



Children and Youth in Organised Armed Violence in the Philippines: Contextualisation, Personal Histories and Policy Options

This report is part of an international research project on children and youth in organised armed violence (COAV) coordinated by Viva Rio, ISER (Instituto de Estudos da Religião) and IANSA (International Action Network on Small Arms). The study presents contextual comparisons of organised armed groups, and the involvement of children and youth within them, in ten countries across four continents. The history, structure and functioning of the groups themselves are discussed, as are the motivations, desires and day-to-day realities of their child and youth members, as well as the common threads in public policy used to deal with the problem. In so doing, the study is a starting point for the much needed discussion of a situation that is too often addressed by state force and repression.

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This chapter focuses on civilian vigilante groups, known as Civilian Volunteer Organisations (CVOs), that are being used as private armies by local politicians and powerful traditional leaders in Maguindanao province, Philippines. The report is divided into three parts. Part One gives a contextualised summary of these groups. Part Two takes a closer look at the human face of this phenomenon, with profiles of individuals involved. Part Three examines possible solutions to the problem, with an evaluation of relevant social programmes and policies.



Introduction

The existence and activities of unarmed civilian self-help groups, so long as they remain lawful, are viewed as an expression of the members' constitutional right to collectively promote and protect their welfare and interests.

– State Report on the Philippines' Implementation of the ICCPR, 1989-2000

As a response to the growing insurgency problem in the countryside during the early 1980s, unarmed civilian self-help groups, such as the Civilian Volunteer Organizations (CVOs), were established primarily for self-defense and protection. However, in certain parts of the Philippines, local politicians are reportedly heavily arming and using members of CVOs in their respective localities as private armies, the existence of which is explicitly forbidden under the 1987 Constitution. The situation presents a serious paradox: while the CVOs are legal, field reports indicate various irregularities and violations of existing laws including those on the protection of children against violence and abuse. For example, while guidelines specify 18 as the minimum age requirement for membership to CVOs, children have reportedly joined this civilian group. While the participation of children and youth in community watch programs may have obvious merits, the situation changes when the watch groups in question, including CVOs, are armed and are being used as private armies by politicians. The rise of criminality and the threat of terrorist attack by non-state actors prompted President Gloria Macapagal-Arroyo to authorize in October 2002 the arming of community watchmen or *barangay tanods* (which may include CVOs) in “high risk areas” nation-wide.¹

This study, part of a global research effort, is the first to be conducted on the phenomenon of COAV or children and youth in organized armed violence in the Philippines. COAV is defined as “any person under the age of 18 who is employed or otherwise participates in Organized Armed Violence where there are elements of a command structure and power over territory, local population or resources.”² This working definition sets COAV apart from child soldiers³ and children in conflict with the law (CICL).⁴

¹ See news coverage of this issue in *The Manila Times*: 20 October 2002. Available online at: www.manilatimes.net/national/2002/oct/20/top_stories/20021020.top1.html

² Dowdney, Luke: 2002. *Children of the Drug Trade: A Case Study on Organized Armed Violence in Rio de Janeiro* Sete Letras, Rio de Janeiro.

³ Child soldiers are defined as “any person under 18 who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to fighters combatants, messengers, porters, cooks, as well as girls recruited for sexual purposes and forced marriage.” *Children Armed with M-16s: Primer on Child Soldiers in the Philippines*, Philippine Coalition to Stop the Use of Children as Soldiers, 2002.

⁴ Recently there is an increasing tendency to talk about “Children in Actual or Perceived Conflict with the Law” (CAPCL), which more actually captures the situation of street children who can come into contact with the law even if they had not committed any crime. There is also the debate about whether any of these terms accurately capture the idea that some laws are “in conflict” with the children, such as the outdated legislation on vagrancy. Following the working definition set for this study on COAV in the Philippines, CICL may mean to include “individuals involved in

Methodology

In charting the occurrence of the COAV phenomenon in the Philippines, the study focused on three municipalities in the province of Maguindanao. For security reasons, the names of these three municipalities have been given the following fictitious names: Midpandacan, Matengen, and Marang.

At the start of the project, the researchers identified four municipalities, but eventually limited the study to these three municipalities for security reasons and the limited time allotted for the data-gathering period. The three municipalities were chosen because of reported cases of children joining the CVOs used as private armies. Another consideration was access to the municipalities, to adult key informants, and to children and youth CVO members targeted for the study.

The research team was composed of three researcher/writers from the University of the Philippines, Center for Integrative and Development Studies, Psychosocial Trauma and Human Rights Program, UP CIDS PST, based in Quezon City, and one local field researcher/interviewer in Maguindanao properly oriented in the objectives and methodology of this study. The field researcher also acted as the UP CIDS PST team's informant and guide during their field visits to Maguindanao.

The multi-method approach was adopted for this study with emphasis on qualitative rather than quantitative analysis. Field visits to Maguindanao were done twice from August to November 2003 and lasted for a total of two to three weeks.

Documentation/literature review: The research team collected secondary background information for this study. The following types of information were analyzed: project documents of governmental organizations (GOs) and non-governmental organizations (NGOs) with programs for children in armed conflict and related issues; government documents related to policies and regulations affecting CVOs; published materials and gray literature⁵ on CVOs, child in armed conflict, and related issues; and lastly, secondary data sources on social and economic conditions affecting children in Maguindanao.

Interview: Face-to-face interviews with children and youth involved in CVOs used as private armies, significant adults in the community, and key people from relevant government and non-government organizations were conducted by the research team. The face-to-face interviews made use of the indigenous method of interviewing, namely *pagtatanong-tanong* (asking questions) and *pakikipagkwentuhan* (exchanging stories). These two indigenous research methods are best suited to the Philippine cultural milieu. *Pagtatanong-tanong* is described as “participation in a conversation through which the

armed violence who do not recognize themselves as belonging to a group with both a command structure and some degree of power over territory, local population or resources.”

⁵ Open source material available through special channels that may not be published or made available.

researcher and respondents alike can ask questions about a topic or several topics based on the research objectives.”⁶ On the other hand, *pakikipagkwentuhan* concerns the narration, in the form of a story, of the past events in the lives of the respondents. These indigenous methodologies are highly unstructured and enable the researcher to probe deeper into the perceptions, insights, feelings and opinions of the respondents without imposing a formal structure on how the narration shall be presented. Hence, the interviewee has much leeway and feels free to talk and share information with the interviewer.

Networking: Networking consisted of mobilizing organizations and individuals in the community to facilitate access to children and adult participants in this study. They helped researchers gain entry to the area, locate and access respondents, and assisted with the logistics of arranging interviews. The latter involved getting the child’s consent, getting the consent of child’s handler,⁷ and finding a common schedule, all without compromising the security of both the interviewer and the interviewee.

Ethical considerations: The research team adhered to the confidentiality of the information provided by the children and adult participants of this study. Due to the sensitive topic, steps were taken to ensure the safety of the respondents and the research team members. The names of the CVO respondents were coded and personal information that could be used to identify them was altered. The respondents were given the option of recording the interview or not, and of remaining anonymous or not. This is because the study delved into issues that might compromise the children’s safety.

I. CONTEXTUALIZED SUMMARY OF COAV

Area of Study Profile

The area of study covers three municipalities of the predominantly Muslim province of Maguindanao in the southern Philippines: Midpandacan, Matengen, and Marang.⁸ The following section describes the people and geography of Maguindanao province, its history and economy. It also presents relevant facts such as the political structure, socio-economic indicators, which are important in understanding the occurrence of COAV in the areas of study.

People and geography

The name of the province is derived from that of the mainly agriculturist Maguindanaon, who have inhabited the area for centuries. Maguindanao means “people of the flood

⁶ Estrada-Claudio et al, (1991) “Pilot Study on Children in Crisis,” in Marcelino, E.(ed), p. 104.

⁷ “Handler” is the term used by children and youth CVOs interviewed for this study to refer to their leaders.

⁸ These are fictitious names (see above).

plain.” Most of the residents classified themselves as Maguindanaon, who comprise 64% of the province’s total population in 2000.⁹

Located in the Central Region of Mindanao and bound by the provinces of Lanao del Sur to the northwest, Cotabato (North Cotabato) to the northeast, Sultan Kudarat to the south, Maguindanao is generally flat and low. Mountains rise in the southwestern portion of the province and marshlands comprise the terrain in the Libungan area. The Pulangi River, also known as the Rio Grande de Mindanao, and its tributaries crisscross the province. Although Maguindanao receives little annual rainfall, the river valley is prone to flooding.

The landlocked municipality of Shariff Aguak (Maganoy) is the provincial capital of Maguindanao, which has a total land area of 5,425 sq. kms. It has a population of 801,102, half of which is below 19 years old. With a 4.16% annual growth rate, the population of Maguindanao is expected to double by year 2017.¹⁰ The five to nine year old age bracket comprises the largest percentage in the province’s total population at 14.9%. The 10 to 14 and 15 to 19 age groups closely follow, at over 13.5% and 13.1% respectively. The 20 to 24 age group comprises a little over 9.1% of the people of Maguindanao.

History and political structure

As early as 1596, the Spanish attempted to conquer the areas around the Pulangi River, but met fierce resistance from the many independent principalities in the lower and upper valleys of the Pulangi River. One of these was the Sultanate of Maguindanao, which extended its sphere of influence and trade links from the lower valley to places as far as Indonesia. Although the Spanish succeeded in establishing a politico-military district in 1854, they exercised little control outside the naval base in Polloc and the garrisons they had built in the principalities under their sway. In 1903, the river valley and surrounding areas were first organized and effectively administered under the Americans as a single political unit. In 1914, Cotabato became one of the provinces under the Department of Mindanao and Sulu. In 1966, a significant part of Cotabato Province, then one of the largest in the Philippines and also known as the Empire Province of Cotabato, became a new political unit, the predominantly Christian province of South Cotabato.

⁹ The province is also home to the Iranun, a Muslim cultural community related to the Maguindanao who comprise 14% of the population. Other ethnic groups inhabit the province, including the non-Muslim highland groups like the Tiruray (5%) and Christian migrants from the northern Philippine island groups of Visayas and Luzon (17%). Statistics taken from the 2002 Press Release, National Statistics Office, Results of the 2000 Census of Population and Housing, released 1 October 2002.

¹⁰ Maguindanao Most Requested Statistics, As of September 2002, Compiled by the Maguindanao Provincial Office, Cotabato City.

By virtue of a presidential decree, Maguindanao¹¹ was created on 22 November 1973 as a separate province along with its sister provinces, Sultan Kudarat and North Cotabato. President Ferdinand E. Marcos divided Cotabato into three provinces because “the potentials of the province have not been fully developed due to the magnitude of the task of provincial development and troubles that have long plagued the area.”¹² The decree stated that “the many conflicting political, social and economic interests that have limited the progress of the province must be resolved in order to promote the stability and accelerate the development of Cotabato... which can be more effectively administered and developed.”¹³ In 1979, the province became part of an autonomous regional government for Central Mindanao (Region X – Central Mindanao Region).

The 1986 EDSA Revolution, which ousted dictator Ferdinand Marcos, heralded several significant events that further affected the shape of politics in Maguindanao. The government of Corazon C. Aquino abolished the 1972 Constitution and the National Assembly, which had a preponderance of pro-Marcos figures. Under the dictatorship, the real contest for aspirants to the unicameral legislature and the provincial governor’s office was not in the ballots but in securing the nomination under Marcos’ monolithic political party. The 1987 Constitution revived the bicameral legislature, and elections for the Senate and House of Representatives were subsequently held in May 1987. Aquino also purged the local governments of pro-Marcos officials, and replaced them with her appointees. In January of the following year, elections were held for local governments. In both elections, pro-administration candidates won in most of the posts.

By the 1990s, many of the key figures who had dominated the political scene in Maguindanao before and throughout the Marcos regime – a generation of leaders that had emerged in the 1940s – had either died or retired from the scene due to old age. They were replaced by new names, who were “actually relatives of ‘old faces’ in politics or belonged to traditional political families.”¹⁴ Between 1987 and 2001, power revolved around a few names. In many of the municipalities, one or two allied or rival clans controlled the local government. In Marang, for example, power shifted between two rival clans. In the two other areas of study, Midpandacan and Matengen, the two clans are closely related and form a very strong alliance. In 1991, Maguindanao opted to join the Autonomous Region in Muslim Mindanao (ARMM).¹⁵

¹¹ The province of Maguindanao originally composed of the municipalities of Ampatuan, Buldon, Buluan, Datu Paglas, Datu Piang, Dinaig, Maganoy, Pagalungan, Sultan Kudarat, Sultan sa Barongis, and Upi. Maguindanao is the only predominantly Muslim province formed out of the old Cotabato Province.

¹² Presidential Decree No. 341, 22 November, 1973: “Creating the Provinces of North Cotabato, Maguindanao and Sultan Kudarat.”

¹³ *Ibid.*

¹⁴ Gutierrez, E. U. *et al*, 1992: “All in the Family: A study of elites and power relations in the Philippines,” Institute for Popular Democracy, p. 20.

¹⁵ With 45.7% voter turnout, 76,717 of the province’s 267,824 registered voters opted to join a proposed autonomous regional government during the 1989 Plebiscite on Republic Act (RA) No. 6734 or “An Act Providing for an Autonomous Region in Muslim Mindanao.” The creation of an autonomous region is mentioned both in the 1987 Constitution (Article X, Section 15) and in the Tripoli Agreement signed by the Marcos government and the MNLF in Libya in 1976. Maguindanao, along with Lanao del Sur, Sulu, and Tawi-Tawi voted to join the Autonomous Region in

Until the signing of a peace agreement in 1996, Maguindanao had remained in the thick of the conflict between the Philippine government and the largely secular secessionist group Moro National Liberation Front (MNLF). From 1971 to 1976, the MNLF waged a separatist war, which took a heavy toll in many areas in Mindanao including Maguindanao. The protracted conflict between the Philippine government and the more conservative Moro Islamic Liberation Front (MILF), which broke away from the MNLF in 1984, continues to hamper development in the province. Intense fighting between the government troops and MILF rebels occurred in 1997, 2000, and 2001. In February 2003, the government launched an offensive against the MILF entrenched in Maguindanao under the pretense of quashing lawless elements believed to be under the wing of the rebel group. During this particular offensive, social welfare officials estimated the number of displaced at more than 141,000. Although they had lost their main camp in Maguindanao during the 2000 government operations, the MILF still maintains a formidable presence in the province.

The current governor of the province is *Datu* Andal Ampatuan, Sr., who had served as the municipal mayor of Shariff Aguak for three terms and as vice-mayor of the same town for one term. The province is divided into 24 municipalities, administered under two congressional districts. The municipalities are further divided into smaller political units called *barangay*.¹⁶

Economy and Social Indicators

The province is linked by air to Manila via the airport in Awang, near Cotabato City.¹⁷ Located along the banks of the Pulangi River, this city serves as the principal commercial, social and educational center for Maguindanao and the rest of the Central Mindanao area. Maguindanao is linked by the sea to various points in the country through the ports in Polloc and Parang. With a total road network of 1,943 kms. long, Maguindanao is linked with the surrounding provinces and the rest of Mindanao.

Maguindanao is primarily agricultural, with rice, corn, coconuts, bananas, and cassava as the main crops. The Pulangi River, with its swampy delta and brackish-water fishponds, is well suited for inland fishing. Information on trade and investments in the region claim that “[t]he present set of investment options include yellow corn production for industrial

Muslim Mindanao (ARMM) in the 1991 Plebiscite. Prior to its inclusion into the ARMM, Maguindanao was administered under the administrative district of Central Mindanao Region (Region XII). While predominantly Christian, Cotabato City had again overwhelmingly voted for its exclusion from the ARMM in the 2001 Plebiscite, it continues to host the regional offices of the ARMM government.

¹⁶ At sub-national levels, local government units (LGUs) assume governance in each administrative area, such as province, city, municipality, and *barangay* (village). Each LGU is composed of both elective and appointive officials. Elective officials include the governor and vice-governor for the province, mayor and vice-mayor for the city or municipality, and chairman for the *barangay*. Councils, whose members are also elected, exist for each of the levels. The *barangay* is the basic political unit in the Philippines. It is usually composed of around 1,000 inhabitants living in a single contiguous area within a city or a municipality.

¹⁷ A component city, Cotabato City registered a population of 146,779 in the 2000 Census. The majority of its inhabitants are Christian, mainly members of the Visayan-speaking ethno-linguistic groups. Cotabato City serves as the principal commercial, social and educational center for the 24 municipalities of Maguindanao.

use, development of inland fishing, processing of agricultural products into industrial raw materials like feeds, and consumer products like snack foods.”¹⁸ The rich agricultural base and strategic location of the province – linking two growth areas in the northern and southern parts of Mindanao – would appear to enhance business opportunities in Maguindanao. However, armed conflict and reports of ineffectual and corrupt bureaucracies in the autonomous regional government and in the provincial and municipal levels have stymied any real development and progress in the province.

The United Nations Development Program (UNDP) reported in 1997 that social expenditures per person in Maguindanao registered only 3.15%, compared to the national average of 91%. In terms of per capita human priority expenditures, Maguindanao registered 3.15%, in comparison to the national average of 28.21%. The UNDP report also revealed low tax collections in Maguindanao, with locally sourced revenue per capita at only 2.37%. The province is financially dependent on the Internal Revenue Allotment (IRA).¹⁹ In 1999, the province’s IRA stood at 287,300,000 pesos (US\$5,182,179). A year later, it received 337,900,000 pesos (or about US\$6,094,877).²⁰ According to the UNDP, Maguindanao had an average ratio of IRA to total receipts of 94.29, a ratio much higher to the national average of 78.²¹ The National Statistical Coordination Board (NSCB) reported that in 1999 the IRA constituted almost 58.8% of Maguindanao’s total financial resources. The percentage dropped the following year to a little more than 46.2%.²²

About 42% of the total population had attended or completed elementary education. Eighteen percent had attended or finished high school, and almost 5.7% had received higher education. Males dominated among those who had finished elementary education, with 51% as compared to 49% of females. On the other hand, females dominated among those who had finished college education, with 56% as compared to 44% of males.²³

Maguindanao remains as one of the ten poorest provinces of the Philippines, ranking 72 and 73 out of 77, respectively, in 1997 and 2000. Poverty incidence in Maguindanao in 1997 was at 24.0, compared to the national average of 25.1. In 2000, it dramatically rose to 36.2, almost ten points higher than the 27.5 mark registered for the national average. Poverty depth levels in 1997 registered at 4.0, compared to the 6.4 national average. In three years however, poverty depth level increased to more than twice, registering at 9.2,

¹⁸ Trade and Investments, The Province of Maguindanao, available on:

<http://www.geocities.com/lppsec/pp/maguindanao.htm>

¹⁹ Vitug, M.D. and Gloria, G. M., 2000: “Under the Crescent Moon: Rebellion in Mindanao,” Ateneo Center for Social Policy and Public Affairs and Institute for Popular Democracy, p. 81-82. According to the National Statistical Coordination Board, “The IRA is one of the sources of funds for Local Government Units (LGUs) which is derived from 40 percent of the national internal revenue tax collections actually realized during the third fiscal year preceding the current fiscal year. Other sources of funds are the tax and non-tax receipts received by LGUs.”

²⁰ Factsheet, January Issue, No.001, Series of 2001, National Statistical Coordination Board, Region Unit XI.

²¹ Human Development Network and the United Nations Development Program (UNDP), 1997: “Philippine Human Development Report.”

²² Factsheet, January Issue, No.001, Series of 2001, National Statistical Coordination Board, Region Unit XI.

²³ 2002 Press Release, National Statistics Office, op. cit.

two points higher than the national average of 7.2. This means that in 1997, the income of the poor in Maguindanao had to rise by an average of 4% in order for them to rise from poverty. The situation had worsened in 2000: families in Maguindanao have incomes almost 10% short from the poverty line. From 1997 to 2000, the average per capita income in Maguindanao experienced a fall from 21,915 to 19,967 pesos (about US\$395 to US\$360). The outbreak of hostilities, the El Niño phenomenon – which affected the province's agriculture – and falling prices of copra²⁴ and rubber contributed to exacerbating poverty in Maguindanao.²⁵

Brief Historical Analysis: Conditions for the Existence of COAV in Maguindanao

This section explains historical and socio-political factors that have contributed to the existence of the COAV phenomenon in Maguindanao. It traces the evolution of the *datu* system, an important traditional socio-political structure in the province and the rest of Mindanao. It also discusses the occurrence and implications of blood feuds or the *rido* that are endemic in Muslim Mindanao, and how the *datu* system and these feuds have contributed to the existence of private armies in Maguindanao. Finally, the section also discusses gun culture in the province and presents the labyrinth of involvement and conflict between the actors in the COAV phenomenon.

