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The Gray Zone of Irregular Forces: Politically Sanctioned, Local Defense, and Organized Crime Groups in the Philippines

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5 The gray zone of irregular forces

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Jennifer Santiago Oreta

Introduction

The term “gray zone” (Craps, 2014: 202–203) is used in this chapter to describe the ambiguous and complex situations in the peace, conflict, and security landscape. It is premised on the reality that a threat environment and contemporary security problems have made it difficult to clearly distinguish what is legal, legitimate, and appropriate. The gray zone is the in-between space where parties navigate in a continuum of non-violent and violent actions, legal and illegal policy environments, and legitimate and illicit engagements. Gray zone activities are subject to very little regulation, if any.

The political, economic, and security environments in geographically isolated and depressed areas serve as incubators of radical ideas. The overlapping issues of poor governance, national government’s neglect, clan politics, political dynasties, poverty, and underdevelopment create a fertile environment for rebellion, transnational crimes, local crimes, and terrorism. Power remains in the hands of the elite, and those who run for office, once elected, use their access to power, resources, and information to consolidate their economic and political clout. Governance is not the reason for running for office, but it is the excuse given by those who want to gain political power.

Conflict-affected communities offer a pool of sympathetic individuals who can either be potential recruits to armed groups or provide support and assistance to whoever will give them the best utility. Conflict-affected areas are those “where (a) there are actual armed encounters between the government forces and political armed groups; or (b) where political armed groups dominate the state of affairs of the community.” Conflict vulnerable communities are those “proximate to conflict affected areas, where possible ‘side-stepping’ of armed group(s) is imminent. It can also include geographically isolated and disadvantaged areas whose resources (actual or symbolic) are deemed valuable by the political armed group” (OPAPP, 2016b: 3).

In 2016, the military declared that 76 of the total 81 provinces in the Philippines are conflict-affected areas. The lack of access to roads and poor infrastructure in some provinces leave areas in relative isolation, creating safe havens and recruitment hubs for armed groups. In these communities, militias have

relative freedom to move without the fear of detection from state security forces.¹ While armed threat groups are found mostly in remote areas, their operations affect the development and security stability of the entire province, creating an unceasing cycle of underdevelopment and armed conflict. Poverty, lack of economic opportunities, poor service delivery by local government units, poor justice system, poor peace and order, and widespread proliferation of firearms are the common characteristics of these areas. Illegal gun proliferation complicates further the conflict dynamics in these localities (Oreta, 2012: 68–69). In the Bangsamoro areas, for instance, security officials confirm that almost every household has a firearm² and guns are prized instruments of power and status. The easy availability of guns greatly contributes to the formation and survival of irregular forces in local settings, and those unable to purchase their own firearm gravitate toward groups that can provide them.

Compounding the issue would be the limited capacity of the local government units and the lack of strong political will of officials to address the problems.³ The regions in Mindanao have the unfortunate fate of having all types of armed groups present in the area – communist insurgents, Bangsamoro secessionist groups, terrorist organizations, criminal syndicates, private armed groups, and paramilitary groups. After decades of being autonomous, the region still lags behind in infrastructure development. Irregular forces offering private security services thrive in this environment. When there is an absence of a clear mechanism for peace and order, people gravitate toward those that offer the greatest utility. The inconsistent policy of peace-and-war of the government, the lack of a comprehensive plan to address irregular forces and terrorism, and the wavering political will of the government explain why the problem endures for generations.

Armed groups and militia formation in the Philippines showcase their fluidity of movement, from legal, political, and criminal. This creates a huge gray area that makes the issue difficult to wrestle with. This chapter attempts to illustrate the “reversible-jacket” nature of irregular forces, where group identity shifts based on necessity and convenience; it will also discuss how the overlap in the physical-operational space of armed groups creates a condition where combat strategies and tactics are shared and grievances cross-pollinate. The chapter will also highlight the problematic nature of politically sanctioned groups or groups created based on peace agreements and how vulnerable they are to cross over to criminal groups, if not terror groups.

The threat landscape and the complex security context

After independence, the country was immediately confronted with a communist insurgency demanding social and political changes. To this day, the communist group continues to advance the political agenda of toppling the government and replacing it with a communist order. The Philippine government, since 1986, has attempted to forge a political settlement with the group, the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF) but was only able to forge agreements with its two breakaway groups, the

Cordillera People's Liberation Army (CPLA) and the Revolutionary Proletariat Army-Alex Boncayao Brigade (RPA-ABB).

CPLA members belong to the indigenous groups found in the northern Cordillera region, and the main fuel of its rebellion was the development projects initiated by the national government that would displace the indigenous communities from their homes. Members of the RPA-ABB, on the other hand, are primarily farm workers found in the Negros-Panay island, and the motivation for fighting the government was fueled by the landlord-peasant oppression associated with in a farmland setting (OPAPP, 2016c: 32–38).

The southern part of the country is beset with problems of secessionism and terrorism. In 2014, the Philippine government signed a peace agreement with the Moro Islamic Liberation Front (MILF), aimed to cap the decades of struggle of the Bangsamoro people, the identity label adopted by the Muslims in the South of the Philippines. Called the Comprehensive Agreement on the Bangsamoro (CAB), the agreement was supposed to fill the gaps of previous agreements forged by the preceding group, the Moro National Liberation Front (MNLF) from where the MILF decided to separate in 1978. The MNLF, founded in 1970, signed an agreement with the government in 1976 and a Final Peace Agreement in 1996. Several decades after the signing of the said peace deals, the demobilization of arms and forces (DAF) remained nominal and the gains of the agreement have not achieved the peace it promised. The 2014 CAB has more detailed political and economic deliverables; it also has a clearer DAF, labeled as “normalization,” and is meant to be implemented together with the political milestones of the peace deal (OPAPP, 2016c: 32–38). Years after its signing, the progress of the normalization agreement remains unimpressive.

