken during the early stages of the hostilities, however, to avoid targeting the center of the camp, where the houses are clustered, on the assumption that these could still be occupied by civilian family members.

**Children Involved in Armed Conflict**

Both the Maoist group and the MILF use children as child soldiers. There have been many incidents when our troops have captured child soldiers, both male and female.

**Landmines**

Landmines of various types continue to be used by all rebel groups—NPA, MILF, MNLF, ASG. Some are used in accordance with IHL; some are not. In the period 2000–2006, total reported casualties (killed and wounded) from landmines and improvised explosive devices were 362, of which 299 were soldiers and policemen,
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while 63 were civilians, some of them children. The NPA commonly uses improvised command-detonated anti-personnel mines and anti-vehicle mines. In recent years it has extensively used improvised claymore mines in command-detonated mode, using scrap metal in lieu of steel balls. Because of CARHRIHL, the CPP-NPA-NDFP made certain commitments which were generally consistent with IHL rules on the use of landmines.

Unexploded Ordnance and Explosive Remnants of War
Unexploded ordnance (UXO) or explosive remnants of war (ERW) left in the battlefield pose danger to IDPs returning to their homes and farms in conflict-affected areas. As a result, during the cessation of hostilities, the AFP is undertaking an extra effort to recover these UXOs and ERW.28

Proliferation of Small Arms and Light Weapons
Small arms and light weapons proliferate in the Philippines, complicating the armed conflicts, particularly in the southern Philippines. There are an estimated one million licensed firearms in the country and more than two million illegally acquired firearms in Mindanao alone.29 The proliferation of small arms and light weapons contributes to the formation of private armed groups and warlordism, as well as the frequency and intensity of lawlessness and clan wars in Mindanao.

Addressing NIACs in the Southern Philippines

There are parallel peace tracks currently under way in connection with the non-international armed conflicts in the southern Philippines under which the Philippine government is pursuing peace negotiations with both the CPP-NPA and the MILF.

Today’s environment is one in which localized conflicts have become increasingly intertwined with the social values of a larger international audience, bringing about the downfall of institutions and governments. Small grassroots movements and extremist cells throughout the world have capitalized on social media networks to gain sympathy from an international audience all too willing to impose its moral values and judgments on the legitimacy of armed conflicts. In the case of the Philippines, however, one could argue that these two NIACs, with long roots in the past, largely remain outside the reach of an increasingly globalized world. These NIACs appear to be propagated in the hearts and minds of people who simply refuse to let go of the past.

Yet there is hope for a future generation in which the fatigue of war and the rhetoric of grievance no longer inspire the same intense anger. Experience in
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working with various communities has demonstrated that promoting peace is another way to defeat the enemy. We have learned that people will behave according to the way they are viewed—if treated as an enemy, then they will become one; if treated as partners they will respond in kind. With all their complexities, the non-international armed conflicts in the Philippines could be viewed simply as a cry for human security—the need to lead a dignified way of life where the basic necessities of survival become a fundamental right for each and every individual. If that need can be met, peace may follow.

Notes

2. Deputy Chief of Staff for Intelligence, J2, Armed Forces of the Philippines, First Semester 2011 Intelligence Report (2011). This restricted source is also used for figures on enemy strength and operational strategies employed by armed threat groups that are cited elsewhere in this paper.
5. The NDFP serves as the umbrella for various mass organizations of Maoist persuasion.
8. Ninoy, or Senator Benigno Aquino Jr., was recognized as the staunchest critic of the Marcos regime. He was assassinated on August 21, 1983.
12. Positive changes may yet emerge to improve political participation in the ongoing peace process and the political will of the current president to address the Moro problem.
13. The sub-state proposal of the MILF is also proving to be a thorny issue that has yet to be resolved by the ongoing talks between the government of the Philippines–MILF peace panels.

14. In 1984, the MILF spun off from its founding organization, the MNLF.

15. See the Rome Statute of the International Criminal Court, which defines non-international armed conflicts as “armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.” Rome Statute of the International Criminal Court art. 8(2), July 17, 1998, 2187 U.N.T.S. 90 [hereinafter Rome Statute].


18. Formerly the Organization of the Islamic Conference, the Organization of Islamic Cooperation (OIC) was established in 1969 and now consists of fifty-seven member States. The OIC describes itself as “the collective voice of the Muslim world and ensuring [sic] to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various peoples of the world.” About OIC, ORGANIZATION OF ISLAMIC COOPERATION, http://www.oic-oic.org/home.asp (last visited Oct. 26, 2011). The OIC mediated talks in 1975 and 1976 that led to the Tripoli Agreement, infra note 19.


21. Data used in this section come from a paper commissioned by the Government of the Philippines—UN Act for Peace Programme on the issue of internally displaced persons in selected areas of Mindanao. The program was implemented by the Mindanao Economic Development Council and the Autonomous Region in Muslim Mindanao in 2010 to provide an overview and analysis of the IDP situation in these selected areas to contribute to a better understanding and awareness of its complexity and to generate policy recommendations that will guide future actions and programs for the internally displaced.


23. Jemaah Islamiyah has been designated a foreign terrorist organization by the U.S. Department of State.

24. The perception of the ASG’s transition from revolutionary to criminality is noted by community residents on Jolo and Basalan islands, where ASG presence had been and continues to be strongest. See GAIL T. ILAGAN, THE MINDANAO RESILIENT COMMUNITIES PROJECT REPORT 42–47 (2011).


26. In the southern Philippines the conflicts were made more complicated by the proliferation of arms. Also, civilian armed groups and vigilante groups are utilized to serve the personal interests of political warlords. See SOLIMAN M. SANTOS JR. & PAZ VERDADES M. SANTOS,
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27. The NPA only has a few mortars and usually uses light machine guns to defend its positions.
29. See SANTOS & SANTOS, supra note 26.