Evolution of the traditional socio-political structure: the *datu* system

A century after the American colonial government tried to impose and instituted changes among the Muslim communities of Mindanao in the early 1900s, some of the features of their traditional socio-political institutions managed to survive and evolve as part of the political machinery of the succeeding governments. The *datu* system, a product of centuries of socio-political evolution, appears to remain as an influential force in Maguindanao politics. While this system of rank traces its origins from the early *barangays* or villages, it became more formalized in Muslim society. Vestiges of the system remain apparent throughout the Philippines in the form of political dynasties and in the relations between landholding families and their tenants.

The *datu*, who came to be regarded under Islam as God's vice-regent and exercised virtually autonomous control of his territory, ascended to office through hereditary links or clear descent from aristocratic families, and through the judicious and decisive use of personal skills and attributes. As stated by one researcher, "The basis of the *datu*'s power was his personal wealth, the followers who rallied around his leadership, and/or his exemplification of the important values of Muslim society, such as courage and prowess in slaying enemies."²⁶ Although succession was not automatic, a *datu* effectively increased his territory, power and prestige through warfare and intermarriages. The

²⁴ Dried coconut albumen used to make oil for food processing, among other products.

²⁵ Statistics and data taken from p. 9, Social Assessment of Conflict-Affected Areas in Mindanao, Environment and Social Development Unit, World Bank East Asia and Pacific Region.

²⁶ Gowing, P. G, 1979: "Muslim Filipino Society and Religion, Muslim Filipinos, Heritage and Horizon," New Day Publishers, Quezon City, p. 47.

followers of the *datu* generally composed of his kinsmen occupying a specific territory and the relationship between the two was of reciprocal benefit.

The American colonial administrators criticized the tendency of the relationship to result in abuses on the part of the *datu*, many of whom were reluctant to concede any of their powers. Nonetheless, the political order changed. Some noble families were reduced to indigence while new powerful and wealthy ones emerged by tactfully collaborating with the Americans. The institutionalization of elected political office after Philippine independence in 1946 provided a new method of control. In a bid for public office, the *datu* counted on his kinsmen and followers, who likely formed a strong block of voters.

While it's hereditary, political and traditional judicial and economic powers have gradually declined or modified as a result of the changing cultural and socio-political conditions in Maguindanao, the office of the *datu* remains as a powerful and influential institution in the province. According to a study, "Power is largely in the hands of those who combine the traditional authority of their group and the constitutional authority of civil government."²⁷ Surviving tumultuous wars, rebellion, and political changes, the *datu*s are "found across Muslim society – in the urban and rural areas, as elected mayor or informal but powerful political gatekeepers, as clan chiefs or local barons, as aristocrats or rebel commanders."²⁸ Moreover, Maguindanao politicians of humbler roots, in tapping the traditional sources of power and prestige, usually adopt and are accorded the honorific title of *datu*.

The *datu*s, whether by descent or by fact, are now also referred to as "political leadership, warlords, strongmen. Like *datu*s of old, they command their respective followings and control territories unmarked on any map or government document."²⁹ They wield enough power in local politics to command fear and respect through the monopoly of violence. "As local strongmen, they turned their offices into personal fiefs, so that the municipal police came to resemble a personal retinue."³⁰ With a command of supporters, local leaders discover the increasing usefulness of violence and a reputation for violence to stay in politics which has become both capital and basis of economic power. It would not be unthinkable for a *datu* or any local leader to use violence outside of a war situation to control his people.

"Competition for local leadership has become much more intense because there are more aspirants seeking positions of power,"³¹ and this competition "triggers a cycle of violence

²⁷ *Ibid*, p. 55

²⁸ *Ibid*, p. 55

²⁹ Gutierrez, Eric, 2000: "In the Battlefields of the Warlord," in *Rebels, Warlords and Ulama, A Reader on Muslim Separatism and War in the Southern Philippines*, Institute for Popular Democracy, p. 81.

³⁰ Beckett, J., 2004: "Political Families and Family Politics Among the Muslim Maguindanaon of Cotabato," in *An Anarchy of Families, State and Family in the Philippines*, Edited by McCoy, A.W., Ateneo de Manila University Press, p. 291.

³¹ *Ibid*, p.81.

involving families and local leaders.”³² As explained later in this report, the roots of today’s problems of children and youth in organized armed violence within the Maguindanao province can be traced to the excesses of the *datu* system and politics.

The *rido* and the existence of private armies in Maguindanao

According to the Maguindanaon saying, “blood is thicker than water.” Sharing a common language and the Islamic faith, the Maguindanaon are both bound and divided by the persistent clan system. Each clan traces its descent from a common ancestor in the distant past. The royal clans of Maguindanao are such an example, tracing their respective lineages to a hereditary *datu* or a sultan. Within each clan there are sub clans, which could be bitter rivals. Regardless of rank or stature, a Maguindanaon may look to his or her sub clan for protection, and often, it is the sub clan that avenges or exacts compensation for the death of a clan member. The sub clans are further divided into families, which may again be in a strong alliance or engaged in long-term blood feuds against one another. Called *rido*, these feuds may be caused by a host of factors, ranging from a land dispute or a crime committed against a member of another *pagali*, the collective term in Maguindanaon for “family, sub clan or clan.”

An example is the blood feud behind a shooting incident reported by the police in Matengen in May 2003. Using a Smith and Wesson .357 caliber pistol, a 20-year old *datu* shot and killed one man and injured another. The victims were the sons of his father’s killer. The police report traces the origin of this particular *rido*. (The names of the people and places in the police report have been changed.)

*The motive of the killing was to avenge an old grudge that started sometime on 1993 when Datu Wahid Bansali was shot to death by an MILF armed group lead by Commander Diding Suli at Poblacion, Matengen, Maguindanao, wherein, the suspect, Datu Binoy Bansali was the only son of the of [the] late Wahid Bansali, while the victims Amirul Suli and Dimampao Suli were the son[s] of Commander Diding Suli. This old grudge was refresh when sometimes on March 13, 2002 the victim Amirul Sali boastfully fired his gun on the air when he was the suspect personally and [the grudge] swelled further when subject suspect visited his relative in Dulangan, Carmen, Cotabato and met again the victim [who] again attempted to kill the suspect but [was] pacified by some influential leaders’ threat. The grudge was neglected until this case of shooting when the two parties accidentally met again at Mastura Street, Poblacion Matengen, Maguindanao.*³³

According to the police report, dated June 2003, the suspect was still at large and the relatives of the victims have not coordinated with or asked for any assistance from the

³² *Ibid*, p. 81.

³³ Details of a progress report dated 5 June 2003 on a shooting incident in Poblacion, Midpandacan.

authorities: “Courts are either absent or barely functioning in many places in Muslim Mindanao [including Maguindanao]; revenge is the main form of justice.”³⁴

During a *rido* between two families, sub clans or clans, family members who had practically nothing to do with the dispute are put at serious risk because of their relation by blood or by marriage to the *pagali* directly involved. Persons at risk include children and teenagers. For example, one of the victims of a family feud that erupted in May 2002 in Dungguan, Aleosan, was a 10 year old boy. Two other children, aged 11 and 16, were among the three other people injured in the feud, which was sparked by a verbal argument over a land dispute.³⁵ On the other hand, the council of elders in a *rido*-affected area may attempt to settle the conflict amicably, with the perpetrators paying ‘blood money’ that may amount between 70,000 to 100,000 pesos (US\$1200 to US\$1800).³⁶

Apart from the widely held and accepted practice among Muslims in Mindanao that boys as young as 13 could already hold guns, the threat of retribution by the aggrieved party plays a large role.³⁷ Thus persists an unwritten rule of engagement: “kill an enemy while he is young and defenseless and he’ll never grow up and hit you back when you least expect it.”³⁸ Unarmed employees, such as household help, and other people outside the involved *pagali* are also at risk, either as intentional targets or as victims of circumstance. As a result of these perceived and actual dangers (and for a host of other reasons), many clans and special interest groups throughout Maguindanao and the rest of the Philippines, particularly those involved in politics or big businesses, maintain so-called ‘private armies.’

Section 24, Article 18 of the 1987 Constitution however states that, “Private armies and other armed groups not recognized by duly constituted authority shall be dismantled...” Despite this constitutional provision on the prohibition of private armies and government efforts, such groups continue to exist. The issue of private armies takes center stage in Philippine politics particularly during an election year. In March 2001, the Presidential Anti-Organized Crime Task Force (PAOCTF) reported that some 500 private armies are being maintained by politicians in identified election hot spots all over the Philippines, and “unscrupulous candidates intend to use them to harass voters on election day.”³⁹

Private armies were not the exclusive preserve of the politicians. Anyone who could afford it could have a band of armed retainers. Nonetheless, the existence of what may be known or considered as private armies in recent history can be traced to the days of old.

³⁴ “The Other Mindanao,” p.1. Available on: <http://www.pcij.org/imag/latest/mindanao2.html>

³⁵ “Family dispute parks strafing in Brg. Dungguan,” *The Mindanao Cross*, 15 May 2002.

³⁶ Interview conducted by the local researcher with a police officer based in Matengen, Maguindanao in October 2003.

³⁷ Interview conducted by Marco Puzon in August 2000 with Moro National Liberation Front (MNLF) Commander Habib Sakib in Lamitan, Basilan, for an unfinished manuscript on Basilan culture and history.

³⁸ *Ibid*

³⁹ “Pols may use 500 private armies – Paoctf,” *Today*, 7 March 2001.

According to a key informant, an 80-year old man and former bodyguard of a deceased *datu* politician in the province:

From what I know, those things started during the times of the datu when they still held so much power. They called them slaves.⁴⁰ They had to follow what the datu had ordered them. And they did not have the right to refuse what the datu wished.

Meanwhile, in his study on political families and family politics among the Maguindanao, Jeremy Beckett wrote:

Cotabato turned violent during the 1950s and politicians began to go about with armed bodyguards. The more prominent also retained a hundred or more men, equipped with modern firearms and transported by jeeps. These private armies were never deployed in serious engagements but were brought out for purposes of intimidation and for displays of prepotency.⁴¹

Gun culture in Maguindanao

While the government campaign to dismantle all private armies in the Philippines has resulted in a significant decline in gunrunning transactions and incidents of firearms smuggling, the proliferation of loose firearms remains unabated. This can be attributed to continued smooth opportunities for local transshipments of firearms and inbound smuggling of foreign-made weapons through international airports and maritime ports. Sometime in 1992, it was monitored that a big shipment of firearms, mostly cal. 5.56 US rifles, were unloaded in Mindanao. The firearms were allegedly purchased by local officials.

- Paper On Illicit Trafficking and Manufacturing of Firearms: Philippine Context⁴²

The prevalence of firearms in many areas in Mindanao can be traced to the centuries of violence and how the people had adapted to such conditions. World War II, the separatist war of the 1970s, the protracted fighting between the Philippine government and non-state actors like the MILF in the succeeding decades, and *ridos* or clan wars resulted in the proliferation of firearms in the ARMM region. The following observation, used to

⁴⁰ The original term in the interview was *alipin*. Slave raiding and slave trading activities in Mindanao were endemic until the early 1900s when the Americans stepped in to stamp out these practices.

⁴¹ Beckett, J., 1994: "Political Families and Family Politics Among the Muslim Maguindanaon of Cotabato," in *An Anarchy of Families, State and Family in the Philippines*, Edited by McCoy, A.W., Ateneo de Manila University Press, p. 294.

⁴² PCTC Paper on Illicit Trafficking and Manufacturing of Firearms: Philippine Context is available on line at <http://www.pctc.gov.ph/>

describe Sulu province, also applies to many areas in the ARMM region, including Maguindanao:

*In an area without law and order to speak of, each household has to look to itself for protection and security. Being able to strike back is the best form of security. Thus, almost all households in the province, especially those outside the capital town, keep a number of firearms handy.*⁴³

It is not uncommon for families to own firearms. According to an official of the ARMM Department of the Interior and Local Government (DILG), it is common for families to own short firearms with calibers ranging from 0.22 to 0.45, and many of these short firearms are unlicensed.⁴⁴

According to a PCTC report, “The main sources of uncontrolled firearms (loose firearms) are the unregistered local gun manufacturers.”⁴⁵ The guns produced by these “clandestine backyard or cottage industries manned by family members” are known as *paltik*.⁴⁶ The PCTC report further states, “Aside from being relatively cheaper, these firearms [0.22, 5.56, and 0.38 caliber revolvers and 0.45 caliber pistols] are highly marketable and easier to produce than foreign-made handguns.” As of December 2003, small 0.38 caliber revolvers sell at 1,400 pesos (about US\$25), while machine pistols sell for 12,000 pesos (or about US\$215).⁴⁷ The ARMM DILG official said that *paltik* are being produced in Mindanao, and these areas include Upi in Maguindanao (specializing in 0.22 caliber Ingram), Tacurong in Sultan Kudrat, and also in the province of Davao del Sur.

Also, the PCTC reports that: “Economic difficulties, pressure from peers and the need of outright cash motivate property custodians [of both the Armed Forces of the Philippines and the Philippine National Police] to bring out items from their custody to address their ongoing economic depressions. Embezzled properties like firearms are selling like hotcakes on the street.”⁴⁸ Gun makers and unscrupulous members of the military and police forces enjoy brisk business towards an election year and the link between gun makers and politics is undeniable since “it is during bitterly fought elections that gun

⁴³ Gutierrez, Eric, 2000: “In the Battlefields of the Warlord,” in *Rebels, Warlords and Ulama, A Reader on Muslim Separatism and War in the Southern Philippines*, Institute for Popular Democracy, p. 78.

⁴⁴ Interview conducted by Marco Puzon with Fredelino Gorospe, Local Government Operations Officer of the ARMM DILG on November 20, 2003 in Cotabato City.

⁴⁵ Philippine Center on Transnational Crime (PCTC), Paper on Illicit Trafficking and Manufacturing of Firearms: Philippine Context, www.pctc.gov.ph/edocs/papers

⁴⁶ The PCTC reports that the bulk of *paltik* manufacturers are concentrated in the island of Cebu in the Visayas, particularly in the cities of Danao and Mandaue and neighboring towns. Many of these Danao weapons end up in Mindanao. See also “Danao gun makers busy as polls near,” *Philippine Daily Inquirer*, 8 December, 2003.

⁴⁷ *Ibid*

⁴⁸ PCTC, Paper on Illicit Trafficking and Manufacturing of Firearms: Philippine Context, p. 11. Available on: www.pctc.gov.ph/edocs/papers

violence traditionally surges as rival clans with long histories of enmities battle for dominance and settle scores.”⁴⁹

Actors Involved: a Labyrinth of Conflict

After achieving independence in 1946, the Philippine government continued the policy of colonization, which began during the American colonial period. It encouraged Christian settlers to move to Mindanao. The influx of migrants, which reached a peak in the 1950s, resulted in land disputes, the increased dispossession of the marginalized farmers from Muslim and indigenous groups, and fierce economic and political competition among the elite groups in both the Christian and Muslim population. Roy May wrote of the period:

*Those who enjoyed economic and political power frequently sought to safeguard and promote their interest autonomously, through employing private armies and hired goons or by buying the support of the police and military (with whom, in some cases they had ethnic-local affiliation). Those who fell by the wayside often turned to various forms of banditry.*⁵⁰

Politicians sometimes protected the bandits, who were often members of the displaced peasantry and “in some places bandits, police, and armed retainers were hard to distinguish. Under such conditions, politics became so intertwined with economics and security that no one could afford to stay out of it.”⁵¹ The bloody and decades-long communist insurgency and the Muslim separatist movement coupled with the government reaction of placing Mindanao under increasing military presence and the mushrooming of “fanatical sects” and other paramilitary organizations destroyed the physical and social infrastructure of the region, “sucking more and more of Mindanao society into the vortex of intensified violence.”⁵² The observations made about the reality in Muslim Mindanao in the 1970s appear to remain valid in the succeeding decades. As one observer wrote:

*Political order was maintained not by the presence of the Constabulary (which was small and too dispersed), but by mutual accommodation between local politicians and national leaders, where the latter allowed the former control over their respective bailiwicks in exchange for keeping peace in these localities in the name of the state. And during elections these local leaders delivered votes for national candidates and, in exchange were privileged with pork barrel money.*⁵³

⁴⁹ “Danao gun makers busy as polls near” op. cit.

⁵⁰ May, R., 1992: “The Wild West in the South,” in *Mindanao: Land of Unfulfilled Promise*, New Day Publishers, Quezon City, p. 141.

⁵¹ Beckett, J., 1994: op. cit., p. 293.

⁵² May, R., 1992: op.cit., p. 142

⁵³ “Leave Us Alone,” Commentary piece by Abinales, P.N., published in *Newsbreak*, January to June 2003 issue.

Nonetheless, by the 1980s, many areas in Mindanao experienced a wave of liquidation, kidnapping, arson, extortion, torture, harassment and other forms of human rights violations perpetrated by various groups, not excluding erring members of the military and paramilitary groups. One of the affected towns, Claveria, in the predominantly Christian northern Mindanao province of Misamis Oriental, saw the formation of the Civilian Volunteers Organization (CVO), which was part of the state's reaction towards the rising tide of insurgency during the final decade of the Marcos dictatorship.⁵⁴

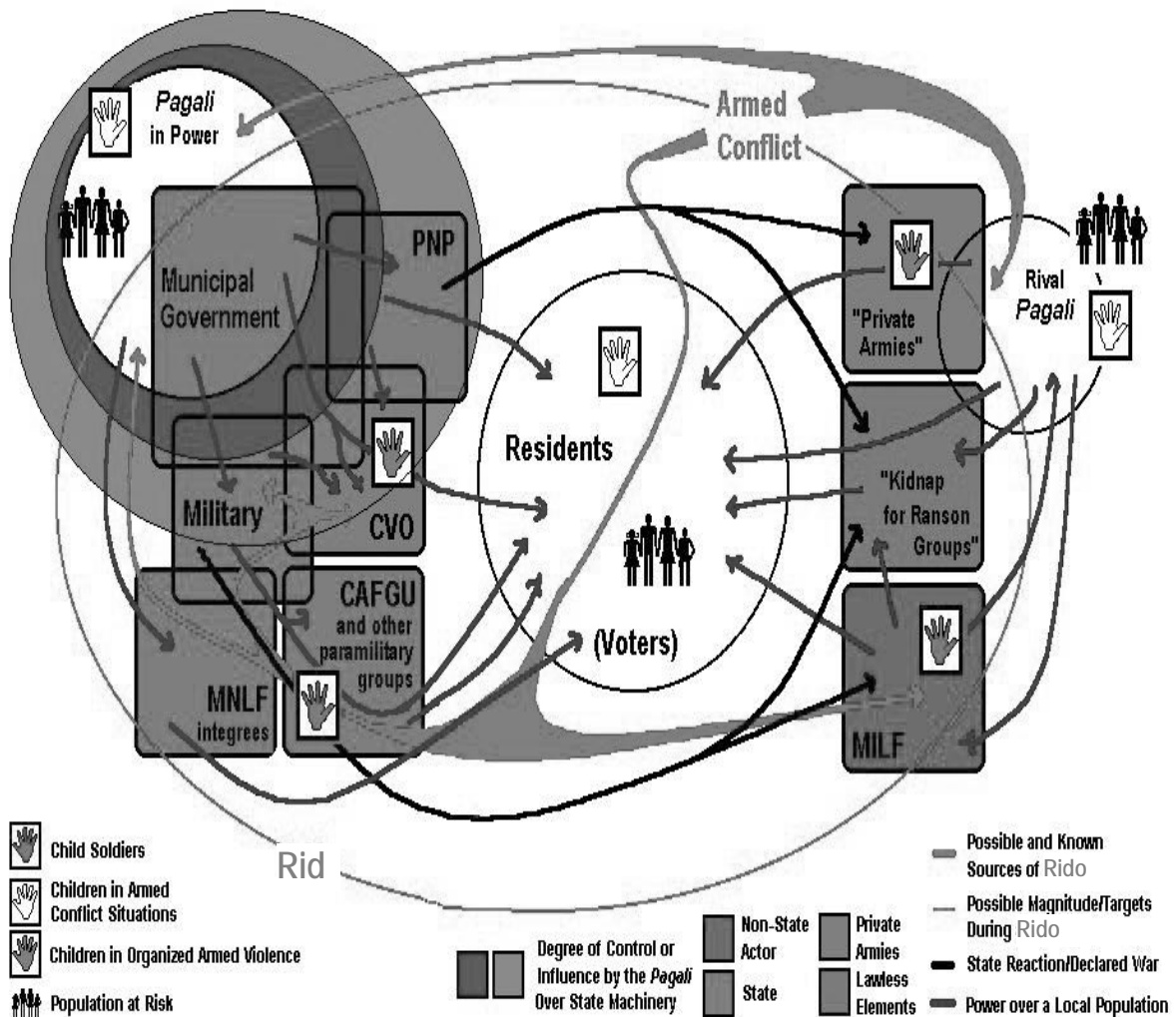


Diagram 1: Dynamics Between the Actors in the COAV Phenomenon in Maguindanao

While it may not represent the situation in the other municipalities in the province of Maguindanao, the diagram was formulated bearing in mind the state of affairs in the three study areas. Although the issue of children and youth in organized armed violence is just

⁵⁴ Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC), p. 557.

one in the labyrinth of conflicts in the province, it is unclear just as it is not at all addressed. Although the CVOs are part of the state machinery, the very nature of its formation, composition, and purpose in the target municipalities and in many others in Maguindanao province gives the group a dual character. While the law provides the legitimacy of the creation of CVOs in a given area to augment the city or municipal police and military forces in providing the general population security and protection against criminals and lawless elements, they have become instruments of political control and intimidation especially during elections.