An initiative called the Bangsamoro Leaders Forum was convened during the administration of Pres. Aquino. The initiative attempted to bridge the MNLF and MILF leaders and unite them under a common agenda.⁴ The effort, however, was short-lived. On the other hand, a Convergence Forum for Development, meant to forge a partnership with the MNLF Senior Leaders, was also organized in 2013 by the Autonomous Region of Muslim Mindanao (ARMM) Regional Government.⁵ This effort also faced numerous challenges. The differences in opinion and agenda, and the personal conflicts between and among the leaders and members of the groups complicated the attempts to forge unity.

It is in this environment that terror organizations thrive. Disgruntled MNLF members formed the Abu Sayyaf Group (ASG) in 1991, and its operations would significantly affect the threat landscape in the Bangsamoro area. ASG would stage kidnapping and bombing, targeting civilian populations and later on would pledge allegiance to ISIS (Islamic State of Iraq and Syria) in 2016.⁶ Meanwhile, disgruntled members of the MILF also created the breakaway group, the Bangsamoro Islamic Freedom Fighters (BIFF) in 2008. The same BIFF would pledge allegiance to ISIS in 2016. The de facto link of the ASG members to MNLF members and the BIFF to MILF members, owing to family ties and kinship relations, would create more problems to the peace process of the government in the Bangsamoro region.

Political opportunities

The persistent presence of armed groups in local communities is largely due to the government's swinging policy of "all-out-war" and "all-out-peace" (Meyer, 2004: 125). All-out-peace is the government campaign line referring to the primacy of the peace process as policy. The Philippine Development Plan 2011 states that "the peace process shall center on the pursuit of negotiated political settlement of all armed conflicts and the implementation of complementary development tracks to address its causes. This shall be anchored on conflict prevention and peacebuilding in conflict-affected areas" (Philippine Development Plan, 2011: 292). "All-out-war," on the other hand, is the campaign line that gives primacy to military solutions in dealing with armed rebel groups. The term "all-out-war" was popularized during the administration of President Estrada (1998–2001) when peace talks with rebel groups failed to forge political settlements. This vacillating tendency creates confusion and inconsistency in policy guidelines and operations of concerned agencies. From the time of the administration of President Corazon Aquino, the national government has shifted its position between peace talk and military solution as the centerpiece of the peace and security policy agenda.

The Corazon Aquino administration (1986–1992) started the peace talks with the CPP-NPA-NDF and the MNLF, but this effort failed to achieve its goal. Toward the end of the administration, a military solution was resorted to in dealing with rebel groups.

The Ramos administration (1992–1998) had major headways in the peace negotiations, with the signing of The Hague Agreement (September 1992) with the CPP-NPA-NDF that frames the peace negotiations with the group, and the Final Peace Agreement with the MNLF in September 1996 (OPAPP, 2016a). When the Estrada administration took over (1998–2001), the peace talk was again replaced by a military solution. With the Arroyo administration (2001–2004; 2004–2010), peace negotiations and peacebuilding work were again continued, this time, with the added peace table with the MILF. In 2008, on the eve of the signing of the major peace deal with the MILF, the Philippine Supreme Court issued a temporary restraining order that halted the signing of the agreement. It also signaled the renewed armed hostilities between government forces, the MILF, and the newly established BIFF.

Under President Benigno Aquino (2010–2016), the peace process again became the centerpiece of the peace and security agenda of the administration. Under this administration, the Comprehensive Agreement on the Bangsamoro (CAB) was signed between the Philippine Government and the MILF; the administration also attempted to complete the political commitments made by past governments with the groups CPLA and RPA-ABB. (OPAPP, 2016c: 10). The phrase "all-out-justice" was popularized, claiming it to be more "sober and fair" and focused on going after criminal elements operating in conflict-affected areas (Pedrasa, 2011).

The swinging pendulum of peace-and-war of the government is among the major reason government peace and security efforts remain ineffective and its

successes short-lived. The inconsistent policies, the absence of a comprehensive plan to address irregular forces and terrorism, and the wavering political will of leaders explain why the government fares behind in synchronizing its programs and converging its efforts to address the problem. The 2007 Human Security Act, the primary anti-terror law, was inadequate and has not been fully utilized. This law has recently been replaced by the Anti-terrorism Law of 2020, but its effectiveness remains to be seen. Likewise, the national action plan to deal with terrorist groups has just been passed in 2018 (DILG official 2020, personal communication, September 22) and concerned government agencies are just in the process of organizing themselves to implement the plan.

Policy guidelines between national and local government units are also conflicting. While the national government has repeatedly declared its strong position against terrorist groups, local government units such as those in Lanao del Sur and Basilan have established reintegration programs for members of the Maute Group and the ASG,⁷ both groups affiliated with ISIS. In the last quarter of 2020, the Department of National Defense issued Administrative Order No. 25, amending the Expanded Comprehensive Local Integration Program, to include members of terrorist groups in the reintegration program.⁸ These developments are all happening in the midst of continued focused military operations against the armed groups.