In 1987, when private armies were declared unconstitutional, the ruling clan or *pagali* simply converted their private armies into CVO units. Just as nebulous are the armed retainers of the rival clans who, given the non-legitimacy for their maintenance and operation, clearly fall under the category of private armies. The diagram does not show one decisive and compounding factor in the dynamics between the various actors: both the *pagali* in power and its ally or rival may have relatives in the CVOs, Philippine National Police (PNP), military, Citizen's Armed Force Geographical Units (CAFGU), MILF, and MNLF, including the "kidnap for ransom groups." This section discusses these other actors in the political and social playing field and arena of conflict and their relation with the CVOs.

Armed Forces of the Philippines (AFP)

One of the legacies of the conflict in Mindanao during the 1970s is the militarization of many areas, including Maguindanao. In response to the separatist threat, the Marcos regime conducted "search and destroy operations against defiant rebel groups, to impose the government's will in the affected areas... and in the process assist in the restoration of local governments."⁵⁵ The AFP has since maintained a strong presence in Mindanao. As of May 2003, there are a total number of eight brigades under the operational control of the 6th Infantry Division based in Awang, *Datu Odin Sinsuat*, Maguindanao. According to informants, CVOs receive training and even firearms from the military.⁵⁶ Furthermore, CVOs accompany army regulars during operations against rebels and other armed groups.⁵⁷

Citizen Armed Force Geographical Units (CAFGU) and paramilitary groups

The AFP is also comprised of civilian units, which undergo military training and service, as provided by law. Although the AFP strictly regulates the operations, the military "had been severely criticized for allegedly using paramilitary forces and civilian self-help groups [such as the CVOs] in counter-insurgency operations. Some of these groups have

⁵⁵ Che Man, W.K., 1990: "Muslim Separatism," Ateneo de Manila University Press, p. 150.

⁵⁶ Interview conducted by local researcher with key informants and child members of the CVO during the period from September to October 2003. See also Adraneda, K. Human rights activists to GMA: Please stop Basilan siege, www.cyberdyaryo.com/features/f2001_1011_04.htm

⁵⁷ Interview conducted by local researcher with key informants and child members of the CVO during the period from September to October 2003. See also "Philippine military rampaged civilian communities and attacked an MNLF camp in Maguindanao," BMNews August 19, 2002, <http://mnlf.net/Press%20Releases/Military%20rampage%20civilian%20communities.htm>

allegedly committed HR [human rights] abuses and extra-judicial killings.”⁵⁸ As its commitment to the peace progress, the government of Fidel V. Ramos initiated in 1993 and partially implemented from 1995 to 1996 a five-year program to phase out all CAFGU units. During the government of Estrada, the phase-out program was halted and deactivated CAFGU units in many areas in Mindanao returned to action as a result of rising incidences of insurgency and criminality in the region. CVOs conduct neighborhood watches along with CAFGUs and other paramilitary groups.⁵⁹

Philippine National Police (PNP)

The investigative reporting magazine *Public Eye* reports that the ARMM is one of the only two regions in the Philippines that have met the 1:500 police-to-population standard set by the PNP. According to this source, the “ARMM had one policeman for every 419 population,”⁶⁰ which contrasts with the national ratio of 1:734. Nonetheless, the region saw a steep rise in the number of crimes such as homicide, physical injuries, rape, robbery, and theft, with a 28% increase from 536 in 2001 to 686 the following year.⁶¹

On the other hand, statements by the *kagawad*, or municipal councilor, from Midpandacan presented a different case in point. The inability and insufficient number of the local PNP officers to provide security to the town’s residents were justified as the reasons for the existence of CVOs in the area. He said, “They augment our local PNP. There are so many people here in Midpandacan that the very few PNP [officers] we have cannot protect them all.”⁶² CVOs receive training from local PNP units and provide support services to the local PNP personnel.⁶³

Moro National Liberation Front (MNLF)

After the signing of the 1996 peace agreement, the Philippine government embarked on mainstreaming and integration of MNLF fighters into the AFP and PNP. Meanwhile, as an organization, the MNLF has lost its separatist flavor and the mainstreaming programs have transformed the mainly secular MNLF from “a revolutionary politico-military organization into a political organization.”⁶⁴ Some CVOs were formerly members of the MNLF.⁶⁵

Moro Islamic Liberation Front (MILF)

⁵⁸ Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC), p. 547.

⁵⁹ Interview conducted by local researcher with key informants and child members of the CVO during the period from September to October 2003. See also “1 CAA, 3 CVOs killed in MILF ambush in Maguindanao” Philippine Army Press Release, 2 June, 2003. Available on: www.army.mil.ph/Press_Release/2003/June03/PressRelease191.htm

⁶⁰ Crime statistics and other information available on: www.pcij.org/imag/PublicEye/crimestats.html

⁶¹ *Ibid*

⁶² Interview conducted with key informant, a municipal councilor from Midpandacan in mid-September 2003.

⁶³ See also G. Bayoran, “PNP Chief orders aggressive street patrols,”

<http://www.visayandailystar.com/2003/March/04/topstory9.htm>

⁶⁴ “Hussin’s Revolution,” *Newsbreak*, January to June 2003 issue, p. 30.

⁶⁵ Interview conducted with key informants and child members of the CVO during the period from September to October 2003.

Originally a breakaway faction of the MNLF in 1984 and led by Maguindanaon Islamic scholar Hashim Salamat until his death early in 2003, the MILF maintains a formidable presence in Maguindanao. Before the series of military offensives between 1998 and 2003, the MILF maintained five main camps and ten other sub-camps in Maguindanao, and several others in ten provinces in Mindanao. The MILF basically exercised political control in areas where local government structures (LGUs) were inoperative or absent. In such areas, the elected government officials were absent, holding offices in Cotabato City.

Citing the areas forming the perimeter of the MILF main camp of Abubakar prior to the massive government operation against the rebel group in 2000, the BBFI (Bantay Bayan Foundation)⁶⁶ official for Maguindanao noted that the CVOs in the rebel-infested areas were actually composed of MILF members.⁶⁷ CVOs accompany regular army troops in operations against the MILF.⁶⁸ In one of the study areas however, CVOs also received training from MILF. Some of the CVOs were formerly members or are active members of the MILF.⁶⁹

Kidnap for ransom groups

The MNLF has further splintered into many so-called 'Lost Command' groups in the past few years, some of which have resorted to kidnap for ransom activities and hijacking. According to one study, "The real danger in insurgency-affected areas, say some peace advocates, is the breakdown of law and order that paves the way for the rise of criminal and predatory gangs."⁷⁰ The Philippine military often points to both the MNLF Lost Command groups and MILF as the brains behind the kidnappings and criminality, a charge consistently denied by the latter. Kidnapping is described as a "community activity," where, according to the testimonies of the victims, "they are brought and kept in villages where different families coordinate to take charge of cooking and security chores while others negotiate for the ransom."⁷¹ According to the military, these villages are also MILF-controlled areas. In recent years, the so-called Pentagon Gang operates with impunity in the Maguindanao area, but their activities were not localized, severely affecting trade between the provinces in Central and Southern Mindanao. CVOs accompany police and military regulars in operations against kidnap for ransom groups. In one of the study areas, the CVOs however form part of the kidnap for ransom group allegedly headed by the senior member of the *pagali* in power.⁷²

⁶⁶ The BBFI is a fiercely anti-graft and corruption people's organization. It claims to have a nationwide membership of almost a million Filipinos headed by 14,000 leaders from various levels of governance.

⁶⁷ Interview conducted by Marco Puzon with Eduardo Juane, BBFI Maguindanao Provincial Head on 19 November, 2003 in Parang, Maguindanao.

⁶⁸ "15,000 CVOs mobilized to help military, police in getting Al-ghozi," *Minda News*, 26 July, 2003. Available on: www.mindanews.com/2003/07/26nws-alghozi.html. "3 CVOs killed in clash; Army files truce violations vs MILF", *Manila Times*, 11 November, 2003. Available on: www.mindanews.com/2003/11/11nws-cvos.html

⁶⁹ Ibid. Also based from interviews conducted with key informants in Maguindanao in September and October 2003.

⁷⁰ Gutierrez, Eric, 2000: "The Unfinished Jihad," in *Rebels, Warlords and Ulama, A Reader on Muslim Separatism and War in the Southern Philippines*, Institute for Popular Democracy, p. 289.

⁷¹ Ibid

⁷² Interview conducted with child members of the CVO during the period from September to October 2003.

The Civilian Volunteers Organization (CVO)

The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means. People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

- Section 15 and 16, Article XIII – Role and Rights of People's Organizations, 1987 Philippine Constitution

This section serves to provide background information on Civilian Volunteer Organizations (CVOs), the social conditions in Mindanao prior to its formation in the 1980s, and the legal basis for its formation. This section also provides pertinent sections of existing guidelines for the selection of membership, and outlines the functions of and training given to the CVOs as provided by law. It also tackles the issue of accountability and compensation. In providing this section, the researchers and writers of the study present the difference between the theory and reality surrounding CVOs. This study is limited to Maguindanao-based CVOs used as private armies and the involvement of children in these groups.

Legal framework

Chapter 2 Section 387 (b) of the Local Government Code provides that the “*Sangguniang Barangay* or *Barangay Council* may form community brigades and create such other positions or offices as may be deemed necessary to carry out the purposes of the *barangay* government in accordance with the needs of the public service, subject to budgetary limitations and personal services prescribed” by the Local Government Code. Chapter 4 Section 391 No. 16 meanwhile provides for the organization of community brigade, *barangay tanod* or community service unit as may be necessary. From the interviews with ARMM DILG officials in Cotabato City, the community brigade or community service unit came to mean the CVOs.⁷³

Furthermore, according to the Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC):

⁷³ Interview conducted by Marco Puzon with Fredelino Gorospe, Local Government Operations Officer of the ARMM DILG on 20 November, 2003 in Cotabato City.

*CVOs are formed by a group of interested and concerned citizens who have exercised their constitutional right to form organizations for community self-defense and to protect their interest and safety against criminals and other lawless elements. They are not military units but they assist in providing urgently needed social services in their communities. As part of the government's total approach in countering insurgency, CVOs operate exclusively for self-defense and protection.*⁷⁴

Membership and term

The government formulated guidelines in the selection of members to the CVOs. The Combined Second and Third Report of the GRP to the UNHRC further states that:

CVO members must possess the following qualifications: a respected and law-abiding Filipino citizen; at least 18 years of age; of sound mental disposition; no police/criminal/court record; a bonafide resident of the area where he seeks to join as BB volunteer for at least 6 months immediately before the filing of his application.

The POC [Peace and Order Committee] chairman at each level is required to create a three-man committee which shall (1) receive, process and appraise applications for membership; (2) refer applicants to the Provincial Health Officer, City Health Officer or any government physician as the case may be, for medical and physical examination; (3) recommend approval of application for membership of qualified applicants to the POC chairman, who shall approve or disapprove the application, and, (4) assist in the formal organization of CVOs. The POC secretariat coordinates and monitors the organization and administration of the CVOs and keeps a complete list of their officers and members. The organized CVOs shall be under the supervision of the local chief executive who shall be assisted by the police and/or the military elements in the community.

The *Punong Barangay*, the appointive or elected head of the *barangay*, shall appoint the *barangay tanod* or CVO upon recommendation of the *Barangay Peace and Order Committee* (BPOC). The term of appointment of a *barangay tanod* or its equivalent shall be for three years, which may be revoked for a valid cause, such as violations of laws, commission of crimes, gross neglect of duty, voluntary resignation, and for causes that the BPOC may determine.⁷⁵

⁷⁴ Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC), p. 556.

⁷⁵ Memorandum Circular No. 2003-43, Republic of the Philippines, Department of the Interior and Local Government, Dated March 10, 2003.

Size and number

The exact number of CVO membership in Maguindanao province is difficult to ascertain and those given by the different sources are conflicting. The PNP Provincial Commander placed the number of CVOs in Maguindanao as only 200.⁷⁶ On the other hand, according to news reports, 1,004 of the 1,966 CVO members from Central Mindanao finished their basic police-training course and attended the graduation rites in Cotabato City in May 2003 come from Maguindanao.⁷⁷

The DILG National Office, on the other hand, places the number of CVO members nation-wide at 800,000; as these are recognized under the local government code, it also says that it is the government's obligation to provide them training.⁷⁸ Under the law, the municipal and city governments are supposed to submit a monthly report to the DILG on the location, leaders and members of the CVOs in their respective areas. According to the ARMM Department of the Interior and Local Government (DILG) official, only one out of the 24 municipalities of Maguindanao is complying with this requirement.⁷⁹

The same official, however, notes that according to law, a *barangay* is allowed to maintain a minimum of 20 and a maximum of 40 CVO members in their respective localities.⁸⁰ One of the key informants, a municipal councilor from Midpandacan, who admitted that he was the leader of the CVOs in the locality, said that he had 20 men under his command. Saharia (not her real name), the key informant from Matengen, gave the same number of members in her group:

I: That means there are a lot of men who are at the mayor's place and are armed with guns?

S: *Yes, lots of them.*

I: In your estimate, how many are you?

S: *How many are we? I usually see 20, and that's the usual number who accompanies the mayor during important trips or to distant places.*

Chapter 4 Section 393(d) of the Local Government Code provides that "all duly appointed members of the *barangay tanod* brigades or their equivalent [such as the CVO]... shall not be more than twenty (20) in each *barangay*..." However, the law also provides that the *barangay* government "may create more as may be necessary to carry

⁷⁶ Interview conducted by Agnes Camacho and Marco Puzon with PNP Maguindanao Provincial Police Commander Hamdag Ali, on 16 November, 2003 in Cotabato City.

⁷⁷ "Lina Not in Favor of Arming Barangay Tanods," *Minda News*, 28 May, 2003. Available on: www.mindanews.com/2003/05/28nws-tanod.html

⁷⁸ *Ibid*

⁷⁹ Interview conducted by Marco Puzon with Fredelino Gorospe, Local Government Operations Officer of the ARMM DILG on 20 November, 2003 in Cotabato City.

⁸⁰ *Ibid*

out the purposes of the *barangay* government in accordance to the needs of public service subject to the budgetary limitations of the *barangay*.”⁸¹

Two of the study areas alone, Midpandacan, and Matengen, have a total of 23 *barangays*. Assuming that each of the *barangays* have CVOs and using the 20-40 range on the number of CVO members per *barangay* as the basis, it can be estimated that a minimum of 460 and a maximum of 920 CVO members exist in these two municipalities. This figure is more than twice the number given for the total number of CVO members in the entire province given by the PNP Maguindanao Provincial Commander. The 2001 Census placed the number of Maguindanao *barangays* at 401. Given the same formula, it can be estimated that anywhere between 8,020 and 16,040 CVO members exist in Maguindanao.

Organization, function/duties and training

In terms of organization, the *Punong Barangay*, also called the *barangay* captain, shall supervise the *barangay tanod* or its equivalent like the CVOs. The *Punong Barangay*, also referred to as the *barangay* captain, shall designate a Chief *Tanod* or Executive Officer to head the group. The *tanod*, or the CVO, shall be organized into teams composed of a Team Leader and two to four members.⁸² The child and youth CVOs interviewed for this study referred to the Team Leader as their “handler.” Meanwhile, the interview with Unding, the key informant from Marang, confirmed the five-member composition prescribed by the DILG:

I: How many are the men [under your control]?

U: Particularly in my barangay, I have four, so that makes us five. In the five barangays under my jurisdiction I have about 20 men. Each barangay has at least five men.

I: That means you’re 25 all in all? Does your number increase or has it decreased as well?

U: That depends, once I lost a comrade. I think it was sometime on year 2002. Two of my men died in an [armed] encounter, decreasing our number and it took a few months before they were replaced.

Basically, the CVOs function as a community watch group, aiding the local police force in the maintenance of peace and order in their respective localities. Regarding their duties, the CVOs are “allowed to engage primarily in unarmed civilian assistance which include: (a) intelligence or information gathering; (b) neighborhood watch or *rondas*; (c)

⁸¹ Memorandum Circular No. 2003-43, Republic of the Philippines, Department of the Interior and Local Government, 10 March, 2003.

⁸² *Ibid*

medical, traffic or emergency assistance; (d) assistance in the identification and implementation of community development projects; (e) gathering of relevant information and data as inputs to peace and order planning and research activities.”⁸³ DILG Secretary Joey Lina said that the government was training the “*barangay tanods* [community watchmen, including CVOs] all over the country so they can assist in the fight against criminality and terrorism. We need to have a force multiplier for our policemen.”⁸⁴ In July 2003, 15,000 CVOs in the Southern Mindanao area were mobilized to augment police and military forces in tracking down three terrorists, including Jemaah Islamiyah member and Indonesian national Fathur Al-Ghozi, who escaped from a high-security detention center in Manila and were believed to be hiding in Mindanao.⁸⁵

Within the bounds of the law, the CVOs are required to undergo training in basic intelligence work, community security, self-defense, use of firearms, civilian arrest and public information.⁸⁶ The key informants said that CVOs received training on the use of firearms from the military, particularly from some soldiers belonging to the 6th ID, and in the case of one of the study areas, from the mayor and his brother. None of them indicated whether they were trained in the other previously enumerated areas. Nonetheless, the training in the use of firearms appears incongruent with and contrary to the government’s initial policy of not arming the CVOs.

Accountability and compensation

The Combined Second and Third Report of the GRP to the UNHRC further states the CVOs are “under local civil government supervision and their activities must be sanctioned by the village and municipal authorities and coordinated with local and military police.”⁸⁷ In essence, the CVOs are accountable to the *Punong Barangay*, which is in turn, accountable to the head of the LGU. The report also mentioned that:

In order to make CVOs stronger and more cohesive, a group of pioneers organized the Bantay Bayan Foundation (BBFI) in 1984 and, subsequently, registered it with the Securities and Exchange Commission.⁸⁸ The main activity of the BBFI involves the conduct of security lectures and seminars at the provincial, city, municipal and barangay levels. The BBFI registered 9,018 chapters nationwide and a membership totaling 4,509,000 or an average of 500 members per

⁸³ Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC), p. 559.

⁸⁴ “Lina Not in Favor of Arming Barangay Tanods,” *Minda News*, 28 May, 2003. Op. Cit.

⁸⁵ “15,000 CVOs mobilized to help military, police in getting Al-ghozi,” *Minda News*, 26 July, 2003. Available on: www.mindanews.com/2003/07/26nws-alghozi.html . Al-ghozi was arrested in Manila in January 2002. He was sentenced to 18 years in prison, 12 for illegal possession of explosives and six for falsification of documents in obtaining passports.

⁸⁶ Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC), p. 559.

⁸⁷ *Ibid*

⁸⁸ The Securities and Exchange Commission (SEC) is an independent, credible government agency that acts as a “regulator adhering to international standards... by ensuring a fair capital market.”

*chapter. There has been no mentioned case of human rights violations by BBFI members, although there were some reports of misdeeds within the organization.*⁸⁹

Regarding compensation, Chapter 4 Section 393(d) also provides that the members of the *barangay tanod* brigades or their equivalent “shall be granted insurance or other benefits during their incumbency, changeable to the *barangay* of the city or municipal government to which the *barangay* belongs.” Also, pursuant to the Commission of Higher Education Order No. 6 Series of 1997 and subject to qualifications prescribed by this order, “a maximum of two children of the *barangay tanod* shall be provided study grants.”⁹⁰

Reality: the CVO as ‘private army’

When the 1987 Constitution mandated the dismantling of “private armies and other groups not duly recognized by the authorities,” the *datu*, sub chiefs and influential members of the *pagali* simply made their private armies, armed retainers and bodyguards into members of the CVOs in their respective localities. In effect, the legal basis for the formation of CVOs provided an avenue for the legitimization of private armies.

As clearly stated by one key informant from Midpandacan, a senior *kagawad* or municipal councilor and close relative of the incumbent mayor:

I: Kagawad, what about private armies [in your area]?

K: *Those no longer exist. As a matter of fact, my 20 CVOs were previously [members of] our private army, security guards of my family. But because I am a public servant now, in fact this is my last term in the [municipal] council, my CVOs were not for myself... for my family... for my clan... but for the people of Midpandacan.*

The Midpandacan municipal councilor also admitted that some of the members of his CVOs were the sons of the members of his old private army.

In the three study areas, the difference between CVOs and private armies appear to be only in name and not in composition. Upon being asked on the name of and the people comprising her group, another key informant, Saharia (not her real name), a 24 year old female CVO member from Matengen said that:

S: *[We] simply called them bodyguards of the mayor but now we are known as CVOs.*

⁸⁹ Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC), p. 561.

⁹⁰ *Ibid*

I: Why the change in name?

S: Because the mayor told us that bodyguards or security guards are illegal now, I don't know. That's what he said and so we are now called CVOs.

The BBFI, which according to its website prides itself as a “fiercely anti-graft and corruption people's organization,”⁹¹ however, said that it does not have any CVO chapters in Maguindanao. A ranking BBFI official for the Maguindanao area described the CVOs in the province as “politically motivated” and that politicians in the region were using the CVOs in their respective localities as their private armies.⁹² He added that the BBFI, which had 16,000 chapter members in the ARMM and Central Mindanao area, had already deactivated in 2001. He however stressed that while membership to the BBFI is not exclusive to CVOs, the BBFI is different from the Bantay Bayan Self Defense Units activated by President Macapagal-Arroyo in October 2001.

The guidelines or process in selecting members and qualifications prescribed by law are not followed to the letter. Saharia of Matengen said that anyone could be a member of the CVO but only after passing in-depth background checks. In her case, she did not find it difficult to become a member. She had been working for the *pagali* as a household help for two years before she became a member of the CVO. From the interview, it is clear that she became one of the retainers of the mayor at age 21. Saharia had entered the household at age 19 but not as an armed member of the CVO.

I: From where do the members of your group come from?

S: From different places, the others come from the marshy places [in the interior of Pagagawan and Pagalungan]. They come from just anywhere, who comes to the mayor. He helps those whom he thinks is needy. And then, he helps.

I: Is it really that easy to enter the CVO?

S: For the others, it was quite difficult, because they [the pagali] get to know who the family is, who you are really... the mayor must know a lot about you, including your family.

I: Did you go through that process?

S: Mine is a different case because I had been working with them as a housemaid, but probably they also looked into my background.

I: So, how many years have you been working in that job?

⁹¹ See www.bantaybayan.topcities.com/profile.htm. Membership to the BBFI is however not exclusive to CVOs.

⁹² Interview conducted by Marco Puzon with Eduardo Juance, BBFI Maguindanao Provincial Head on 19 November, 2003 in Parang, Maguindanao.

S: Three years as a security guard, two years as a maid.

I: So five years, all in all?

S: Yes.

The primary duty of the private armies is to secure and guarantee the safety of the head of the *pagali* and his family. As in the case of Saharia, she acted as the mayor's girl Friday. According to her: "I am not her secretary, but I am always beside her especially when her husband the *datu* is not around. Every time she's at the *municipio* [town hall], I am there too."

Her tasks ranged from occasionally conducting an inventory and cleaning and storing the guns at the arms depot, to carrying important documents or papers of the *pagali*. Saharia however recalled the time when she was almost involved in a gunfight, after soldiers and policemen surrounded the house of her employer to arrest the son of the *datu* who was suspected of complexity with a kidnap for ransom group. Her group outnumbered the soldiers and law enforcers by twice the number, and the latter did not further attempt to enter the premises to avoid a heavy confrontation.

The *Pagali* dictatorship⁹³

The principal actor in the phenomena of children and youth in organized armed violence in Maguindanao is the *pagali*, whose pivotal role in the existence and maintenance of private armies (or in the recent years, their CVO counterparts) is discussed earlier in the report, in the section entitled "The *rido* and the existence of private armies in Maguindanao."

Often either in close cooperation or bitter competition with another clan, the *pagali* exercises control over a given territory, its population and local resources. Although the degrees of control may vary and may not be immediately observed by outsiders, the term *pagali* dictatorship may appear more representative of the situation in the three study areas. A single and very prominent member of the clan may occupy the office of the mayor for the maximum number of three consecutive three-year terms. In this case or in the death of one particular power holder, another member of the clan, usually a very close relative, fills up the power vacuum. Following age-old practice, intermarriage with another powerful *pagali* results in the consolidation of more power and prestige to both clans – but given the exorbitant bride prices, the clan of the groom probably enjoys more of such power and prestige in the eyes of the community.

In Marang, the unopposed candidacy and eventual winning of a mayoralty seat by one of the chief members of the leading *pagali* during the 2001 elections showed the latter's monopoly of political control. The rival did not want to tangle with the powerful *pagali*,

⁹³ The term "*pagali* dictatorship" was coined in this study to refer to the exclusive political power wielded by this group.

withdrawing his candidacy a month before the election. Exercising absolute control, the ruling *pagali* of Marang also refused the entry of outsiders including aid workers during the height of the conflict between government troops and MILF units in 2002. Strongly denying that there were any *bakwit*, or evacuees, in the municipality, the mayor said that he could not extend any protection to the aid workers if they insisted on working in the town. No one in the municipal hall could release to outsiders any papers or information about the town without the explicit approval of the *pagali*.

Notwithstanding the existence of traditional socio-political structures like the *datu* system, a clan member holding a political office can open avenues for the *pagali* and its allies to dominate socio-political conditions in their respective territories. These could be formally or informally subdivided to prevent clashes within the clan or with another powerful clan. This has been observed with the division of Marang and Midpandacan into smaller municipalities.

Behind the machinery of the LGU, the *pagali* may have complete control of the funds for the town's development, particularly disbursements of IRA and other funds. The *pagali* dictatorship becomes part of the state machinery through its members elected to posts in the LGU. The latter may appoint relatives to key positions in the government.

Command Structure: The Hand That Fits the Glove

In the study areas, while the distinction between the private armies and CVOs appears nominal, the command structure of the CVOs varies depending on the situation in each area. The former senior head of a private army active in Maguindanao during the 1950s and 1960s said that the *datu* or head of a *pagali* normally exercised complete control of the armed group. However, the structure is not rigid. Some members who enjoy the total confidence and trust of the *datu* or clan leader may assume control of the private army in the absence of the latter.

“The hand that fits the glove” is perhaps most applicable metaphor to describe the relationship between the head or subordinate heads of *pagali* and the command structure of the CVO. As the ‘hand,’ the *pagali* exercises absolute control over the selection of members into the CVO, putting great emphasis on trustworthiness. In the case of Midpandacan, the municipal councilor is the head of the CVOs, but the chain of command probably emanated from the mayor. The case in Marang presents a different scenario. While it is usually the head of the clan or family who is at the top of the chain of command, there may be no single member of the *pagali* who exercises total control over the CVO, who were divided into units headed by a sub leader. The key informant said that most of the top leaders were members of the *pagali* and those who were not related to them formed the lower ranks and were the ones carrying out the orders. He declined to give further information.

I: There are about ten of you sub-leaders? Who is at the top most?

U: It's really the clan... any single one of them, especially the sons of Datu Pagatin [not the real name], but then, we were really just under the mayor. Now, [following the mayor's death] many are barking orders, many are talking.

I: Is not that difficult? Many orders? What are the orders that they give out?

U: (Shaking his head) Maybe you have learned so much information; maybe we can end this interview.

One child interviewee said in his area that there were two kinds of CVOs, the regulars and those who were deployed only in times of serious conflict. The regulars, who numbered between 40 and 50, received a monthly allowance while those who were deployed during wars or armed conflict with another *pagali* were also compensated monetarily for their services.

The dynamics of entrapment

According to the Midpandacan municipal councilor, it was easy for anyone to become a CVO provided that he was interested and determined to become one. It was however difficult for anyone who was not trustworthy. Part of this trustworthiness is keeping a “code of silence.” The following diagram shows the dynamics between the *pagali* dictatorship, the CVOs and the community at large, including the rival clan. The diagram also shows the dual nature of the CVO in the three study areas.

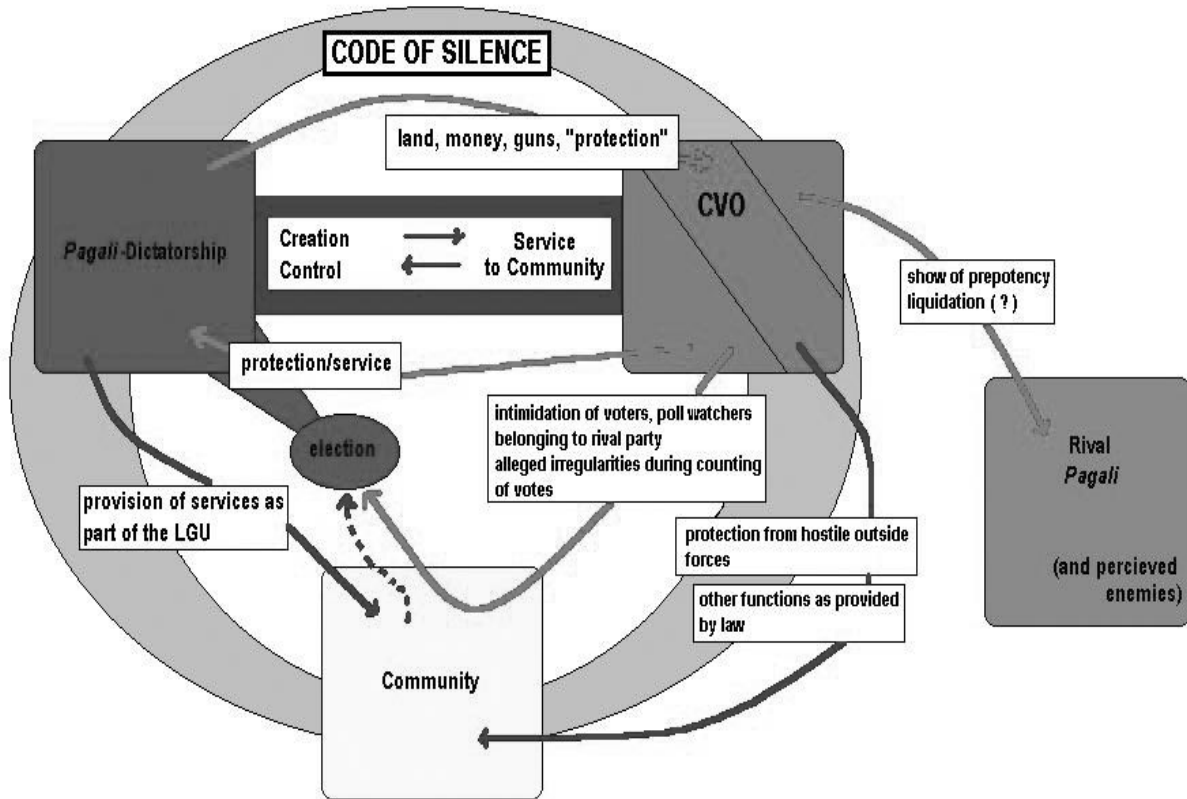


Diagram 2: The Dynamics of the *pagali* dictatorship, CVOs, and the Community
Source: Developed in December 2003 by the UP-CIDS-PST team for this study

While trustworthiness had its obvious tangible and intangible merits within the organization, it often led to a relationship that is characterized by entrapment. Indebtedness to the *pagali* and fear for their lives and those of loved ones forced CVO members, and the community, to do unspeakable tasks. One man related how he was trapped by the *pagali* into murdering an enemy, an event that eventually led to his membership into the CVO.

C: My wife was giving birth, to our second child and she needed to be operated on. We had nothing so I approached the mayor for help. He lent me 10,000 pesos [about US\$180]. I did not know that was the start of my life becoming abnormal.

I: Why so? How did your life become abnormal?

C: To pay off the mayor soon, I sold our carabao.⁹⁴ When I went to his

⁹⁴ The ubiquitous *carabao* or water buffalo is an indispensable work animal among farming communities in the Philippines.

place to pay up, the mayor said that he was not requiring me to pay anymore. Instead, he placed money, a photograph and a gun on a table in front of me. He probably saw my face turn white... he said, 'When you get to finish this person off, then you can pay me.' This was the kind of payment that he wanted.

I: And what did you do?

C: There... You could see in the mayor's eyes that you should never refuse, so I was forced to do it.

I: Did you do what he wanted?

C: (Nodded)

I: How did you feel prior and after doing it?

C: Worry, and fear of God... especially from the mayor. I thought of leaving our place, but where will my family and I go? I thought that if I did not do what he wanted, my family would be in danger. When I did the crime, I was unable to sleep for days. I could always see how the man looked like. It was too much. I immediately went home to Lalabuan [name has been changed] and went to our farm and cry there.

I: Did you do that for the first time?

C: (Nodded) I thought, because I had done it, I had already paid my debt. I never touched the money he had given me. I gave it back with the gun, but he refused again. They were mine, he said. He even added 0.45 caliber bullets.

I: Why?

C: He said that I needed it for self-defense. I said I didn't have any enemies. 'There is,' he replied. 'The one you killed, his family will retaliate. So from now on, be careful.' I could never forget those words until now. It's just like heaven and earth had abandoned me. I had cold sweat. I did not know what to do then. My mind was really confused.

I: What did you do?

C: Nothing. I was simply confused. The mayor told me not to worry. He would take care of me. I felt a little relieved.

The *pagali* dictatorship enforces its power in the community through entrapment and through the perpetual elimination of rivals. According to a child interviewee from Marang:

I: About their political enemies? About the people they do not like or has wronged them? What do you do with them?

C: It depends on their order... You have to kill those they want killed or else you're going to get it if you don't.

I: And if you didn't do it? What will they do to you?

C: You'll pay with your life. They will have you killed through the other CVOs.

I: Has anything like that happened?

C: (Nods) I can't say more, but that has already happened.

I: Have they ever asked you to kill someone?

C: (Nods)

I: When and where?

C: Just this year, in Cotabato City. We usually kill our targets in Cotabato City.

I: How many times have you done that?

C: A number of times... Once, I really had to do it, because if I hadn't, I would have had it... I'll be dead.

By giving members of the CVOs land, money, guns, and promises of protection, it could demand practically anything it wanted, including the elimination of perceived or actual enemies or threats. With an exclusive or strong control of the area and obvious material wealth at their disposal, the *pagali* dictatorship demands protection from the rival clan and people perceived as enemies. The CVOs also serve as a protection unit for their legal or illegal business ventures, strictly enforcing a code of silence with the threat of elimination facing those who dare run against the commands of the *pagali* dictatorship. The CVOs, who also worked as laborers and farm hands in the vast estates of the *pagali*, are provided a greater degree of security in an unstable world like Maguindanao, where, for any reason, armed conflict can erupt between any of the actors involved.

Armed Confrontations

Armed confrontation may occur between the various actors involved. Following its mandate for self-defense, the CVO may confront the private army and supporters of the rival *pagali*, lawless elements, and rebel troops as well as members of the military. The following are examples of armed clashes:

- On 11 November, 2003 the media reported that “three armed civilian volunteers were killed and two others, including a policeman, were wounded in a clash” with suspected MILF members in the border of *Datu Piang* and *Datu Saudi Ampatuan*

towns. Along with Army troopers, the CVOs were conducting patrol operations in a remote village in the *Datu Piang* area.⁹⁵

- On May 31, 2003, the military reported that three CVOs and one CAFGU Active Auxiliary (CAA) member were killed while another two CAAs were wounded in an ambush staged by the MILF guerillas in South Upi, Maguindanao. One civilian was also killed and another was wounded during the incident. The CVOs, CAAs and civilian companions were on their way to harvest corn when they were ambushed by the MILF.⁹⁶
- Through their Luwaran website, the MILF also reported a gun-battle at a remote town in September 2003, which did not involve any of their troops but government soldiers and CVOs. It reported that elements of the Philippine Army's 601st Brigade clashed with a group of CVOs in Lumabao, in the municipality of Gen. Salipada Pendatun, Maguindanao. The MILF described the CVOs as a paramilitary group. According to the website, "The soldiers were pursuing a kidnap-for-ransom group when they encountered the CVOs, which ironically are a civilian component of the Philippine Army. The brief armed clash resulted in the capture of an M-14 rifle with several arms belonging to the fleeing CVOs."⁹⁷

Arming the CVOs

Prior to the government's reinvigoration of measures to stem the rise of criminality and the threat of terrorist activity in the country, community watch groups were not allowed to bear arms. The Combined Second and Third Report of the GRP to the UNHRC clearly stated a prohibition for CVOs to bear firearms:

*CVOs are not allowed to carry firearms. Only those licensed to possess firearms, veterans, retired members of the AFP [Armed Forces of the Philippines], PNP [Philippine National Police] and private security guards who have permit to carry firearms outside their residence may be allowed to bear arms.*⁹⁸

However, in October 2001, the Macapagal-Arroyo government authorized the arming of *barangay tanods* in "high-security risk" areas. The government pointed out that only qualified *barangay tanods* would be allowed to carry a firearm and undergo training by the police and the military. The LGUs (Local Government Units) would have to provide the firearms since, according to the local press, "they have the resources and the

⁹⁵ "3 CVOs killed in clash; Army files truce violations vs MILF", *Manila Times*, 11 November, 2003. Available on: www.mindanews.com/2003/11/11nws-cvos.html

⁹⁶ "1 CAA, 3 CVOs killed in MILF ambush in Maguindanao" Philippine Army Press Release, 2 June, 2003. Available on: www.army.mil.ph/Press_Release/2003/June03/PressRelease191.htm

⁹⁷ Available on: www.luwaran.com/news.htm

⁹⁸ Combined Second and Third Report of the Government of the Republic of the Philippines (GRP) to the United Nations Human Rights Council (UNHRC), p. 556.

manpower.”⁹⁹

Even if they are not allowed to do so according to the law, the CVOs in all of the study areas bore arms, which were either supplied by the military or, as revealed in the interviews with the children and key informants, owned by the *pagali* or mayors themselves. One child interviewee even said that his pistol was a gift from the mayor. These armaments ranged from pistols of various calibers (0.38 to 0.45) to military-type assault rifles, (M-79s, M-14s, and RPGs), the ubiquitous M-1 Garrand rifles and even grenades. One of the key informants even explained that the CVOs own the guns themselves. He added that firearms have always been visible in his area especially at night, but they were only for self-defense. As for the origin of the weapons, he said that CVOs sometimes sacrifice the education of their children just to buy rifles, which could be bought at 20,000 pesos (about US\$360) a piece. While he assured that all the guns in his possession had the necessary papers, he could not vouch for whether those owned by the civilians were licensed at all.

During the ocular visit to Marang in September 2003, the researchers and writers of this report observed gangs of armed men roaming around the commercial district. They were armed with weapons ranging from M-1 Garrands to M-16s. One even bore an RPG. For some, it was difficult to distinguish whether they were members of the local paramilitary Civilian Armed Force Geographical Unit (CAFGU) or the CVO, since the military-like uniforms were identical. They were those that can be easily bought in military supply stores in Cotabato City and throughout the country. Some of the men were making rounds on foot, while others were on board motorcycles and on tiny van-like vehicles, which, as suggested by the markings painted on either side, were procured by the Marang LGU. Even before the government had ordered the arming of community watch groups, the BBFI Maguindanao area official observed that CVOs in the province and many other areas in Mindanao were already authorized by the military to hold firearms.