The confusing policy directives affect the response of local government units. Short-term interventions are done at the local level to address security problems, and ad-hoc arrangements are adopted by communities directly affected by the presence of terrorist groups. For instance, after the Marawi siege, the provincial governor of Basilan declared an “all-out war” against ASG/ISIS affiliates in the province, while at the same time offering the reintegration program as a peacebuilding initiative. In cooperation with the military and capitalizing on the powers accorded by martial law in Mindanao, the provincial government initiated a strong-arm strategy. Military offensives were done in some areas, while food rationing was initiated in areas believed to be ASG hideouts. This move was meant to constrict the maneuver areas of the group. It was carefully handled as the move can be construed as violating people’s rights.⁹ The provincial government claims that their effort significantly reduced the number of ASGs operating in the province. More than 200 ASG members have surrendered to the provincial authorities in Basilan from January to November 2017 (Alipala, 2018) and in 2018, it was reported that only 35 ASG members remain in the entire province (Wakefield, 2018).

Military intervention as a stopgap arrangement to address security and terror threats in conflict areas has become normalized (Senior military officer 2018, personal communication, August 2). Martial law in Mindanao, despite its potential negative effect on democratic governance, was favored by communities affected by the presence of armed groups. Martial law in Mindanao was declared from May to December 2017 and was renewed in 2018 and 2019 (Gotinga, 2019).

Mobilizing structure and armed activities

Complicating the peace process are the horizontal conflicts by feuding families in the Bangsamoro that eventually feed on and latch to the vertical conflicts of state and non-state armed groups. Referred locally as “rido,” clan conflict is one of the major reasons private armed groups are maintained by political families. Rido generally affects Muslim families, is not easily resolved, and can span generations. There are various conflict triggers for rido, but the most common cause is conflict over resources, specifically land disputes and electoral-political power (Durante, 2007: 105). Settlement for rido employs the legal platform but likewise utilizes platforms that are not necessarily legal and are generally in the gray zone, for instance, families agreeing to settle their conflict using “blood money” or payment for a death caused by rido without going through judicial court proceedings.

The fear of getting embroiled in rido has a direct effect on peace and security in these areas. Muslim police, for instance, may hesitate to get involved in security cases that might entangle their own family in rido (Police official 2018, personal communication, August 24). When agents of peace and order turn a blind eye to security matters, what prevails would be informal security arrangements to fill the gaps. Political families hire private armed groups (PAGs) to provide them security, and hence, private security service thrives in this environment. In 2018, the Philippine National Police reported 77 active PAGs with 2,050 members and 1,065 firearms; 72 of these PAGs are found in the Bangsamoro Autonomous Region of Muslim Mindanao (Lalu, 2018). Whoever has the biggest private armed group is recognized as the authority in the community. A PAG is defined as “an organized group of two or more persons, with legally or illegally possessed firearms, utilized for purposes of sowing fear and intimidation, and violence for the advancement and protection of vested political and economic interest” (Office of the President Memorandum Circular 83, 2015).

The recruitment base of armed groups and militias is their family and kinship relations. Armed groups also recruit from members of the Citizens Armed Forces Geographic Unit (CAFGU), organized crime groups, rogue elements of military and police, and lost commands of MILF, MNLF, rebel returnees, and former members of partisan hit squads (Patino, 2012: 218–223). They particularly single out young, economically poor, and those living in geographically isolated areas. They also target the disgruntled members of armed rebel groups, those whose families are involved in clan conflict or rido, those whose family members are killed because of the conflict, and those with resentment over previous military abuses.¹⁰ A 2012 study in Sulu remains relevant: people living in remote and isolated areas where there are active armed hostilities between families feel they are physically trapped in the conflict area; they also think that the only way for them to survive is to take the side of either of the parties in conflict or join an armed group like the ASG (Oreta and Tolosa, 2012: 37).

Members of irregular forces are embedded in communities, making their capture difficult.¹¹ Local residents are not exposing them because of their ambivalence

toward state security forces. For instance, while the military has ended the occupation of ISIS-affiliated groups in Marawi City in 2017, the same military bombed and destroyed the city in its effort to neutralize the terror groups. Suspicions of vested interests by those in power persist; especially since three years after the Marawi siege, a number of families remained displaced.¹²

Communities affected by armed conflicts are vulnerable to recruitment by armed groups, especially if their basic needs are not addressed and their voice is not heard by government agencies. Hence, despite the decades of the peace process and peacebuilding activities in the Bangsamoro area, terror groups BIFF and ASG continue to operate, recruit, and train members. In 2015, the BIFF is reported to have 300 armed followers (Inquirer.net, February 1, 2015). This number may seem insignificant but the group has significant capability to cause trouble. A faction of the BIFF called the Turaife group, with 60 members in January 2019, are all alleged to be trained in making improvised explosive devices (Senior military officer 2019, personal communication, January 19). During the 2017 Marawi siege, some members of the BIFF initiated parallel attacks in parts of central Mindanao to divide the attention of security forces (Placido, 2017).

In schools and urban areas, armed groups recruit passionate idealists who are dissatisfied with the political system and its leaders. Potential recruits are spotted in social gatherings, befriended, and lured using different hooks such as money, safety, group belonging, access to firearms, and stature. In most cases, a financial incentive is offered.¹³

The Marawi siege and the renewed armed hostilities

The Marawi siege from May to October 2017, initiated by ISIS-affiliated groups who adopted the name *Daulah Islamiyah Wilayatul Mashriq* “Islamic State-Eastern Region” or the Daulah alliance, was the boldest and most extensive terrorist attack in the Philippines in recent history.¹⁴ The major groups involved in the Daulah alliance are the ASG-Basilan faction, the Maute Group of Lanao del Sur, and a faction of the BIFF. Dr. Mahmud bin Ahmad, a Malaysian foreign terrorist fighter, allegedly facilitated the creation of the Daulah alliance (International Crisis Group, 2019). The aim is to establish an ISIS *wilayah* (province) in Mindanao.