The conditions in Maguindanao mirror the situation in the province of Basilan in Western Mindanao. A 50-member fact-finding, relief and medical mission composed of various human rights groups concluded in 2001 that the “military policy of arming civilians is stoking inter-clan, religious and turf wars as membership in Civilian Volunteer Organizations (CVO) and CAFGU by feuding clan members has led to these armed formations being used in personal and/or political conflicts.”¹⁰⁰

Illegal and Legal Activities

⁹⁹ *Manila Times* (20 October, 2002). Available on:
www.manilatimes.net/national/2002/oct/20/top_stories/20021020.top1.html

¹⁰⁰ Adraneda, K. Human rights activists to GMA: Please stop Basilan siege,
www.cyberdyaryo.com/features/f2001_1011_04.htm

In case of any violations or crimes committed by the CVOs, the BBFI Maguindano area official said that both the military and the politicians in power were quick to wash their hands of any responsibility. The perpetrators were often quickly dismissed as people belonging to a rival *pagali* or a rebel group. The victims, on the other hand, were immediately dismissed as belonging to a rebel group or criminal syndicate. In most cases, the incidences were dismissed as within the scope of a blood feud or *rido*.

Human rights violations and the issue of accountability

The Commission on Human Rights (Region XI) only reported a single case of human rights violations committed by a member of the CVO and another belonging to the CAFGU. One Maguindanaon child was killed and another was beaten up and with his ear slit off and abdomen pierced by Christian CAFGU and CVOs in *Barangay Liliongan*, Carmen, Cotabato. The latter was left for dead by his attackers but was found by relatives. Through the help of the mayor of Cotabato City, charges were filed against the perpetrators, who suspected the two children as members of the MILF.

One of the key informants witnessed the brutal torture and execution by CVOs of three teenagers suspected to be responsible for the death of a *pagali* member. One was killed using machetes, while another was peppered with bullets. The eldest of the youth suffered the worst: his limbs were cut off using a chain saw. The three were executed in one of the houses owned by the *pagali*. The bodies of the three victims were dumped in a nearby river. To date, no one has made any reports or conducted an investigation regarding the death of these three teenagers.

The investigative reporting magazine *Public Eye* notes that, “In a country where confidence in authorities is rather low, reporting crimes to the police isn’t exactly done on reflex.”¹⁰¹ Given the tendency of the Maguindanaons to take the law into their own hands, crime statistics in the province may be under reported. Crimes such as murders may not even be reported at all. The following table shows facts about the 19 cases of murder recorded by the PNP in Pagalungan from January 1997 to June 2003.¹⁰²

¹⁰¹ The *Public Eye* website is on: www.pcij.org/imag/PublicEye/crimestats.html

¹⁰² The request for crime statistics in the three municipalities under study was denied on several occasions. In Pagalungan, however, our field researcher was allowed access to police reports in their file.

Date	Victim			Type of Weapon or Firearm Used	Suspect	Barangay
	Age	Gender	Status			
1997 March November Undated	NI LA 25	M M M	NI M NI	Cal 30 M-1 Garrand Cal 30 M-1 Garrand 0.45 Cal pistol	Unidentified Unidentified Unidentified	Población Población Layog
1998 January March July August	27 19 23 LA	M M M M	S NI S M	Cal 30 M-1 Garrand “Balisong” knife 0.45 Cal pistol 0.45 Cal pistol	Unidentified Unidentified Unidentified Unidentified	<i>Pagagawan</i> <i>Inug-ug</i> <i>Población</i> <i>Pagagawan</i>
1999 January January April	NI LA LA	M M M	NI M M	NI 0.45 Cal pistol 5.56 Cal M-16	Unidentified Unidentified Unidentified	Buliok <i>Tunggol</i> Damalasak
2000 January November November	LA 24 LA	M M M	M S M	5.56 Cal M-16 0.45 Cal pistol M-14	Unidentified Unidentified Unidentified	Población Tanguila Pagalungan
2001 January March	LA 20	M M	M S	5.56 Cal M-16 M-14	Unidentified Unidentified	Galakit Población
2002 February March	LA LA	M M	NI NI	0.45 Cal pistol Cal 30 M-1 Garrand	Unidentified CAFGU, (40th IB PA)	Damalasak Poblacion
2003 May	NI NI	M M	NI NI	0.357 Smith/Wesson	20-year old <i>datu</i>	Poblacion

NI = not indicated, M = male, S = single, LA = legal age

Explanatory notes:

- 1) As in the rest of the ARMM, many residents lack important papers including birth certificates and as such exact ages are difficult or impossible to determine.
- 2) The police identified the type of firearms used by the assailants by examining the empty shells found at the crime scene.
- 3) The *barangays* in italics are those already made part of Pagagawan municipality in 2000.

Table 3: Facts on Murders Recorded by PNP, January 1997 to June 2003.

Source: Tabulated by UP-CIDS-PST research team

Elections and mutual accommodation

While none of the key informants gave any information about the activities of the CVO during an election period, an observation made in the 1950s still holds true:

In elections armed men might be used to protect friendly precincts, to intimidate voters elsewhere, or to capture a precinct loyal to a rival with

*a view to scattering votes and forging the ballots. Some politicians acquired, perhaps even cultivated, a murderous reputation but in fact the few assassinations that occurred during this period were ambushes with the assailants unidentified.*¹⁰³

Maguindanao in general is considered as an election hotspot. Just like in any other areas in the country, vote padding reportedly occurred in the province. Mutual accommodation between local politicians and national leaders come into play. In exchange for continued control of their respective *bailiwicks*,¹⁰⁴ the local politicians deliver votes for national candidates. According to residents, Maguindanao was always used as an “equalizing factor” during elections. They said that electoral results from the interior always came in last and most often they had already been “tampered” in favor of a particular candidate or party.

Dark business ventures

Aside from a monopoly or near monopoly of political control, the *pagali* dictatorship usually owns or may usually own large businesses in the area, and vast tracts of farmland. But aside from legal businesses, the *pagali* may also be involved in illegal activities. As such, they need protection for their covert activities through the CVOs under their control.

A ranking police official in Cotabato City said that the bulk of *shabu* or amphetamines that slip in this city come from Maguindanao province and identified the towns of *Datu Odin Sinsuat*, *Sultan Kudarat*, and *Kabuntalan* as the sources of these prohibited drugs.¹⁰⁵ The key informants in *Marang*, *Matengen*, and *Midpandacan* said that the ruling *pagali* in their respective areas also dealt in illegal drugs. One key informant went only as far as saying that his employers were also involved in the drug trade, particularly of *shabu*. He said that the *pagali* had contacts in *General Santos City*, a known haven for drug smuggling activities. A child interviewee from *Marang*, who admitted that he had also tried using drugs like *shabu*, said that many of the CVOs doubled as dealers, with contacts in the cities of *Cotabato*, *General Santos*, *Davao* and even *Manila*. Another child interviewee said that the *pagali* maintained a marijuana plantation in the marshy interior of Maguindanao and that he had once peddled drugs on behalf of the drug network operated by the *pagali*.

One of the key informants said that the *pagali* of the area was also involved in kidnap for ransom activities. Another *pagali* was reportedly involved in extortion activities, particularly targeting transport companies. Another key informant said that during the

¹⁰³ Beckett, J., 1994: op. cit., p. 294.

¹⁰⁴ Bailiwicks originally mean the precincts within which a bailiff has jurisdiction; the limits of a bailiff's authority. In the Philippine context, it means an area where a politician is based and exercises strong influence or power.

¹⁰⁵ “Maguindanao province biggest source of shabu in Cotabato City – PNP,” *Minda News*, 8 September, 2002. Available on: www.mindanews.com/2002/09/3rd/arn08shabu.html

time of one particular mayor in Marang, child CVOs manned the checkpoints and asked a 20-peso (or about US\$0.36) fee for every passing vehicle and 10-peso (about US\$0.18) fee for every tricycle. This was confirmed by the child interviewee from Marang. One child interviewee even identified their bosses and comrades as being members of a “corporation that has no name.” Another child interviewee said that the *pagali* in his area conducted “operations” or raids against selected areas particularly after the rice-harvesting season – to steal the crops after the residents of the target areas had evacuated their homes and farms. All the informants refused to say more about the dark business ventures of their employers and bosses.

Child and Youth Involvement

During a visit to Marang in September 2003, the researchers saw a boy, around the age of 15 or 17, brandishing an M-16 rifle while on board a government vehicle. According to our guide, he was a member of the CVO. The guide added that while only one child CVO was seen, he vouched that there were even more of the armed children and youth visible in the interior and peripheral *barangays* of Marang municipality. While he could not ascertain the exact number nor give a good estimate, he said there were even more during the time of one particular mayor.

Although the minimum age requirement prescribed by law is 18, one of the key informants, Unding (not his real name), said that most of the members of the CVO were teenagers. He observed that members were getting younger.

I: Among you CVOs, are there young ones as well? What are their ages?

U: *Almost all of my comrades are young, around 15, 16, or 17. Like that.*

I: Why are there so many young ones? Was it always like that? Or is this [something] new?

U: *When I joined in 1995, there were just a few of them.*

Unding’s comments contradict those of another key informant, the former head of a private army of one of the most influential men in Maguindanao in the immediate post-World War II era. The ageing retainer said that most of the members of the private army during his time were more than 20 years old. While membership to his unit was not exclusively for Maguindanaon, he vouched that there was certainly no one younger than 18 years of age. The other members of his unit came from the Iranon community, but the key informant also said that there was one Christian who joined his unit. The old retainer said that young people started joining the private armies in the 1980s. On the other hand, he said that most of the youth during his time were focused on the armed struggle for an autonomous Moro homeland by the MNLF.

The child and youth CVO members are made to perform tasks ranging from the menial to the ones that place enormous risk on their lives. However, the *pagali* or their CVO handler also limits the participation of the child CVOs in what is termed as *malalaking lakad* or literally “big jobs or activities.” Such activities include drug-running activities or the operations that involve direct armed confrontation with the enemy. None of the children interviewed said that they had been in actual armed combat as part of their duties as CVOs, although two had admitted that they were involved in encounters during their time serving as MILF soldiers. Nonetheless, the children and young CVOs are still made to perform tasks that take a very heavy toll on their psychosocial and moral development such as solo sorties to eliminate perceived enemies.

Adulthood, according to Islamic belief, begins at the onset of puberty, which is at 14 or 15 years of age. Children are taught at an early age how to use a gun, and at puberty are allowed to carry a gun and carry out the responsibility of defending the family and community. There is also the social aspect, prestige, protection, and other perceived benefits of joining an armed group.

II. COAV PROFILES

Part II is based on the shared accounts of ten children involved in organized armed violence in the Philippines. All interviews were held from October to December 2003 in three different municipalities of Maguindanao: Midpandacan, Matengen, and Marang. Appointments with the children were made possible through the assistance of contact persons who were close associates of the interviewees such as friends, teachers, or family friends.

The sensitive nature of this study called for interviews to be recorded only with the consent of the children. It must be noted that some children requested that interviews be held outside their areas while most did not want their bosses to know that they had talked to the research team.

Name	Present Age	Educational Attainment	Age at Entry	Area
Habib	21	2 nd year high school	18	Midpandacan
Danny	19	Elementary graduate	17	Midpandacan
Madz	20	2 nd year college	15	Marang
Nasir	23	High school graduate	15	Marang
Rudy	25	Grade 5	17	Marang
Amir	21	High school graduate	14	Marang
Ahmad	17	Grade 5	14	Matengen
Donald	16	Grade 3	13	Matengen
Mar	22	Grade 2	18	Matengen
Jonathan	12	Grade 2	10	Matengen

Table 4: Profile of children interviewed

Although legally defined as a civilian self-help group established for self-defense and protection, the Civilian Volunteer Organizations (CVOs) have become the perfect way for local politicians to maintain or build their private armies with the irony of constitutional validation. CVO recruitment guidelines dictate that applicants must be at least 18 years of age to be accepted. However, it was found that the respondents were as young as 10 to 15 years old when they first entered the organization. At the same time, while a CVO application is supposed to be processed by a three-man committee created by the Peace and Order Chairman (POC) at the *barangay* level of government, interviews have shown that this was not the case for many who now work as CVOs.

Since opportunities are limited and the chance of a good life is just as rare in Midpandacan, Matengen and Marang, membership or employment in a powerful group such as the CVO becomes an attractive prospect for many of the children. Part II of this study aims to delve deeper into the stories of the children and youth who joined the CVO from these municipalities. Through the ten interviews gathered by researchers, this study will discuss the dimensions of the children's entry and current situation as part of organized armed violence in the context of the war-torn areas of Maguindanao. Behind the black and white definition of a civilian volunteer is the very gray environment of the powerful *pagali* dictatorship.

Personal Histories: Shadow Plays

Although personal histories are unique to each child, the socioeconomic, cultural, and historical context of Maguindanao has played a very definitive role in the lives of the respondents. For one, the current situation of the province creates the trends and similarities in the life stories of the interviewees. Often, because they suffer from the same harsh realities, most children and youth involved with the CVO share similar stories and contexts.

Poverty as an inescapable part of life

One such aspect that the children never fail to mention is poverty. As described in Part I, the armed conflict in the region as well as other factors have prevented economic growth and ruined business and career opportunities for the many of Maguindanao's inhabitants. In spite of available forms of livelihood such as fishing and farming, the children's families continue to struggle with everyday basic needs. This is not surprising since the average household size is approximately six (6) members.¹⁰⁶ Feeding, educating, and clothing four children are difficult given the rampant poverty in the province. Maguindanao is one of the ten poorest provinces in the Philippines. Ahmad, who joined the CVO in Matengen at age 15, describes best the state of most families in Maguindanao:

¹⁰⁶ Maguindanao Most Requested Statistics, 2002, Compiled by the Maguindanao Provincial Office, Cotabato City for the National Statistics Office, September, 2003, unpublished.

Fishing is not enough to support a big family. With the cost of food alone, you will not earn enough from fishing. Even more with the need for clothes, education, and health. For example, in cases when you get sick.

Mar, who began working for the *pagali* at age 18, also recounts the difficulties of life in the province:

You probably do not know the hardship that we experience! To sleep with nothing in your stomach and to wake up early at dawn to go to the river and hope to catch something to eat for breakfast and hopefully for lunch.

Lack of education

The extreme poverty in the three study areas has also affected the children's access to education. Out of the ten respondents, nine stated that they had stopped studying either to help their parents with the family's farm or simply because they could no longer afford to pay their tuition fees. Danny, who joined the CVO when he was 17, states "I used to skip school a lot because I needed to work at the farm and help my father. We are a very poor family."

Unfortunately, lack of education may really run in the family. As seen from the interviews, the children's parents themselves were also unable to finish their education. Again, Ahmad's story emphasizes this point:

My father and my mother did not get to finish school. They do not know how to read or write – not even their names. I have many brothers and sisters and I am the eldest child.

Most of the parents of the children work as either subsistence farmers or fishermen in the mainly agriculture-based economy of Maguindanao. However, for some, such as Ahmad, their fathers were already part of the CVO although they started out as fishermen.

Death and tragedy in the family

It is also common for some CVO children to experience parental loss. With this, children suddenly find themselves with enormous responsibilities on their shoulders. In the case of Ahmad and Nasir, the death of both their fathers had a great impact on their lives. For Nasir, this meant the need to assume responsibility for his family. Quitting school to work as a CVO member was, thus, both a practical and necessary move to make for him. For Ahmad, his father's death meant more than just taking on the role of breadwinner for the family. He felt he had to avenge his father's death as the eldest son.

At times, the CVO serves as a means to exact revenge on the military, which ironically, is the CVOs supposed partner in maintaining peace and order in the community. This is the

case for Habib, whose family suffered from military abuse. Because the military suffers from its own internal corruption and human rights violations, some children join the Moro Islamic Liberation Front (MILF) and the CVO in order to seek revenge for the loss inflicted on their families by members of the military. Thus, it is not rare to encounter children who are members of the CVO or bodyguards of key local government officials and at the same time members of the rebel group, the Moro Islamic Liberation Front. This is also because some local government officials are known to have connections with the rebel groups as well.

An extraordinary case

Among all the respondents, the case of Madz is unique; unlike the other children, who are simply employed by the CVO members of the *pagali*, Madz himself is a close blood relative of the *pagali* in Marang. With this, Madz enjoys more benefits and a higher status in the hierarchal structure of the *pagali* dictatorship compared to other children in the study.

For example, Madz is the only one who did not mention or imply anything about coming from an impoverished family. In fact, he is the only one who completed a high school education. At the time of interview, he was also finishing a college degree in Davao City. According to Madz, his uncle was paying for his education as well as those of his cousins. However, for a time, he had to stop studying in order to help protect his uncle from the *pagali* in power in Marang.

I had to stop going to college when the family was beginning to see how much our uncle needed stricter security. They [the rival clan] were really planning to kill him. When there is a person who disagrees or goes against their illegal plans, they will not stop until they succeeded.

As a nephew of the head of the *pagali*, an interesting difference can be noted in the way Madz is regarded by the other CVO members and clan members and his actual duties within the CVO. More details on the circumstances and his profile will be discussed in the succeeding sections.

Process of Involvement

In order to explain the entire process of a child's involvement in the CVO, this section has been divided into three major parts.

The first part of this section ("Voluntary Participation," below) discusses the reasons why children and youth join the CVO. These reasons are patterned after a portion of a study by the UP CIDS PST entitled "The Impact of Armed Conflict on Muslim Filipino

Children.”¹⁰⁷ Extensive literature on the phenomenon on child soldiers identifies numerous factors that explain the involvement of children and youth in armed groups. As far as Maguindanao is concerned, several parallels between the issue of child soldiers and the COAV phenomenon exist, particularly in the contributory factors and reasons why children join armed groups.

The next two sections (“Entering the circle: three pathways to involvement” and “Deeper into the circle: four levels of involvement”) explain the levels of child participation in the *pagali* as well as the different pathways by which the children and youth become involved with the CVOs. The difference and interaction between these two concepts are presented in the diagram below.

¹⁰⁷ Camacho, Ortiz, and Palma. 2003. “The Impact of Armed Conflict on Muslim Filipino Children.” Unpublished. UP CIDS PST.

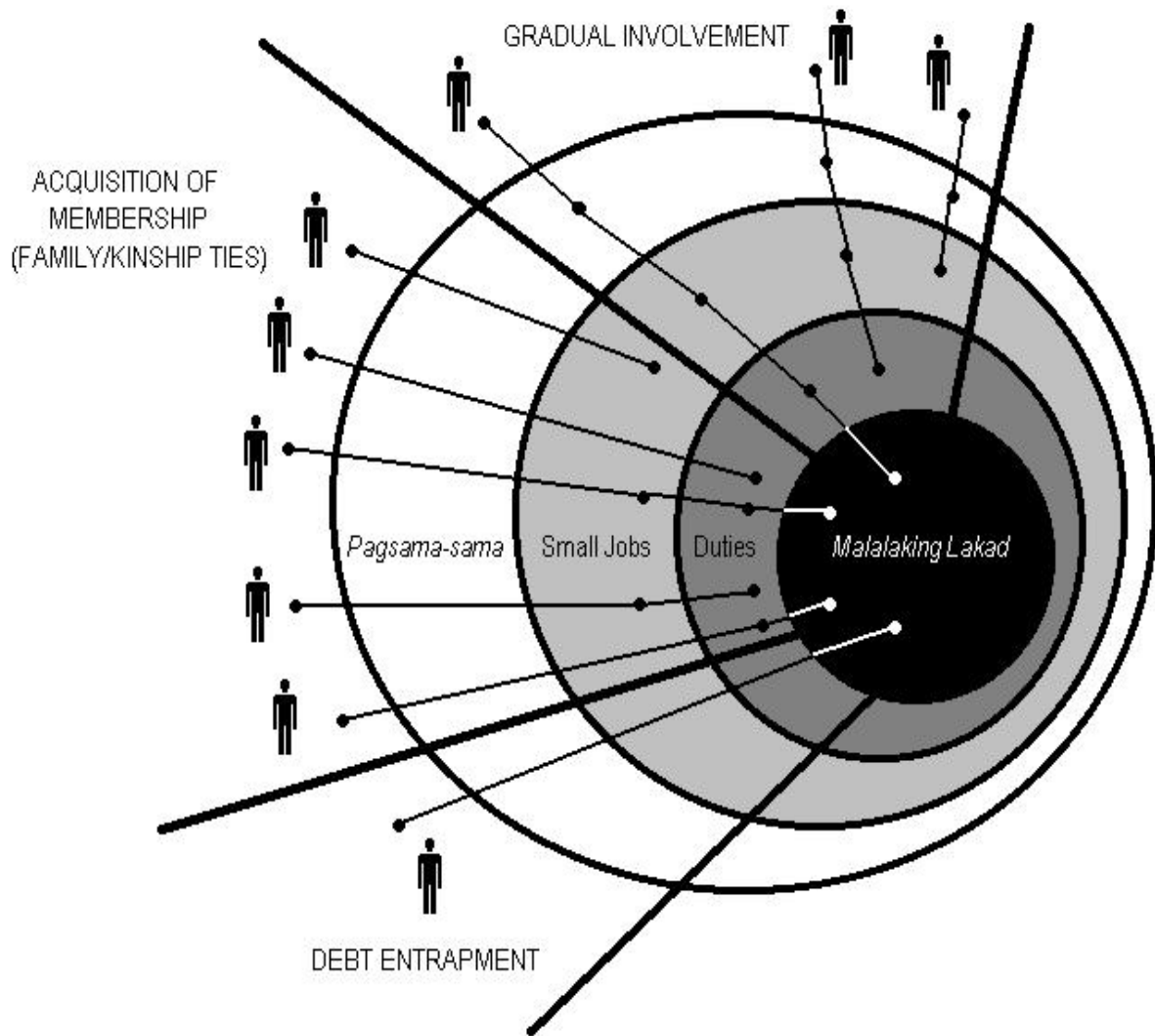


Diagram 3: Process of Involvement of children and youth in CVOs
Source: Developed by the UP-CIDS-PST in December 2003 for this study

The process of involvement in the CVO is not a linear stair in which one goes through a step-by-step progression towards organized armed violence. The circles in the diagram represent the different levels of a child's participation in the *pagali*.