The Marawi siege is significant not only because of the damage inflicted in the city but, more importantly, the event signals the renewed strategic cooperation of armed groups of the three major ethnolinguistic groups Maguindanao (BIFF), Maranaw (Maute Group), and the *Tausug* (ASG) under the ISIS banner (Institute for Policy Analysis of Conflict, 2016: 1). Not since the establishment of the MNLF in 1969 had these three major ethnolinguistic groups worked together, thwarted by the split of the MILF in 1978. Since then, the three ethnolinguistic groups had operated parallel to each other. While they do not actively fight each other, they also do not collaborate either. The Marawi siege showed the level of renewed interoperability achieved by the ISIS-affiliated groups as well

as their military capacity and organizational strength. Linkage with ISIS has also brought the Bangsamoro issue to a broader international stage.

At present, recruitment by ISIS affiliate groups has been constricted by the aggressive military operations in areas where they are known to operate.¹⁵ The image of these groups has also been negatively affected by what happened in Marawi.¹⁶ Yet still, the groups endure and continue to operate.

Martial law and the visible presence of the military in Mindanao had stabilized the security situation. It appeased the people and put the armed threat groups on the run (Gotinga, 2019). The intensified intelligence gathering and focused military operations put heavy pressure on the movements of armed groups. The danger, however, of utilizing martial law as a response to security problems is the increased reliance of civilian communities, the local government units, and the local police on the military. It normalizes military response to an erstwhile law enforcement problem (OPAPP, 2016a).¹⁷

The gray zone of irregular armed forces

For conceptual clarity, this chapter divides the various armed groups into four clusters. These groups are situated in the same communities, creating a common space where identity, operations, and ideologies interact. Note that this clustering covers only the relevant and known groups and does not cover the universe of irregular forces in the country.

First cluster: Political-ideological groups

The first cluster includes the political-ideological groups that have waged armed rebellion for decades. The groups here include the MNLF and the MILF; both groups have secession as their desired end (OPAPP, 2016c, 13, 21). Both groups have also signed a peace deal with the Philippine government. Also, under this cluster is the CPP-NPA-NDF whose desired end is to replace the democratic government with a socialist-communist system.

The nature of the first gray area that this chapter wishes to note is the fact that politically sanctioned groups (i.e., groups sanctioned and/or created by peace agreements) are allowed to bear arms without a clear legal basis.

Case 1. Commander Abtajir Tingkasan

In 2010, the village of Silangkan, Parang, Sulu, led by MNLF Commander Abtajir Tingkasan, organized itself into a “peace-centered community” (PCC). Commander Tingkasan is a decorated MNLF commander, respected in the community for his bravery.

In November 2010, representatives from all families in the barangay (village) signed a Letter of Affirmation, pronouncing their support for the PCC. The community has likewise developed its implementing rules and regulation

(IRR) to the Letter of Affirmation. A key feature of the IRR is the prohibition of public display of firearms. The barangay has also developed a community-based grievance mechanism where misunderstandings between neighbors are resolved among themselves.

(Oreta and Tolosa, 2011: 18–19).

Note that the Letter of Affirmation only prevents public display of arms, but it does not require disarming or turning in of firearms.

While not an elected official, Commander Tingkasan is considered as the peace holder; different armed militias respect the PCC because of him. Commander Tingkasan and other MNLF members assist in maintaining peace, security, and order in the community. The relative peace and security stability enjoyed by the area allowed the local government to deliver basic services to the people; it likewise allowed economic activities to take place and enabled external groups to engage the community.

Case 2. Commander Abedin Sanguila (Barangay Pagawayan, Bacolod, Lanao del Sur).

In September 2013, at the height of the Zamboanga siege, Sanguila was called on by the MNLF forces in Zamboanga to augment the militia. Military leaders and peace groups were able to convince Sanguila not to join the siege. In October 2015, Commander Sanguila and 200 members of the MNLF voluntarily decided to turn in the group's high-powered firearms. They claimed that they are no longer interested in joining the armed conflict and were fully on board the peace and development projects in their community (Oreta, 2018).

The 12 high-powered firearms that were turned in are the following: four units of M-16 rifle armalite, two units of M203 grenade launcher, two units of rocket-propelled grenade (RPG), one unit of Barrett rifle caliber .50, one unit of machine gun caliber .30, one M-14 rifle, and one pistol 9-mm berretta. All these weapons were put into a box and properly locked and received by PSSUPT Madid Paitao and Col. Gapay for proper custody.

(Enriquez, 2015)

Note that only the high-powered firearms were turned in; small arms remained in the possession of individual members. To this day, Sanguila and his group continue to engage and support development projects, assisting especially in securing the safety of government personnel and in maintaining peace and security in the community.

Case 3. MNLF Basilan

Another interesting case would be the MNLF members who have been providing intelligence and operational support to military operations in Basilan. After the

Marawi siege in 2017, government forces, with assistance from MNLF members, continue the search for the remaining ASG-Basilan members. While some of the MNLF members have their firearms legally registered, others have not. In providing operational support to state security forces, these MNLF members carry their firearms for their protection, and when the situation requires, use these firearms to fight together with state forces.¹⁸ Without any legal shield on the use of these weapons, killing or getting killed in a firefight is obviously a problematic situation.

Organizational mechanics: Demobilized members of rebel groups return to civilian life and transform their group into a political party or a civil society organization (OPAPP, 2016c: 41). Others, however, remain actively engaged in the use of violence. After the signing of the 1996 Final Peace Agreement (FPA), MNLF leaders and followers gradually engaged the local and national bureaucracy by getting elected or appointed in local positions, while others actively supported community development work as part of the peace agreement. Most of the guerilla fighters have morphed into community security providers, not legally as they have not been formally integrated into the state security forces but they are not outright illegal also since the MNLF group has been regarded by the state as a “peace partner,” given the peace deal.

Some MNLF leaders have voluntarily demobilized as combat units, although they are more the exception than the rule (see Cases 1 and 2). They have not, however, disarmed. The FPA with the MNLF in fact has weak provisions on disarmament and demobilization of arms and forces. On the other hand, the peace pact with the MILF has created the Joint Peace and Security Team (JPST) as part of the normalization/DAF peace agreement. The JPST is a combined unit of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), and MILF with the task of “(1) tracking and documenting private armed groups, (2) making security arrangements for normalization activities, and (3) supporting dispute resolution initiatives on the ground” (OPAPP, 2019). It is meant to maintain peace, order, and security of residents of the “six government-acknowledged MILF camps during the (MILF) decommissioning process” (OPAPP, 2019). Since November 2018, joint training has been done by the AFP, PNP, and MILF, involving 200 joint peace and security teams and a total of 6,000 personnel (OPAPP, 2019). While the JPST is a part of the peace agreement with the MILF, its provisions are not incorporated in Republic Act 11054, the legal translation of the government’s peace agreement with the MILF. The legal anchor of JPST, therefore, is an issue, especially since the JPST-MILF members are allowed to bear arms (OPAPP, 2020).

Government agencies like OPAPP and AFP claim that Executive Order 264, which created the CAFGU, is the legal basis of MILF’s participation in the JPST and their being able to bear arms. CAFGU (Citizens Armed Force Geographical Unit) is the state sponsored paramilitary unit situated in communities. If this is so, these MILF members should be enlisted as CAFGU militia prior to their involvement in JPST and subjected to the same rules and entitlements as CAFGU—the issue, however, is that they are not. This is another manifestation of the first type of gray zone covered by this chapter.

As for the peace process with the CPP-NPA-NDF, the Philippine government has been negotiating with the group since 1986 and has launched several demobilization efforts targeting individual members of its armed militia, the NPA. Livelihood support packages and cash-for-guns were used to lure NPA members to return to the fold of the law. Over the years, thousands have already availed of the government package. The problem, however, is that government support is a one-time-big-time package, and no after-care program is put in place to ensure that former combatants are successfully transitioned to civilian life. Individuals who surrender with their cache of firearms, a commodity highly priced in the underground movement, are in constant threat of reprisal from their former comrades. Without a clear government program for former rebels, members are left on their own. The CPP-NPA-NDF regard those who voluntarily surrender to the government as traitors to the revolution. Most of the former communist combatants thus keep their own firearms for protection. Skilled in the use and management of violence and with little support from the government, many of these former combatants would find themselves working as part of local security groups, where some are legal but others are not.¹⁹

The two breakaway groups of the CPP-NPA-NDF (the CPLA and the Revolutionary Proletariat Army-Alex Boncayao Brigade [RPA-ABB]) would eventually sign a peace deal with the government, but both agreements have poor attempts at demobilizing arms and forces.

Some of the former members of the CPP-NPA and CPLA were eventually integrated into the formal state apparatus, either as enlisted soldiers or as members of the state paramilitary CAFGU. There were also those who later become part of local security groups.²⁰ The militia of the RPA-ABB, however, was converted into a community defense force (CDF), a unit created based on their peace deal with the government, making it a politically sanctioned armed group. The problem, however, is that the CDF has an unclear legal anchor—it cannot be categorized as paramilitary in the same way as CAFGU²¹ is regarded, yet state forces have been tapping the RPA-ABB members to help in security operations (Momblan, 2020).

The RPA-ABB has organized itself as a political party, the Abang Lingkod Party, and has successfully won a seat in Congress in 2013. However, given that its demobilization of arms and forces is still incomplete, the Abang Lingkod Party is technically a political party with an armed militia. Moreover, as in the case of the MNLF previously discussed, RPA-ABB members provide assistance to the military and police during security operations in their areas of influence. Without a clear legal mandate, their use and possession of firearms during these operations remain tenuous.

Second cluster: Groups labeled as terrorist

The second cluster of armed groups refers to those labeled as terrorists. Under the Anti-Terrorism Act of 2020, a terrorist is defined as

any person who within or outside the Philippines, regardless of stage of execution engages in (a) acts intended to cause death or serious bodily

injury to any person, or to endanger a persons' life; (b) acts intended to bring extensive damage or destruction to a government or public facility, public place or private property; (c) acts intended to cause extensive interference with, damage or destruction to critical structures; (d) acts intended to develop, manufacture, possess acquire, transport, supply, or use weapons, explosives, or biological, nuclear, radiological, or chemical weapons; and (e) release of dangerous substances, or those causing fire, floods or explosion.

The purpose of these acts must be to create an atmosphere of fear, intimidate the government, or seriously destabilize the fundamental political, economic, or social structures of the country; create a public emergency; or seriously undermine public safety (Republic Act 11479, Section 4).