At the same time, different pathways of involvement also exist. As indicated in the diagram, a child may go through various entry points into the *pagali*. There are three types of pathways: gradual involvement, acquisition of membership, and debt entrapment. Varying forms of each type of pathway is also presented in the diagram.

Voluntary participation

The issue of voluntary participation is important in any discussion of children and youth in organized armed violence. It has been particularly controversial in terms of children who are involved in armed conflict, such as child soldiers. Many find it difficult to explain how or why children voluntarily join organizations where one is always at risk of being killed, hurt, or even arrested.

When it comes to trying to curb the volunteerism of such children, one has to understand why they volunteer in the first place. This is where other factors in the child's environment come into play affecting the child's subjective perception of their reality.

Although not involved in the (official, declared) armed conflict, the children of Midpandacan, Matengen, and Marang also voluntarily join CVOs probably for similar reasons and circumstances. The influence of context is again a major defining factor.

Poverty, neglect, and violence

Just as poverty plays a role in the development of the child's life, it also serves to influence children into joining the CVO. Given that many of the respondents are very poor and have low educational attainment, joining the CVO is a move necessary for their survival. Although not paid much in terms of wages, the dual nature of the *pagali*'s CVO allows certain benefits such as income from illegal activities and perks of being close to powerful personalities in the community. Mar explains this best:

It's hard when you're not educated, isn't it? Who will give you a job or entrust you with work especially if they know about my background? What happens when they find out that I have killed people? I'm wanted by the law. This is the reason why I rarely go out. Don't you understand? I don't want this job but I need it to live...it's for my parents. What will happen to my brothers and sisters?

Community and family acceptance

The family and the community are important factors in affecting a child's appraisal of his or her situation and influencing his or her decisions to join an armed group.

In the context of this study, the community is in fact controlled by the *pagali* dictatorship and therefore regards the latter with a degree of fear and respect. If one's child is invited to be a *pagali* member's escort, it is difficult to refuse or prevent it from happening. After all, it is considered good to be close to people in power. For children whose parents are already involved with the *pagali*, being a CVO member merely becomes an act of taking over the family's source of livelihood. This is evident with Jonathan, who was recruited as a CVO member by the *barangay* captain at age 10. When asked about what his mother thought of the recruitment, Jonathan replied that, "She didn't say anything because my father was already a CVO [member] before me."

Social support structure

In relation to the reputation of the *pagali* dictatorship as powerful and influential, it is also likely that children find a social support structure in CVOs. This is especially true for children who have been left with nowhere else to go after friends and classmates have moved on to better things. Mar describes his situation before he became the mayor's bodyguard:

How did I become a bodyguard? Well, almost all of my friends before...classmates...all of them got work in other places, got to continue their studies. I had nothing. At least as a bodyguard, I was earning some money.

Desire for revenge

For children like Ahmad who lost his father in an encounter with the police, revenge also serves as a motivation to join the CVO. Given other armed men's support and the mayor's power, this becomes the best chance to avenge his father's death. Ahmad emphasizes this in his statement: "I want to learn [to handle a gun, martial arts] and be skillful. I will avenge my father's death. I am angry with the police. They killed my father."

Although not directly mentioned in the interviews, children may also join the CVO to avenge the death of relatives killed by rival clans. This desire for revenge may possibly lead to a *rido*.

Entering the circle: Three pathways to involvement

Through the ten interviews, the following pathways of child and youth involvement in organized armed violence under the *pagali* dictatorship have been identified. It must be noted though that although levels of involvement do exist, the process itself does not follow the rule of succession where one child begins with the first level and ends with the last. The child may enter into the *pagali* through any level depending on his context and situation.

Gradual involvement

For some children, the pathway towards involvement takes on a slow approach. In this type of process, all of the four levels of involvement discussed in the next section ("Deeper into the Circle: Four levels of involvement") are usually present and occur in succession.

First, the child is introduced to the *pagali* through his parents or friends. This is the 'tagging along' stage (*pagsama-sama*) where the child is exposed to the members of the *pagali* and some of its regular activities. At this point, the child is not yet asked or expected to take on any responsibilities.

The level of ‘small jobs’ then follows when the mayor requires more armed men. Later, if the children perform satisfactorily, they are eventually hired as CVO members.

After some training and a little more experience as a CVO member, it is only a matter of time before they are exposed to the illegal activities of the *pagali* or *malalaking lakad*.¹⁰⁸ Amir’s story follows this pathway to involvement:

I was best friends with the captain’s son in my first year of high school. We were in his house very often. I think that’s when I started being close to the captain. Sometimes, I even slept in their house.

In the second year of high school, the captain’s son went to Cotabato to study. I was left in Marang but I still went to the captain’s house often. Sometimes, I would watch TV with them. I would also go with the captain every time he needed to run errands. I think that’s where it started. Then it came to the point that the captain let me hold a gun. At that time, I was so proud.

Acquisition of membership through relations and family ties

In some cases a child may skip the stage of *pasama-sama* and immediately acquire the duties of a CVO by taking on the role vacated by a blood relative such as one’s father, uncle, or brother.

Ahmad’s experience is a perfect example of this pathway of involvement:

When my father died, the mayor approached me and asked me what I planned to do. I guess it was because I’m the eldest child and my father was no longer around. I asked him if I could take over what my father started as a CVO. He didn’t object.

Jonathan took over his father’s CVO position at the even younger age of 10 because his father was one of the mayor’s most trusted men. This was despite being obviously younger and more inexperienced than the other CVO members. Children known by the *pagali* through their parents or through other associates like friends or neighbors usually skip the level of small jobs.

Although in a different context, the case of Madz follows more or less the same pathway. This time, instead of filling a CVO position vacated by a relative, he joined the CVO because there was a lack of people to protect his uncle. He also skipped the level of small jobs and was immediately brought into the duties level of involvement. Similarly, he acquired this role because he was a relative of the *pagali* head and his family was expected to provide security for their prominent relative.

¹⁰⁸ Literally, ‘big jobs’ or major tasks.

Entrapment as a result of a debt

In Part I, researchers described the case of a man who was trapped by the head of the *pagali* into murdering an enemy, which eventually led to his membership into the CVO. While none of the respondents became involved through this pathway, it is possible for any child to join the CVO due to his family's indebtedness to the *pagali*.

Deeper into the circle: Four levels of involvement

As seen in the diagram, the child's membership to the CVO is composed of various levels that go deeper and deeper into participation of the clan's activities. Instead of a defined linear pattern of involvement, the entry of children as CVOs often consists of different features that are both complex and highly contextual. Researchers for this study represent this process through Diagram 3, followed by a brief discussion of each level.

Pasama-sama or tagging-along

Being an influential organization in the community, it is inevitable that children find themselves well aware of the *pagali's* existence. The first level of involvement describes the initial contact of the child with members of the *pagali* who could be any of the following: municipal councilor, *barangay* captain, mayor, or even other CVO members.

This link between the *pagali* and the child is usually personal. Following the *pagali* dictatorship's emphasis on trustworthiness, CVO members must be able to keep their "code of silence."¹⁰⁹ It is, therefore, not surprising that most recruits are neighbors, family friends, or those whose parents are trusted by members of the *pagali*.

This is especially true for children whose parents already work for the *pagali* dictatorship or are members of the mayor's CVO. Parents bring their children along to their workplace thereby making the *pagali* environment part of the child's early experiences. This early exposure of the child inspires the trust of the mayor or *barangay* captain, making it easy for children to be invited to join the CVO later on. As Jonathan recounts:

He [the mayor] didn't say anything. He has known me ever since. When my father was still working for him [as a bodyguard], I would sometimes go with them.

Ahmad, the eldest son of a former CVO, also mentions knowing the mayor ever since he was very young: "The mayor has known me since before. My father used to bring me along with them. I think that's why I was chosen to take his place."

Small jobs

There are times when the *pagali* needs more people to help with or carry out certain small jobs. The official can ask children and youth to help out or join in the activity. Often,

¹⁰⁹ The code of silence plays a very important role in the dynamics between the *pagali*-dictatorship and the CVOs with the community. This relationship is fully discussed in Part 1.

these small jobs are very similar to the duties of a regular CVO member. On the other hand, the tasks fall under the usual function of a private army such as escorting politicians and their families and providing them protection. At times, they are also given weapons to carry. The difference is that children accept these small jobs without the notion that they are working as official CVO members. Danny remembers that his first small job for the councilor was to escort him during bus inspections. Later, it eventually led to work in a CVO.

Although the completion of small jobs could eventually lead to acceptance into the CVO, the mayor could also allow others to join in but only to a certain point, not letting them participate further in the other activities of the *pagali*. In other words, a child's involvement in the *pagali*'s work can end with this level of participation.

Duties

As mentioned in Part I, CVOs actually exist in a dichotomy of what is ideal and what is real. The ideal duties of a CVO revolve around keeping peace and order of the community through activities such as conducting neighborhood watches or *rondas*, extending emergency assistance, and intelligence gathering for peace and order planning. Although these activities are mentioned in the interviews, the majority of the duties that compose this level of involvement are focused on providing protection and services to politicians, in other words, to important members of the *pagali*.

Duties mainly involve escorting the *pagali* member in all of his or her activities. This acts as a show of strength and prepotency meant for heads of rival clans and other threatening forces to think twice before offering any challenge. Therefore, the whole notion of the private army and bodyguard status of the CVO remains. Mar reiterates this fact:

We're bodyguards for their family, for their children. If one of the children wants to go out, they just tell the captain and he gets to pick which one of us will be the one to go with them.

Aside from performing armed escort duties, the young CVO members may also be asked to perform household chores in the often highly fortified *pagali* compound such as cleaning shoes, washing the mayor's car, or tending the garden.

Some CVO members are also made to guard the mayor's estates or collect illegal fees from traveling vehicles through the outposts that they maintain. Nasir gives some details about this particular duty:

We also have a CVO outpost that we guard. Actually, we have many outposts but all CVOs must do duty in one [particular] outpost. There, we collect twenty pesos [about US\$0.36] from every vehicle that passes through. Ten pesos [about US\$0.18] for the tricycles. This happens everyday, that's why we have to rotate our duties every week.

Malalaking lakad

The deepest and most risky level of involvement with the CVOs is when the child begins to participate in what is termed as *malalaking lakad*. In the context of the *pagali*, this is usually used to refer to the mayor's illegal activities, mainly the source of the *pagali*'s riches. From the interviews with the children, this ranges from kidnapping, extortion, instigating displacement, murder, torture, and drug trafficking. Needless to say, this is where the importance of trustworthiness and the code of silence comes into play. According to Ahmad:

The mayor has many sources of income. I'm sure you know what they are and I don't need to tell you anymore. How do you think they are able to afford a mansion...or luxury cars?

Donald from Matengen also echoes this point as he describes the marijuana plantation owned by the head of the *pagali* in power:

The truth is, there is a marijuana plantation near the marsh. We take care of their plants. Perhaps that's one big source of all their income – for both the captain and the mayor. I think so because some of the mayor's people also help in taking care and guarding those plants.

Mar meanwhile describes the role of the younger members of his team when it comes to a *malalaking lakad* in this case, a kidnap operation:

For example, if we have plans to kidnap someone, we sometimes bring them [minors] along to be lookouts. They pretend they're not part of our group. Even if it's just a small role in the operation, it still helps a lot in making sure the plan goes well.

It may take time before a child or youth CVO member is allowed to participate as a key player in the *malalaking lakad*. Ironically, some children and youth who are already entrusted with armalites¹¹⁰ and pistols are still perceived as too young to join these kinds of operations. Even if a child or youth is considered ready to be involved at this level, his or her participation may still be limited to seemingly minor roles such as that of lookouts, or the surveillance of a potential kidnap victim. Nonetheless, their participation is necessary to maximize the likelihood of success and the child or youth becomes an accomplice to a crime.

Armed Involvements	Unarmed Involvements
1) accompany head of <i>pagali</i> or boss, serve as	1) act as a look-out, to conduct surveillance

¹¹⁰ ArmaLite, originally ArmaLite Division, Fairchild Engine and Airplane Corporation, is one of the most influential corporations in the history of 20th century small arms. It is responsible for many of the infantry weapons in service worldwide today. The interviewees use the term 'armalite' to refer to their assault rifles, such as the M16 and M4 models.



escorts or bodyguards	against movements of rival <i>pagali</i> and other enemies and to conduct surveillance on people/families targeted for kidnapping by the <i>pagali</i>
2) maintain and man perimeter outposts, and extort money from drivers/owners of passing vehicles	2) man or help out in the stores and businesses owned by the <i>pagali</i>
3) kill enemies, and summarily execute law transgressors, particularly those who have been warned several times	3) wash the clothes of elder CVOs
4) run after cattle rustlers, members of other armed groups, rival <i>pagali</i>	4) do housework at the residence of the head of the <i>pagali</i>
5) conduct night patrols (since the policemen in the town sleep at night and leave the patrolling to the CVOs) and maintain the nightly curfew (usually starting at 9pm till early morning)	5) clean and maintain the guns under the supervision of the head of the CVO or the <i>pagali</i>
6) participate in raids conducted in areas held by rival <i>pagali</i> and conduct looting, which may be sanctioned by the head of the <i>pagali</i> or CVO group	6) work as laborers or farmhands in the estates owned by the <i>pagali</i>
7) watch over a marijuana plantation owned by the <i>pagali</i> in three-day shifts	7) drive the tricycle ¹¹¹ owned by the head of the <i>pagali</i>

Table 5: Armed and unarmed tasks performed by child and youth CVO members

Source: Prepared by the UP-CIDS-PST team in December 2003 for this study

Current Involvement

As mentioned in Part I of this study, the political history of the Maguindanao province has been witness to the retention of elements of the old traditional *datu* system under modern government structure. As members of the private army of the *pagali*, the children form part of the power group that controls the community. As far as their involvement is concerned, the child or youth's relationship with the head or trusted representatives of the *pagali* dictatorship plays a strong role. One question remains regarding the position occupied by the child and youth CVO members in the hierarchy of the entire armed machinery of the *pagali* dictatorship: "How indispensable are they?"

Personality-run command structure

According to the DILG guidelines for CVOs, the *barangay* captain is directly responsible for the CVOs. Teams of three to four CVO members are created with a leader assigned to each team. Ideally, each *barangay* should have not more than 20 members.¹¹²

¹¹¹ The tricycle is a common transport vehicle in the Philippines. It is a motorcycle outfitted with a sidecar. An all-purpose vehicle of sorts, the tricycle is capable of carrying more than five persons. One highly urbanized city in the Philippines could have more than a thousand tricycles. Contributing greatly to air and noise pollution, the tricycles mainly operate on specific routes and commonly within a localized area.

¹¹² Chapter 4 Section 393 (d) of the Local Government Code.

Yet, interviews with the children reveal that instead of a system of CVOs being created per *barangay*, the reality is that they are typically identified according to the political personalities who hire them. Among the ten respondents, two work for a councilor or *kagawad*, six work for *barangay* captains, one for a vice mayor, and one for the mayor. There is still the existence of the team leader or “commander” although it is evident that most of the orders usually come from higher up the chain of command, mainly the mayor.

Furthermore, because of the prevalence of the traditional *datu* system in Maguindanao politics, members of the ruling family or *pagali* easily fill positions in the local government. With their immediate bosses like the *barangay* captains or councilors allied, subservient, or closely related to the head of the clan, the CVOs naturally rally around the head of the *pagali* dictatorship. Rudy describes this form of command structure:

We answer to the captain but we are also the mayor's bodyguards. Whenever he needs us, he calls the captain. The captain is related to the clan anyway. His wife is the cousin of the mayor.

Usually, the mayor himself makes all of the important decisions about the *pagali*'s businesses and operations. Mar describes this:

We are working directly under the [barangay] captain but it's pretty clear to us that we are under the mayor as well. There are some decisions that are made by the mayor; although, it is the [barangay] captain who tells us about them. The captain is a relative of the mayor. If I'm not mistaken, he's the cousin of the mayor of Matengen.

The inner relationship

Given the obvious play of power in the hierarchy of the *pagali* dictatorship, one would expect that the child's connection with his or her leader is one which is simply that of an employer and a low ranking employee. On the contrary, interviews with the children have shown that relationships can vary and exist in certain levels as well.

Overall head

Of course, the primary relationship between a child and a member of the *pagali* is that of a boss and a worker. In this case, the mayor is the *utak* or ‘brains’ of all of the activities and operations a child is involved in as a member of the CVO.

For some children, the mayor is the reason why they have become involved in criminal activity. They feel that because the mayor did not condemn their deeds, it was fine to go on with what they were doing. One example is seen in the widespread looting of civilian homes during times of conflict when the community is forced to flee to safer ground. Nasir describes how this happens,

Even us CVOs have noticed that conflict tends to happen during the harvest season [when CVOs can steal thousands of sacks of rice]. But neither the captain nor the mayor says anything about it. We're not told that what we're doing is wrong...nothing. I guess that's why some CVOs have gotten used to stealing. When you think about it, the mayor is really the brains behind everything. He's the one who orders the operation during the harvest season. We wouldn't go into a community if the mayor didn't give the order. They have many reasons for our operations that we don't understand because no one really asks questions either.

The image of the mayor as the overall boss is a relationship that can also be defined more by fear than respect. As someone who is behind each operation of the *pagali*, it seems to follow that the mayor has the most 'sins' as well. Amir reflects on this when he talks about the recently deceased mayor of Marang,

I don't know how I feel about the mayor's death. Can we not talk about it? The mayor is now at peace. Isn't it a belief in Islam that when people mention the good things you've done on earth, you are rewarded in heaven? If you mention the bad things a person has done, of course there will be punishment.

The mayor is also the source of all funds for these activities. This involves the guns that the CVOs use as well as other expenses that may be incurred during an operation. Ahmad gives an example of this during an unsuccessful CVO-led bus hold up:

During a bus hold up, one of us was injured. They brought him to a hospital in Davao, making sure that they hid his true identity and reason why he was shot. Of course, the mayor paid for everything.

Arbitrator

Aside from the role as the brains and sponsor of the CVOs activities, the leader is also recognized by the child as an arbitrator or authority when it comes to internal conflicts with other CVO members. Danny reiterates this:

We have a good relationship with each other. If there's a misunderstanding, we immediately approach the councilor so we can talk about it. Of course, we are afraid to make mistakes.

When asked about punishment for CVO members who commit mistakes, interviewees only mention being scolded or lectured by their respective bosses. Yet, it is noted that similar to one's level of involvement, the assigned punishment also depends on the mistake or conflict made by the particular CVO member. As mentioned earlier, failing to follow orders to murder a *pagali* enemy can be punishable by death.

Father figure

Another possible relationship a leader may share with the child is that of a “father figure.” In this relationship, the child sees the leader as someone who is “taking care” of him and his family. For children who have lost their CVO fathers in the line of duty, it is considered a big thing for the mayor or captain to accept them as replacements. For others, the mayor also helps by giving the child’s family extra money or food. As a result, the mayor becomes as close to a father figure as anyone can get. This is the case for Ahmad, who lost his father during a CVO encounter with the police:

I owe the mayor so much [refused to give details]. It’s better to have a job rather than have none at all. At least I can send my brothers and sisters to school. That’s a very important thing.

Considering that CVOs are in charge of providing protection for the *pagali* leader and his family, a child tends to spend much time in the residence of his employers. Donald has such a close relationship with his leader, a *barangay* captain, that he sleeps at the latter’s house.

I’ve been living with the barangay captain since February 2000. I don’t know how it happened. I only used to sleep there sometimes until it became much more often. Now they have a room there just for me. The captain is very good to me. He treats me like I’m his eldest child.

Position in the pagali

The closeness of relations between a particular child or youth CVO member with his immediate boss or with the head of the clan itself is not a guarantee that he or she would occupy a strong or high position in the entire armed machinery. Traditional concepts of childhood and adolescents come into consideration. Notable is the cultural ambiguity on the position of adolescents in Philippine society in general. A child or youth may be considered either to be too young or too old to carry out a particular act, depending on circumstances such as physical development. For example, a Maguindanao boy may be considered too young to marry but old enough to carry a gun.

Strict compliance and on a need to know basis

Some of the children and youth interviewed for the study were often unsure of the details of many aspects of their jobs. When asked to explain simple things like how they joined the CVO, they would respond that bodyguards were now illegal so the mayor told them that they are now to be called CVOs. In practice, this was a way to say, “That’s what the boss said so that’s what we did.” In line with the whole idea that the mayor is the brains behind the operation, children are trained to just follow orders. Rudy acknowledges this fact:

I don't know. I guess the captain should know more. Our job is just to do as we are told. We also don't know why. They don't tell us and no one's brave enough to ask.

Even in dangerous aspects of their job such as drug dealing or kidnapping, the children and young people know little about the details of their operation. Although they may be vaguely aware of what illegal activity is involved, their accounts are peppered with uncertainties. An example is Rudy's account of accompanying the Captain whenever he is off-duty:

When I'm off duty, I go with the captain on some of his errands...sometimes all the way to Cotabato City. He speaks with some people there. I don't know. I think it's about business. Shabu...where lots of money is involved. I think they have connections in the whole of Mindanao.

Even when it comes to the decision to leave the CVO, the approval of the leader must be sought as well. Unfortunately, this does not seem like a very easy task, perhaps made more difficult by a young person's involvement with some of the *pagali's* illegal activities. Habib is not sure what would happen if he were to resign:

I: What if you want to resign from the CVO? Would this be okay with the councilor?

H: We don't know if he will agree or not.

I: How about other CVOs who have already resigned? How did they do it?

H: We don't know.

Protecting the ranks

The way child CVO members in the *pagali* hierarchy are perceived by the people they work with and the leaders themselves is paradoxical. For one, while the children are given what is generally considered an adult responsibility – protecting the life of a government official – their participation in big jobs, otherwise known as *malalaking lakad*, are limited because they are still considered too young. Jonathan's father even intervenes to make sure that his 12-year-old son does not join any major operations for the time being:

My father doesn't allow it [big operations]. Whenever the captain says that I'll be joining them in a big job, my father will talk to him and request that I should be left behind...One time I asked him why he never allowed me to join the big jobs. He said he should just be the one to go because it is too dangerous and I am still very young.

From this it can be inferred that within the level of *malalaking lakad*, the concept of a child as someone who is young, inexperienced, and must be protected (to a certain degree) still exists. Mar expresses this when he talks about younger colleagues in the CVO:

Their duties are basically the same but sometimes we don't let them join major operations. It's not that we don't want them to be part of the job; it's just that it's a bit dangerous. It would be unfortunate if something happened to them. They're still young.

Ahmad is also eager to be more involved in major operations. Yet, he is still not allowed to play major roles in the mayor's kidnapping operation.

As of now, they [other CVO member's] still don't want to bring me along [in kidnapping operations]. They say I'm still young. I should just stay inside the mayor's compound. They say I still have to learn many things.

Discrepancies in compensation

In terms of compensation for services, it is ironic that both the law and the *pagali* itself do not give definite amounts of money. According to the interviewees, the actual wage they do receive is considered by them to be 'just enough.' In explaining why children find the need to take on jobs that don't pay very well, perhaps one must assume that the true compensation comes in the form of extra bonuses from major operations as well as the association with a very powerful group in the community.

For instance, Nasir's salary — he works for a *barangay* captain — is just enough to allow him to pay for his siblings' education and to occasionally enjoy certain luxuries like new clothes. Yet, he is quick to add that he and his colleagues get more money during an operation. This is also the case for Mar, who also works for a *barangay* captain. According to him, he "sometimes" receives 1,000 pesos (or about US\$18) but much depends on the captain. Larger amounts come from the mayor, especially when they are put to a sizable task, like a successful kidnap operation.

On the other hand, Habib and Danny, who work for the Midpandacan municipal councilor mentioned in Part I, are in an even worse situation. Both do not have a definite salary. As Habib reasons, "Maybe it depends on the leader." Instead, they simply receive occasional bonuses from the *kagawad* for their work. Danny reveals:

It's already considered a lot if the councilor gives us 100 pesos [just under US\$2]. It's all right because at least we can buy cigarettes with it. But this is not our salary. It's like a small gift from the councilor.

Ahmad is much luckier. Aside from his monthly salary of 3,000 pesos (or about US\$54), he also receives other things from the mayor in the form of rice, clothes, and other things for the family.

The variations in the way the child and youth CVO members are compensated monetarily are dependent on the position or rank (and consequently the salaries or benefits) enjoyed by their immediate boss. Compensation also depends on whether the child is directly employed by the head of the *pagali*, who in most instances is the mayor. For Habib, Danny, Jamil, and Thocks who are working for a councilor, their pay is considerably less than that of Ahmad who works directly under the mayor.

As illegal activities are sources of most of the *pagali*'s income, children also get a smaller compensation compared to other adult CVO members. Even in terms of his salary, Rudy still states that his commander gets the biggest cut and he is left with *konti lang* or very little. Still, a payment for a minor role in a big operation is still larger than a child's usual salary. For acting as a lookout in a kidnap operation, Ahmad describes how much he is paid for his work:

Of course, the family [of the kidnap victim] will pay. Sometimes it's in millions, sometimes just a few hundred thousands. The money goes to all of us. Everyone has a share. Of course, the mayor gets the bigger share. I don't know about the others, but I remember the mayor gave me 5,000 pesos [approximately US\$90].

Honor and security

As mentioned earlier, being associated with an influential family with many resources also comes as a form of compensation. Regarding his membership to the CVO, Mar proudly speaks of honor and security:

I guess its ok [being a CVO] because it's a very big thing for us to be identified by the community as bodyguards of the datu's [or mayor's] family. It may seem like nothing, but for us, it feels like it's an honor for us too be close to the datu. It's like we are leaning on a strong wall and we can be assured that whatever happens to us, there will be someone to defend us or someone to run to. It's the same thing with them depending on us. I guess that's how it is. I don't know how else to say it.

His statement confirms the notion that the need for a social support structure is one factor that leads to the voluntary participation of a child in the CVO. Given the uncertainties in Maguindanao, security is paramount and with the persistent traditional notions on gun ownership, membership to the CVO appears to be the best option considering the lack of opportunities for many.

Guns and Armed Violence: an Integral and Inescapable Part of the Lifestyle

Firearms ownership is common in Maguindanao. With heavy militarization and continuous conflict in the Mindanao region, civilian families have taken to carrying guns for protection as well. As discussed previously, unlicensed weapons and homemade guns (known as *paltik*) flood the market in many communities. Children are taught to use guns at a very young age and violence outside the army-rebel conflicts is rampant as well.

With this in mind, it could only follow that the *pagali* has no qualms about arming its members as well as the CVOs who are meant to protect them. All the respondents indicated that their weapons came from their captain or the mayor himself. Types of guns used ranged from pistols (45 caliber, 9 mm, 38 caliber) to M14s, M16s, RPGs, and grenades. According to interviewees, licensed guns were also provided to avoid trouble from the military whenever CVO members escorted *pagali* officials outside their respective areas. Yet, children were doubtful whether this meant that the rest of the guns owned by the mayor were licensed as well. According to Madz, their family is also armed with home made pistols.

Of the ten CVO members who took part in this study, four were armed during the interview. The team's field researcher observed that their guns were .38 to .45 caliber pistols. All four armed CVO members were interviewed within their working areas, which could be the reason why they were confident to bring their guns. The other six interviews were held outside the children's areas. Although these interviewees did not bring guns, most were still armed with fan knives for self-defense. They also indicated that they used and held guns when on duty in their respective areas.

Within an unstable and impoverished society besieged by armed conflict, clan wars, and militarization, youth CVO members find security and stability in the firearms they carry. For example, when asked about their fear of being hurt or killed as a CVO member, Habib commented, "We are no longer scared [of bad elements] because that is the reason why we have guns."

Considering that almost every family in the community owns their own firearms, giving a child an armalite or pistol of his own is seen as a gift of power that brings the recipient confidence. Gun ownership also assumes a very symbolic role, one with an intoxicating effect on the children and young CVO members. As Amir said when the *barangay* captain first let him hold a gun, "Wow! I'm a man!" Donald, another CVO, also mentions the extra confidence that his firearms bring him. "These [guns] are our forms of self-defense. When we go out, wherever we go, we don't feel fear because everyone knows that we work for the clan."

Training

None of the children and youths interviewed indicated any form of formal firearms training as members of the CVO. For many, it was simply a loose system of self-practice

and informal tutorials with older CVO members. Perhaps this is also due to the local gun culture within the area. Needless to say, schools and institutions for weapons training simply do not exist in Maguindanao. At the same time, because of the gun culture of the province, it is accepted that one learns how to use a gun in the comfort of one's own home. Some of the children have had exposure to such weapons even before joining a CVO. Ahmad's case is one example:

I entered the CVO when I was 15 to take over my father's job. But even before that, I already knew how to hold a gun. I think I was 10 the first time I tried it. It was my father's gun...either his armalite or his garrand.

Experience

One feature that differentiates children and youth in organized armed violence from children involved in the ongoing armed conflict in the Philippines is the former may not engage in gunfights with opposing groups. In fact, only one of the CVO members indicated that he was involved in such an encounter (although others had heard of such confrontations between CVOs and policemen). Rather, while CVOs are meant to support the military and police, children actually use their guns and weapons mainly to protect the economic and political interest of the *pagali* dictatorship or any powerful clan, or in involvement in *pagali*-led criminal activities. Therefore, experience of violence is set in a much more different context and a considerably more covert manner.

In Marang, CVO members are made to fire their guns in order to create chaos in the community. When the residents panic and leave for safer places, CVOs ransack their homes and loot their farms, livelihood, and belongings. Rudy describes this in detail:

There are some of us who get whatever they can make use of. There are many things...rice...animals...things in the homes left behind by the civilians. Sometimes, all it takes is a few minutes of shooting. When the residents are far away, everyone starts stealing for himself.

In Matengen, guns are also used in kidnap operations and occasional bus hold-ups. They are particularly important especially in encounters with the police.

Amad has yet to use his weapon although he has participated in a kidnap operation as a lookout. Other interviewees like Habib in Midpandacan have been more confident about admitting that their weapons are used to kill, although they reason that this is only for people who are 'hard headed' and create problems in the community such as robbers and cattle rustlers. Habib explains, "There is no evidence that I have killed anyone but that is what we do when there are people who don't listen."

On the other extreme is the case of Rudy and Nasir, who witnessed the gruesome torture and murder of three teenagers suspected of involvement in the killing of a member of the ruling *pagali* in Marang. As Rudy narrates:

They told us to put salt in his [one of the teenagers'] wounds. They were too much. They cut parts of his body with a chain saw while he was still alive. He kept screaming because of the pain but even if we were forcing him to admit, he kept insisting that he didn't know anything. That was painful for me to see. When we dumped their bodies in the water, I prayed that god would forgive me because I didn't want to do what we did.

Acquired enemies

Acquiring enemies is part of the CVO lifestyle. Regardless of their degree of involvement within the armed machinery of the *pagali* dictatorship, the children become targets of the rival clan or of any of its enemies, such as the MILF in the case of the ruling *pagali* in Marang. By pure association with a particular clan and their identified role as its protectors, the children and youth CVO members face serious risk. While they may not be aware of the root cause of such conflict or why a feud exists, they are not immune from being affected by the violence of these clan wars. Danny explains his situation:

I personally don't have any enemies but in this type of work, if one has a grudge, you're affected as well. Look at the councilor; we're affected because his enemies know that we are protecting him.

Nasir lost his father because of this:

They say he died in an encounter but not here in Marang ...in Diboloan. They said it was a family feud. Of course, it was a [feud that involved a powerful clan]. We don't have any enemies.

Ahmad also lost his father because of a CVO encounter with the police. He still seeks revenge for his father's death.

Effects of Organized Armed Violence: Perceptions and Fears

Being forced to kill and be involved in illegal activities affects not only the child's normal development but his or her perception and subjective view about life as well.

Community service

For children and youth CVO members who have not been too involved in the level of *malalaking lakad* or the *pagali*'s illegal activities, the idea of working for the *barangay*'s

peace and order still remains. These children and youth still see themselves as people who are doing something ‘good’ for the community. In terms of the issue of using guns to kill, they reasoned out that the people who died were bad and deserved it anyway. This is the case for Habib and Danny. Both did not mention any involvement in major operations of the *pagali*. When asked about the councilor’s other activities, they only named a bus company that the councilor also owns. Habib is proud of his contribution to their neighborhood watch:

The police in our village are usually asleep. At night, there’s no one to guard the village. We are the ones who guard the village. We walk around to make sure everything is peaceful.

Even Jonathan, who is well aware of the existence of *malalaking lakad* still finds meaning in the neighborhood watches (or *rondas*) that he is assigned to every night. According to him, his job makes sure that the neighborhood is secure from *masasamang elemento* (or bad elements), such as cattle rustlers. Perhaps this is due to the fact that he is yet to join any major operations because of his age. As of now, such activities are still mysteries – big things that should not be talked about with others.

We are the bad elements

In contrast, children and young CVO members who have already seen a good deal of the *pagali*’s illegal activities suffer from the knowledge that they too play a part in this wide abuse of power. While it is easy to assume that these young persons are not aware of the implications of their actions, the truth is that children and young people involved in CVOs are actually quite conscious of the things they do in accordance to the mayor’s orders.

Before entering the level of *malalaking lakad*, children still have vague ideas of what really happens when adults go out on an operation. Typical of adolescents wanting to assert themselves, these children are excited to join in and impatient with the idea of being left behind. Ahmad expresses this as he describes his usual duties:

I like my work here. It’s not that tiring. But sometimes it can get boring. You get to hold a gun but there’s nothing happening. It’s like no action. They say that during the time of my father, they were always on the move...always being chased by the police or the military [referring to kidnap operations of the mayor].

When finally brought into the world of murder, torture, and death, a child or young person may be traumatized by being exposed to excessive violence, endangering him of being haunted by his actions for the rest of his life. As with the case of Nasir who witnessed the torture of three teenagers suspected of the mayor’s murder, the memory of the experience was difficult to put behind, even at the time of the interview:

N: *Before, I couldn't sleep or eat for days. I could still see what they did to the three [teenagers].*

I: *But are you alright now? Do you think you have recovered?*

N: *I guess so because now it's not as bad as before when I used to have nightmares about it.*

While those with more positive perceptions attribute their reasons to the good of the community, children who know better turn to the lack of choice as an explanation. Knowing their duties revolve around just following orders, they go on with their actions because of the fear of what may happen if they refused. Mar admits this sad fact:

Although it's painful to admit it, we are the bad elements in our village. There are no other bad elements in our village aside from us. But if you think about it, the mayor is the one who is the most evil because he tolerates all of these bad activities and he's the brains behind them too. I'm saying this because I know that it won't reach him or them. But in the end, there's nothing we can do. This is the job that we chose so we must follow whatever they want us to do.

Also, the lack of choices can be attributed to the depressed situation of the children's areas as well. For some, working for the *pagali*, as mentioned earlier, is an issue of survival – one that would not be possible if one were not a CVO member. Ahmad explains this problem:

Even though I know that some of things we do are illegal, I don't want to starve and be deprived of a good life. Our community has no peace, order, or stability. The people of our village have just evacuated again because of the fighting. How can you concentrate on work like fishing and farming with all these things going on?

Some children are also more defensive and often point to the mayor as the reason why they think of such bad things. When probed about his thoughts of avenging his father's death, Ahmad retorts: "I know I'm thinking of bad things but the mayor is worse. Why else would he allow all these illegal activities? He is the brains behind everything."

The possibility and reality of death

Being part of a group with many enemies, children and young people involved with CVOs also go through the rest of their lives aware that they could easily be killed in their line of work. For children who have lost loved ones because of such involvement, this weighs more heavily on their young shoulders.

Although none of the respondents has openly expressed fear of being hurt or killed while on duty, some have admitted that they are quite aware they could very well be the next victims. Unfortunately, in spite of this apprehension, it is acknowledged that once again, there is nothing they can do but accept the fact that this is part of the job. Ahmad, who is trying to put the rest of his siblings through school, integrates this realization with his future plans:

I guess I'll probably end up the same way my father did [killed in an encounter] because in this type of work, things like that happen. That's why as early as now, I'm saving up for my brothers' and sisters' education.

Unfortunately, time is not always available for such dreams. Even before this study was finalized for submission, Rudy, one of the interviewees for this study, was killed in an encounter between the MILF and government forces on 16 December, 2003.

In spite of the groups involved, Rudy's death is said to be rooted in yet another family feud. According to the team's field researcher, a MILF commander was shot in front of the village market a day before the encounter. The main suspect in the shooting was a CVO leader and one the *pagali's* most trusted men. As expected, what followed was the immediate retaliation of one family against another. Due to the powerful connections of both families, what occurred was a major firefight between the MILF and government troops made up of CVOs, soldiers, and CAFGU.¹¹³

Rudy was shot in the back around 5:00 pm and died before he reached the hospital. There were no reports of the encounter in the media. The team's field researcher was able to visit Rudy's funeral and speak with his mother who is now 60 years old. The mother was grieving and deeply saddened by her son's death. According to her, Rudy had many plans for the family. This is why he could not resign from being a CVO member. The *pagali* gave the family a sack of rice and 1000 pesos (about US\$18) to pay for funeral expenses. Rudy was only 25 years old at the time of his death.

Even for those who are able to survive such encounters, the threat of being killed still exists even within the supposed safety of the *pagali's* headquarters. The sad reality is that while these children and youths are made to take the lives of others, their own existence is just as expendable if ever they refuse to follow orders. As stated by Amir:

It depends on their orders [on what to do with an enemy of the pagali]. If they are to be killed, you should kill them because you will suffer if you don't. It's your life

¹¹³ The Citizen Armed Forces Geographical Unit (CAFGU) are armed civilian units trained to help government troops in maintaining the peace and order in various locations in the Philippines. They are given military training and are given financial compensation by the Armed Forces of the Philippines.

in place of theirs. They [the pagali] can have you killed by the other CVO [members].

Future Perspectives

Although seemingly stuck in their situation as of the present, children in this study have expressed that they too have plans for the future – if not for themselves, for their family and younger siblings. This section describes some of these plans and how these children view the possibilities in the future.

Nowhere but here

Again, given the context of poverty and lack of education, children who have had few opportunities in life see being a CVO member as probably one of their best options. As a result many of the children's responses regarding a future beyond the *pagali* echo that of Donald's:

I think that this is what was meant to be. I accept whatever will happen. It will mean that that was meant to be. I'm pretty hopeless. I only got to finish grade three! I leave everything else up to God. At least I got to help my parents. I'm happy just being able to do that.

Amir also does not find happiness in what he has become. This is especially felt when he compares himself to his childhood friends who have gone on to better things.

I became too lazy to study. I have a friend [captain's son] who is now a professional. As for me, I am now a murderer. This was not the life that I had dreamt of having. I didn't think I would end up like this. I guess I was too young then. I think I was only 14 when I became a CVO. I didn't think of what would happen in the future because I needed money. I wanted to buy what I wanted. I didn't want very expensive things. It's just that I couldn't even afford things that didn't cost that much. We are very poor. Now, I just accept this because this is what is available to me.