While the history of terror activities in the country is long, it is the ASG that became the byword of terrorism given the viciousness of its actions against state forces and civilians. The ASG was formed in 1991 by former members of MNLF led by Khadafi Abubakar Janjalani, a veteran of the Soviet-Afghan war that linked him with the Al Qaeda group. On the other hand, BIFF was also populated by former MILF members. The BIFF and the ASG have sworn allegiance to the international terrorist group, ISIS (IPAC, 2016: 2–19). This link between MNLF and MILF members and members of groups considered as terrorists creates the second gray area in this chapter: the tacit complicity of the MNLF and the MILF communities toward terrorist organizations.

Organizational mechanics: Terror organizations are embedded in local communities and co-exist with local authorities and other armed groups in localities. They exercise power and authority owing to their control and access to firearms but also because they provide security to communities within their sphere of influence.

In the Bangsamoro area, groups are linked through intermarriages, creating a family bond that spans generations. This connection has been beneficial as a social support system, but in the context of armed militia formation, this connection becomes a double-edged sword. In the case of the MNLF, MILF, ASG, and BIFF, individuals are separated by group affiliation but are still linked together as a family. The kinship connection is a major reason that groups in Bangsamoro do not actively seek and fight each other (except for those involved in clan conflict or *rido*) despite the splintering of groups. This greatly differs from communist groups where splinter groups and former members are actively liquidated by their former comrades. These kinship ties in the Bangsamoro have proven to be problematic when played out in community security management.

For instance, on July 10, 2007, 23 members of the military were killed in a firefight in Al-Barka, Basilan. Fourteen of these soldiers were beheaded. On October 18, 2011, 19 soldiers were killed in a firefight in the same area. In the 2007 incident, government forces fought against members of the ASG, but the group of Dan Laksaw Asnawi, leader of the MILF 114th Base Command in Basilan, was also involved in both incidents (Malig, 2011).

Basilan's unique volatility arises from the fact that the small island is home to three heavily armed groups – the MILF and its predecessor the MNLF, as well as the terrorist bandit ASG. Clans are often involved in all three networks. In both the 2007 and 2011 incidents, once combat began, armed men from surrounding neighborhoods, including ASG fighters, joined together to fight the Marines in the hope of sharing in the spoils (e.g. captured equipment, arms or ammunition), or of avenging past wrongs.

(Malig, 2011)

This coming together of armed men to gang up on a common opponent is locally referred to as “pintakasi.”

Note that when the 2011 incident happened, the MILF was actively engaged in peace talks with the government. Despite the involvement of its commander in the “pintakasi” against the 19 soldiers, the MILF leadership has not made public its disciplinary action, if any, toward Asnawi.

Third cluster: Criminal syndicates

The third cluster involves criminal syndicates, with networks of connection in local communities, state security authorities, and international organizations. While organized crime groups (OCGs) are technically not part of irregular forces, “close collaboration between OCGs and irregular groups often makes it impossible to make a clear distinction between the two.” More so, these “networks are often linked directly or indirectly to governments in countries that are emerging from conflict” (Keene, 2018: 1). Keene (2018) uses the term “silent partners” to describe the mutually reinforcing relationship of OCG and irregular forces, the third gray zone that this chapter looks at.

Organizational mechanics: Criminal groups, similar to local militias, provide security to the group they serve. In community settings, tactical arrangements if not partnerships are forged by various armed groups to avoid hostile confrontations and/or to maximize mutual benefits.

Terror groups such as the ASG, in their kidnapping heists, have relied on small, factional armed groups to assist and/or perform specific tasks, e.g., information gathering, transporting the kidnapped victims, communication relay, and providing for the “board and lodging” needs of kidnap victims, among others (Mogato, 2016). Some of the groups that perform these outsourced functions are not necessarily members of ASG. It is thus a gray area on whether to consider these groups to be members of the terrorist group or be categorized simply as OCG. “(T)he distinction between crime and terrorism has not always been clear especially as both activities reinforce each other” (Singh, 2018: 6).

Another example of the silent partnership of OCG and irregular forces would be with the RPA-ABB. The RPA-ABB has signed a ceasefire and peace agreement with the Philippine government in 2001, the ceasefire being the first step to a more comprehensive political settlement. However, the completion of political, security, and economic commitments of both parties is still unfinished as of

this writing. The disposition of arms and weapons also happened only in 2019. This means that, from 2001 to 2019, the organization was an armed organization, albeit no longer in a hostile relationship with the government. During this period, local communities have complained that some members of RPA-ABB have joined criminal groups and private armed groups, all the while remaining active members of RPA-ABB (Balana, 2012).

Interestingly, OCG and local armed groups also provide public goods to their host communities. While vilified by outsiders, the illegal and criminal operations of OCG and terrorist groups directly benefit their members and family and, consequently, their host communities. In informal conversations with security and local officials, they observed that when ransom payment is exchanged for ASG kidnap victims, the local economy of communities within the area of operation of the terrorist group becomes vibrant and active.

In indigenous communities, especially those isolated in the mountainous areas in central Mindanao and those rarely visited by government officials, local armed criminal groups become the “private government” since they perform the minimum functions of governance, i.e., manage community affairs, settle or mitigate possible conflicts within the community, maintain peace and order, and protect individuals and their properties (Shearing, 2006: 11). The transactional relationship of local communities, terrorist groups, and OCGs, based mainly on mutual benefit, is one of the major reasons the locals hesitate to report these groups to state authorities.

Clarity on how to locate OCG within the pathways of irregular forces is necessary since it has implications on both policy and programming of interventions. For instance, the Department of National Defense issued the Administrative Order (AO) 25, amending AO 10 or the Expanded Comprehensive Local Integration Program. AO 25 (2020) creates a reintegration program intended to lure members of terrorist groups, which includes livelihood support for surrendering members. The reintegration package is a political move by the government to entice members of terrorist organizations to leave their group. But if members of OCGs are regarded by the government as part of terrorist groups and allowed to avail of the reintegration package, the program may lose its essence. Likewise, it may convey to local communities that the government is actually rewarding violent groups.

Fourth cluster: Community-based armed groups

The fourth and last cluster involves community-based armed groups that are organized and financed by political dynasties. Since the time of the colonizing powers, the Spaniards, the Americans, and the Japanese, armed civilians have been used by the government to fight rebel groups. “The post-World War II government encouraged recruitment and arming of ‘civilian guards’ to augment government forces in the fight against communist insurgents” (Patino, 2012: 219). These civilian guards would later transform into Barrio Self Defense Units, the precursor of the current paramilitary group, CAFGU. This shows that a

community-level defense unit has always been part of the state-building process in the Philippines. This is also the source of the fourth gray zone: the fluidity of membership in legal and illegal armed groups in local community settings.

Case 4. Irregular forces' layers of identity

Alvin Flores, a leader of a criminal armed group, was killed in a shootout with government authorities in October 2009. The firefight happened in a beach resort in Compostela, a municipality in Cebu located in Central Visayas. A few weeks earlier, his group did a heist on a jewelry shop in Makati, located in the National Capital Region (Araneta, 2008).

Alvin Flores was a member of the Local Executive Assistant Group (LEAG), a civilian volunteer organization (CVO) created by the mayor to support the peace and order efforts of the municipality of Compostela. People believe, however, that LEAG was the mayor's private army.

Alvin Flores was also operating a shop of stolen vehicles in Bulacan, trains other PAGs in Central Luzon, Northern Luzon, and Central Visayas, and leads a carnapping syndicate composed of former soldiers, police, PAG members, and former members of the CPP-New People's Army (NPA). Flores himself was a former member of the NPA (Patino, 2012: 212–214).

The case of Alvin Flores illustrates the complex and layered context, identity, and operations of members of the local militia in the Philippines. Being a member of LEAG offers a cloak of legitimacy and serves as an effective cover for their criminal activities. His operation traverses the major island groups of Luzon and Visayas, a feat that would not have been possible without local contacts and support groups. Flores has the support of influential political leaders and security sector officials, either directly or just by being complicit in his group's activities. The indicator of this support is the fact that maintaining a shop of stolen vehicles and carnapping are considered as high-end in the hierarchy of criminal activities, with its operation requiring complex and detailed planning, i.e., from targeting victims, actual car stealing, disassembling the parts, and selling them back to the market. Without providers of information and without links to the market, both legal and illegal, the carnapping business would not have thrived.

His background as a former member of the NPA gave him mastery of the management and use of violence. His group, composed of erstwhile adversaries in their previous careers, also shows that, when common interests intersect, in this case, financial gain from criminal acts, political ideology, and affiliation becomes secondary.

His being a former NPA was most likely the channel that linked him with former soldiers and police, as well as with other armed groups and individuals in the areas of Central Luzon, Northern Luzon, and Central Visayas. Note that these same areas are known to be where the NPA operates; they are likewise areas with a high proliferation of civilian-owned firearms.

The 2009 Zenarosa Commission that investigated PAGs also found that local militias, members of NPA, and corrupt members of state security forces (i.e., police,

military, and CAFGU) forge tactical alliances and working partnerships during elections. The operations of these local alliances are broad and, more importantly, traverses legal and gray operations—from providing security for candidates, securing political rallies and similar activities during campaigns to illegal gunrunning, assassination of political opponents, and threatening or coercing voters.²²

Organizational mechanics: The local militia serves as an alternative security provider especially in areas where there is a limited presence of state security forces. They are organized primarily to deliver security to the families and/or communities they serve. The horizontal conflicts by feuding clans, referred locally as “rido,” feed on and latch to the vertical conflicts of state and non-state armed groups. This complicates the peace process and exacerbates the conflict dynamics on the ground.

The Marcos administration organized the paramilitary unit Civilian Home Defense Force (CHDF) (renamed Integrated Civilian Home Defense Force [ICHDF] in 1976), placed under the control of the now-defunct Philippine Constabulary (Patino, 2012: 219). All other community-based armed organizations were considered illegal.

At the onset of martial law, the Armed Forces of the Philippines (AFP) had only about 57,100 men [...] They had to rely on reservists and draftees and paramilitary militia for augmentation. Toward the end of the Marcos presidency, the security apparatus, including the ICHDF, had an estimated strength of 274,300.

(Kintanar, 2012: 135)

When President Corazon Aquino took over, CHDF was disbanded and replaced by CAFGU. In 1987, local government units were ordered by the Department of Interior and Local Government (DILG) to organize their respective civilian volunteer organization (CVOs) to serve as civilian defense units (Patino, 2012: 220). The CAFGU paramilitary unit was placed under the Philippine Army and was issued firearms; the CVO was placed under the control of local police and were unarmed.

“At present, CAFGU has a total strength of 53,432 members organized into 567 CAFGU active auxiliary companies all over the country” (Langcaoan, 2019: 7). Each CAFGU is expected to provide service for 15 days per month as it was supposed to be an add-on community service to the regular work or income source of the individual (Langcaoan, 2019: 10). An individual, hence, can become a member of CAFGU for half a month and of CVO the rest of the month. This opened the floodgates of opportunism and corruption. The CAFGU–CVO divide in some localities, has become so fluid that community members can no longer distinguish the difference. In some local government units, the CVO becomes the cloak to legitimize the private armed groups of local politicians. The CVO mechanism has provided political families a platform to hide their private armed groups; it also allowed them to use public funds to support and maintain these armed groups.

In community settings, individuals can join state-sanctioned paramilitary groups or join private armed groups supported by political families, capitalists, and landlords. While the paramilitary group and private armed group can be easily distinguished on paper, the actual reality in community settings presents much fluidity. Just as in the case of Alvin Flores discussed in Case 4, one can have multiple memberships in legal and illegal groups in the community context.

Conclusion

Security is a public good, and the state is generally expected to provide this good to its constituents. However, the complexity of the threat landscape has necessitated citizens to actively participate in security management. “Citizen participation in security governance has been practiced in many countries largely due to the fact that security institutions, particularly the military and police, are not sufficient” or the locals are more “knowledgeable of the terrains and cultures” of the place (Langcauon, 2019: 1).

Armed groups gain “legitimacy because of the assistance they provide to government security forces” (Patino, 2012: 220) and because they fill the gap in security services in community settings. These groups, characterized by their willingness and capability to use violence in pursuing their objectives and limited autonomy in exercising their politics, military operations, and resources, function as “private government” in their respective areas. Private governments are groups engaged in “steering the flow of events to promote security” and manage private properties in a given area (Shearing, 2006: 11).

The might makes right principle remains to be the unwritten rule in conflict-affected areas. Whoever controls the biggest number of armed groups is automatically recognized as the authority in the community. The inconsistent policy environment creates the political opportunity for these groups to operate, and the dysfunctional rule of law and the ineffective management of security provides the context for irregular forces to mobilize and operate.

Various interventions have been done to address the proliferation of irregular forces, using hard security or focused military operation, negotiations or peace talks, and confidence-building and community dialogues, but wrestling the problem remains a daunting challenge.

The administration of President Duterte (2016–2022) utilized the iron-fist approach in dealing with irregular forces, especially those outside the peace process. Compared with the past administrations, President Duterte frames the response to the various armed groups within the ambit of the “drug war.” The term “narco-terrorism” or the link between the drug trade and terrorism is popularized under this administration. The major premise is that the various armed groups, regardless of their politics and purpose, are involved in the drug trade. The paradox is that, while the Duterte administration frames the problem within the prism of the drug trade, the government has offered no national strategy, no clear action plan, no long-term solution, and no institutional reform agenda especially for the police agency and local government units to

comprehensively address the problem. The irony also is that instead of mitigating recruitment, the drug war and the killings associated with it have provided the political armed groups a new anchor to radicalize dissent and recruit more members.

Central in finding a solution to armed group formation is to address the fuels of armed violence. Good governance, delivery of basic services, opening up of opportunities for people in conflict-affected areas, improving the justice system, strengthening the rule of law, and addressing the grievance of people are the immediate and short-term interventions that can and must be done. But the sustainability of the solution remains contingent on a political system that is inclusive of the various sectors and groups. Consistency in policy and operations, a strategic mindset in the programming of interventions, and partnership with communities in security management are necessary conditions to achieve lasting and durable solutions.

Notes

- 1 Author's interview, Mayor Racma, August 24, 2018.
- 2 Author's interview, Capt. Dacawi, August 24, 2018.
- 3 Author's interview, military officer, August 24, 2018.
- 4 Author's interview, Lorena, September 6, 2013.
- 5 Author's interview, Lorena, September 27, 2013.
- 6 Briefing of the National Security Council to DILG Officials, September 22, 2020.
- 7 Author's interviews: Provincial Board member of Lanao del Sur 2018, August 23, 2018; Governor Salliman, September 21, 2018.
- 8 Author's interview, DILG official, December 30, 2020.
- 9 Author's interview, Local government official, September 21, 2020.
- 10 Focused group discussion, Military officers, August 24, 2018.
- 11 Author's interview, Jumawan, August 3, 2018.
- 12 Author's interview, IDP community representatives, August 24, 2018.
- 13 Focused group discussion, Marantaw City Government officials, August 24, 2018.
- 14 Author's interview, senior military official, February 14, 2018.
- 15 Author's interview, senior military official, January 19, 2019.
- 16 Focused group discussion, CSO representatives, August 24, 2018.
- 17 Author's interview, October 20, 2016.
- 18 Author's interview, an MNLF member, September 22, 2018.
- 19 Author's interview, a former NPA member, April 16, 2014.
- 20 The late Mayor of Loreto, Agusan Sur, Mayor Dario Otasa admitted that his security group was composed of former members of NPA. He himself was also a former member of NPA, returning to the fold of law and rejecting the ideology, leadership, and armed means of the group. He said he needed security details since the NPA has a standing order to kill him. Otasa's security details are not members of CAFGU but an armed group specially tasked to protect the Mayor. The author personally witnessed that police and military forces were complicit with its existence, given the threat to the Mayor's life. Otasa was later on assassinated by NPA members on October 19, 2015.
- 21 CAFGU is created based on Executive Order 264 (1987). The current policy being used in the administration and supervision of CAFGU is the AFP Letter of Instruction Tanggol-Bayan "Delta" of 2005.

- 22 The author was a consultant of the 2009 Zenarosa Commission and took part in some of the investigations, analysis of data, and writing of the report. The Zenarosa Commission was created by President Arroyo in 2009 to investigate on the issue on private armed groups, especially after the 2009 massacre that happened in the municipality of Ampatuan, Maguindanao, involving the municipal Mayor, the Provincial Governor, state security forces (police, military, and CAFGUs), and local militias.

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