Looking for other opportunities

Not all interviewees were hopeless in terms of the possibility of life outside the CVO. For Habib and Danny, it is still probable to find work aside from being bodyguards of the councilor. Ironically, this is partly due to the fact that both receive the lowest compensation among the group of children interviewed (100 pesos, or about US\$1.80, bonuses once in a while). While others like Mar believe that what they earn is enough to raise a family, this is the opposite for children who are not as financially compensated for their work. In fact, Habib states: "I have many dreams in my life. The problem is...I don't know...if being a CVO [member] is all I can rely on; it's not enough for you to live."

In the case of Madz, the lone example amongst CVO members interviewed who was also a member of the *pagali*, other opportunities are also more attainable. In fact, his duty as a CVO member is something which was meant to be temporary. By the time researchers contacted him to follow up on some questions from his interview, he was no longer a CVO member and was looking forward to finishing his electrical engineering course in Davao.

Unfortunately, with the exception of CVO members like Madz who have definite plans for the future, even children who see life beyond the *pagali* like Habib and Danny still find it hard to give concrete ideas of what opportunities to look for in the future. When asked to name some options they had in mind, answers were limited to vague descriptions such as “the good life” and “work that will be good for me.” Perhaps the vagueness of their ideas is due to the fact that the situation itself provides little concrete prospects to hold on to in the first place.

Hope for others

In contrast to the image of child and youth CVO members as one with no hope or possible dreams for the future, this study has discovered that they do dream of a better life, yet, not for themselves but rather for their younger siblings. As mentioned earlier, an added dimension in the character of the children and youth involved in the CVO is their notable drive to work for a better future for others close to them. In fact, one of the main benefits that the children perceive with their work is the fact that they have money to send the rest of their siblings to school. Education is also seen as one way to avoid having to resort to the CVOs for income.

In the cases of Ahmad, Mar, and Jonathan, this includes making sure their siblings have an education. Noting the circumstances that have led them to their current situation, these children continuously hope for better things for their brothers and sisters. This shows that in spite of how deeply they become involved in the corruption of illegal operations and compensation, children don't picture the life of a CVO member as one that is 'good.' While they have lost hope for themselves, the dream of a better life for their family serves as an inspiration for them to work harder. According to Mar, “I accept whatever happens to me as long as my brothers and sisters don't get involved.”

Behind the image of a child with a gun is that of a hard worker who values the education that he did not get to have. In fact, in most of the interviews, a common recommendation for younger generations is often repeated. Ahmad says it best: “I hope that they all study hard if they are given the opportunity to learn. It's hard not to have an education. This is the only job you'll get.”

III. COAV SOLUTIONS

Introduction

Child and youth involvement in Civilian Volunteer Organizations (CVOs) presents a serious paradox for advocates and policy makers. While the organization of CVOs is legally mandated, they are used by local politicians in certain parts of the country as their private armies, the existence of which is explicitly forbidden under the 1987 Philippine Constitution. Guidelines for CVOs specify 18 as the minimum age for membership but in certain parts of the country, children as young as 12 have reportedly joined. Those involved deny both the use of CVOs as private armies and the involvement of children in these groups. This situation renders the children invisible and hard to reach.

The involvement of children and youth in CVOs used as private armies in the Philippines is seen as a feature of other social phenomena or situations. Being armed and under 18, they are commonly referred to as child soldiers or children involved in armed conflict, an indicator that the use of children as soldiers is not confined to armed opposition groups alone. National policies on the treatment of captured or rescued children involved in armed conflict are based on the assumption that such children are victims rather than offenders. But it is unclear whether children in CVOs are covered by existing policies protecting child soldiers. Though CVOs have been reported as pursuing armed opposition groups alongside government armed forces, they are technically not within the structure and hierarchy of the Armed Forces of the Philippines and thus are not party to the armed conflict.

If apprehended by the authorities, children that are part of an organized armed group involved in criminal activities are treated as young offenders in conflict with the law. Via criminal proceedings, the cases of such children are handled within the confines of juvenile justice system. The use of firearms in such cases aggravates the offense and may lead to harsher penalties. The *pagali* always evade the justice system, and therefore few children serving the CVOs will ever be dealt with by juvenile courts as crimes committed by the *pagali*'s henchmen are usually settled within the *pagali*.

The involvement of children and youth in CVOs used as private armies is also seen as a devastating consequence of the proliferation of small arms, of the decades-old insurgency problem in the country, of the practice of *rido* as a means to settle disputes, as well as a culture equating gun ownership with religious and cultural heritage.

Until now, nothing much has been written about children and youth in organized armed violence. COAV is most commonly seen as a feature of other social issues or situations, rather than as a phenomenon in its own right. This study on children and youth in CVOs used as private armies in the Philippines aims to contribute to changing this approach as part of a global research project to better understand children and youth in organized armed violence.

A discussion of solutions for the prevention and reintegration of COAV in the Philippines, therefore, would necessitate looking at the policies, programs and interventions from the following related issues: child soldiers, juvenile justice, proliferation of small arms and loose firearms, *rido*, insurgency and secessionist movements, and peace issues. Aside from a desk review of literature on these social issues, key informant interviews were conducted in Maguindanao to ascertain ways to prevent and respond to the specific needs of children and youth involved in the CVOs.¹¹⁴

National Policy Framework

This section gives an overview of national laws and policies on selected issues relevant to child and youth involvement in CVOs used as private armies. It also identifies some of the gaps in legislation and enforcement.

Children as ‘zones of peace’

The 1991 Republic Act 7610, The Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, declares children as zones of peace and entitles them to protection.¹¹⁵ Under this act, children shall not be the objects of attacks and shall not be recruited to become members of any armed group, nor be allowed to take part in the fighting, or be used as couriers, guides or spies. RA7610 sets rules and regulations ensuring care and humane treatment of a child taken into custody by government forces in an area of armed conflict.

The government’s Framework for a Comprehensive Program for Children Involved in Armed Conflict likewise promotes children as zones of peace. In particular, the program aims to: (1) create an understanding of children in armed conflict; (2) mobilize both the government and civil society to protect children; (3) protect children from recruitment by armed groups by addressing widespread poverty and inadequacy of social services in priority areas; and (4) rescue, rehabilitate, and reintegrate into the mainstream of society children who are victims of armed conflict. The program has three components: prevention; advocacy and mobilization; and rescue, recovery and reintegration.

Prevention focuses on the delivery of basic services in areas of armed conflict such as livelihood programs, educational assistance and alternative learning programs, health and nutrition, food security, basic facilities and infrastructure, and participation and capacity-building for local governance and community development.

¹¹⁴ Key informant interviews were conducted with high ranking officials of the following government and non-government organizations in Maguindanao: Philippine National Police, Armed Forces of the Philippines, Commission on Human Rights, Department of Social Welfare and Development, Department of Interior and Local Government, Bantay-Bayan Foundation, and Mindanao Tulong Bakwet-Center for Emergency Response and Development.

¹¹⁵ See Article X Children in Situations of Armed Conflict. Interestingly, the RA 7610 does not use the term “child soldiers”.

Advocacy and mobilization aim to create awareness of the issue, educate society through the media, and involve organizations in protecting children from armed conflict and in preventing their recruitment by armed groups.

Rescue, rehabilitation, and reintegration provides for the recovery of children involved in armed conflict. Rehabilitation facilitates the development of the child in the post-conflict phase and employs strategies such as counseling, security and protection, educational assistance and livelihood opportunities. Reintegration calls for the reunification of the children with their families and communities whenever possible.

An inter-agency Memorandum of Agreement in the Handling and Treatment of Children Involved in Armed Conflict (MOA) was signed between the military, police and relevant government agencies.¹¹⁶ Dated 21 March, 2000, the MOA provides for procedures needed from the time of rescue or surrender of the child up to his or her placement under the protection of the Department of Social Welfare and Development or the local government unit. Agencies handling child soldiers are guided by the Special Protection Act, the Comprehensive Program for Children Involved in Armed Conflict and the MOA. The following summarizes the current processes followed in the demobilization and reintegration of rescued or surrendered child soldiers:

Government forces must report to the DSWD within 24 hours if a child soldier has been rescued or surrendered to their custody. A social worker immediately visits the child to get personal, family and background information and to prepare the child for the transfer to the custody of the DSWD. While under military custody, the child must be a) informed of his/her rights; b) protected from further exploitation and trauma (no tactical interrogation and unnecessary exposure to the media); c) must be given immediate physical and medical treatment when wounded, including psychological/psychiatric treatment when necessary; and d) provided with basic subsistence and needs.

The turn-over and transfer of the child from the military or police to the DSWD within 24 hours from the time of rescue or surrender, and within 72 hours when the situation does not warrant the turn-over of the child within the prescribed period.

Family tracing and assessment based on information is gathered, and a visit is made by the social worker to the child's family to inform them of the child's situation and to give them the opportunity to visit the child.

The assessment of the child's physical, social and psychological condition, strengths, resources, and capacities, understanding and interpretation of his/her experiences and life

¹¹⁶ The government agencies are: Department of National Defense, Department of Interior and Local Government, Department of Social Welfare and Development, Department of Health, Commission on Human Rights, Office of the Presidential Adviser on the Peace Process, and National Unification and Development Commission.

plans which are then used as the basis for a treatment/rehabilitation plan with the involvement of the child, his/her family, and other professionals.

The above mentioned processes are not without issues and concerns. Children are not turned over to the custody of the DSWD within the prescribed period. The military cites medical and security reasons to justify its action in delaying the transfer of some child combatants to the DSWD.¹¹⁷ There is a risk of child soldiers not being afforded the special treatment as outlined in the MOA when they cannot produce birth certificates to prove their age. The protection of the child from exposure to the media can be derogated when such is justified by compelling national security interests. The demobilization and reintegration guidelines are designed with children from armed opposition groups in mind. There are also no clear guidelines on the treatment and handling of children from paramilitary groups assisting the military, or children from partisan armed groups organized and maintained by local politicians, such as CVOs.¹¹⁸

Despite the gaps in implementation, these guidelines and processes provide the experience with which to deal with the individual cases of reintegration of child soldiers who have left armed opposition groups. The underlying message of these processes is that *children should be viewed as victims rather than as offenders*, irrespective of their being members of organized armed groups. This could very well apply to children and youth in organized armed violence within the Philippines and elsewhere.

Children in the juvenile justice system

There are special rules for the handling of children in conflict with the law as provided for in Presidential Decree 603 or the Child and Youth Welfare Code, and more recently, Republic Act 8369 or the Family Courts Act. In 2002, the Philippine Supreme Court approved child sensitive rules of court, namely the Rule on Examination of Child Witnesses and the Rule on Juveniles in Conflict with the Law.

Article 191 of the Child and Youth Welfare Code mandates that a child “from the time of his arrest be committed to the care of the Department of Social Welfare.” Section 11 of the Rules and Regulations on the Apprehension, Investigation, Prosecution, and Rehabilitation of Youth Offenders (1995) provides that “a youth from the time of his arrest be committed to the care of the Department or the local rehabilitation center or in a detention home distinct and separate from jails.”

The Rule on Examination of Child Witness governs the examination of children involved as victims, witnesses or offenders in a case. The rule aims to create and maintain a child-

¹¹⁷ “AFP releases P50,000.00 educational funds for Jelyn Dayon,” *AFP*, September 2001. Available on: <http://afp-cmo.tripod.com/articles-2001/09-06-afp-releases-50k.html>

¹¹⁸ Camacho, A., *Prevention and Reintegration of Children Involved in Armed Conflict: The Philippine Experience*, Information for a Project Document on an Inter-Regional Programme for the Prevention and Reintegration of Children in Armed Conflict, ILO-IPEC, June 2003.

sensitive courtroom environment and questioning that will: (1) allow children to give reliable and complete evidence; (2) minimize trauma on children; (3) encourage children to testify; and (4) facilitate establishing the truth in the case.

The Rule on Juveniles in Conflict with the Law calls for diversion to Family Courts for cases where the maximum penalty imposed is imprisonment of not more than six months. Among the kinds of diversion programs permitted are: (1) written or oral reprimand or citation; (2) return of property; (3) payment of damages; (4) written or oral apology; (5) guidance and supervision orders; (6) counseling for the child in question and his/her family; (7) training, seminars, and lectures; (8) participation in community-based programs; (9) institutional care and custody; and (10) work-detail program in the community.

The criminal liability of minor or youth offenders or children in conflict with the law (CICL) is determined as follows:

- below nine years of age, the offender is exempt from any criminal liability;
- from nine to below 15 years of age, the offender is exempt from criminal liability, unless the minor acted with discernment, or is determined to have knowledge of right and wrong; and
- from 15 to below 18 years of age, the offender can be held criminally liable but is given a lower penalty.

When a child is found guilty, his/her sentence is suspended and s/he is placed in a government rehabilitation center until s/he reaches the age of 21. When the CICL is fully rehabilitated, the case is dismissed, as if the child was never charged. If, however, the system finds that these measures do not satisfactorily rehabilitate the child, s/he is made to serve his/her full sentence.

However, most judges do not take note of these distinctions. Children's rights may be seriously violated as they are often treated by the courts as adult offenders, in spite of international conventions and special rules issued by government on the handling of young offenders. Children are jailed together with adult crime suspects and subjected to rape, torture, tattooing, and other abuses.¹¹⁹ In spite of the above noted special rules referring to minors, the current system of dealing with children in conflict with the law is subsumed under the criminal justice system. Furthermore, at the hands of Philippine courts, children are made to go through a justice system that is retributive rather than restorative, thus encouraging them to continue in a life of crime.¹²⁰ Hence, there are calls

¹¹⁹ Amnesty International, *Philippines: A different childhood: the apprehension and detention of child suspects and offenders*, 11 April 2003, <http://web.amnesty.org/library/Index/ENGASA350072003?open&of=ENG-PHL>. See also "Coalition Call for President Gloria Macapagal Arroyo to Stop the Unlawful Discrimination by the Police Against the Children of the Poorest of the Poor" by the Coalition to Stop Child Detention Through Restorative Justice, circulated by email December 21, 2003.

¹²⁰ Adraneda, K. Juvenile justice system needs to be restorative rather than retributive, *CyberDyaryo*, December 06, 2001

for a separate justice system for children, one that is more child sensitive, focusing on rehabilitation rather than punishment.¹²¹

Regulations on firearms

The Firearms and Explosive Division of the Philippine National Police is the mandated agency to administer, enforce and implement the rules and regulations related to firearms and explosives.

Presidential Decree 1866 as amended by Republic Act 8294 punishes “the unlawful manufacture, acquisition, disposition or possession of firearms, parts of firearm or ammunition and the machinery tool or instrument used or intended to be used in the manufacture of any firearm or ammunition.” Violations are punishable with imprisonment from 2 months to 6 years with a fine of 15,000 pesos (or about US\$270) for 38 or 32 caliber weapons, and 6 to 8 years of imprisonment and a fine of 30,000 pesos (or about US\$540) if the firearm is high-powered (cal. 40, .41, .45, .357, and Magnum .22). Even if a person is licensed to carry a firearm, it should be kept in the home unless the person is issued a Permit to Carry Firearms Outside of Residence by the Philippines National Police chief.

Due to the magnitude of the problem of the proliferation of firearms in the country, the president included arms smuggling or trafficking as a priority concern in the creation of the Philippine Center on Transnational Crime (PCTC) under Executive Order No. 62 on 15 January, 1999.

Despite government efforts to curb firearms trafficking, the proliferation of illicit firearms persist because of the prospects of huge profits, connivance among gun running syndicates as encouraged by corrupt law enforcers, the persistent involvement of political families and other influential persons, either to beef up their private armies or as instruments in the conduct of their nefarious activities, and the Filipinos yearning for guns.¹²² It is interesting to note that such rules and regulations are difficult to implement particularly in Mindanao given the high importance and priority that individuals attach to the possession of firearms.¹²³

Promising Practices: Key Approaches in Dealing with COAV

The challenge of prevention and protection of children involved in CVOs used as private armies requires a multi-faceted and strategic approach. Various cases drawn from

¹²¹ For a comprehensive discussion on children in conflict with the law, see UP CIDS PST, *Painted Gray Faces, Behind Bars*, UP CIDS PST and CSC, 2004.

¹²² Philippine Center on Transnational Crimes, *Trafficking in Firearms*, page 59, www.pctc.gov.ph

¹²³ Makinano and Lubang (2001), “Disarmament, Demobilization and Reintegration: The Mindanao Experience,” prepared for the International Security Research and Outreach Programme, Department of Foreign Affairs and International Trade.

experience in the Philippines demonstrate key approaches to dealing with the issue of children in organized armed violence.

Coalition-building, networking and partnerships

Such a complex issue demands the concerted efforts of groups and individuals from different sectors of society. Such is exemplified by the coalitions formed to address the issues of child soldiers, children in jail, and the proliferation of small arms.

It was not until the Philippine Coalition to Stop the Use of Child Soldiers was formed in 2001 that the issue was fully brought into the open. Prior to the formation of the Coalition, the problem of child soldiers had never been publicly discussed by government institutions or non-government organizations due to its sensitive nature. The Philippine Coalition was formed as a result of a national consultation workshop held by four organizations¹²⁴ to consolidate knowledge, opinions, attitudes, and feelings on the issue of child soldiers. The Philippine Coalition is now composed of around 50 organizations and individuals that work for peace and justice and to protect children from the dangers and evils of war and spare them from involvement in hostilities.¹²⁵

Since its formation, the Philippine Coalition has lobbied for the ratification of the Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which was ratified on August 26, 2003. In order to achieve this, the Coalition launched a massive nationwide information campaign, conducted research, held forums and published a report on child soldiers in the Philippines. The group is currently working on the following projects: developing a child-focused and standard reintegration framework for use by government and civil society; reviewing existing legislation and agreements related to children involved in armed conflict; including the issue of children involved in armed conflict in the agenda of peace talks with the New People's Army and the Moro Islamic Liberation Front; engaging with non-state actors to talk about child soldiers as an issue of humanitarian concern; and partnering with Christian and Muslim religious leaders and leaders of other faith-based organizations to prevent and protect children involved in armed conflict.

In the same vein, the Coalition to Stop Child Detention through Restorative Justice works toward stopping the widespread practice of jailing children with adults. It seeks "to impress upon everyone that the jailing of children with adults is done by the state on a national scale in a systematic, organized, and widespread manner"¹²⁶ in violation of several UN standards and national policies. The Coalition asserts that jailing of kids with

¹²⁴ These were the UP CIDS Program on Psychosocial and Human Rights (UP CIDS PST), Human Rights Youth Action Network of the Amnesty International-Filipinas Section (HRYAN), Philippine Human Rights Information Center (PhilRights), and Kabiba Alliance for Children's Concerns. The Iligan City-based Balay Integrated Rehabilitation Center for Total Human Development replaced Kabiba Alliance in the Steering Committee in 2002.

¹²⁵ Mission statement of the Philippine Coalition to Stop the Use of Children as Soldiers formulated during the first national consultation workshop held in March 2001.

¹²⁶ Correspondence with Perfecto G. Caparas, 21 December 2003.



adults is a crime against humanity. In December 2001, the Coalition launched a campaign to stop responsible authorities from jailing kids with adults. It urged its members to: (1) issue their own statement condemning the practice of jailing of children with adults; (2) document cases of the practice of jailing kids with adults in their respective areas; (3) e-mail or fax their organization's statement and documentation to media outlets and international organizations; and (4) write letters to the Office of the President, Interior and Local Government Secretary, and Police officials. The Coalition is composed of 25 organizations and concerned individuals nationwide committed to advocating for alternatives to jail for children in conflict with the law.

The Philippine Action Network on Small Arms (PHILANSA) is a network of concerned individuals representing 14 civil society groups across the Philippines who are working to reduce the negative impact of illegal small arms and light weapons. PHILANSA was conceived following a recommendation made in the July 2002 Small Arms Regional Conference attended by delegates from 22 countries. Although the proliferation of small arms is a worldwide problem that must be dealt with at the global level, solutions must also be found at the community level. In April 2003, PHILANSA embarked on an 18-month multi-media public awareness campaign to provide communities with information on small arms issues and to help them find potential solutions. The campaign hopes to challenge local government officials and students to develop responses to the dangers posed by the proliferation of small arms in their communities.

Community-based approach

When carrying out prevention and protection programs, great emphasis should be given to facilitating the involvement of communities. Similar to the PHILANSA campaign, the community should be involved in identifying and working towards solutions to their problems.

The community-based approach is exemplified by the Community-Based Diversion Program for Children in Conflict with the Law, a pilot program of the Free Rehabilitation, Economic, Education and Legal Assistance Volunteers Association, Inc. (FREELAVA, INC.), and organization that works with children in conflict with the law (CICL) in Cebu City at the *barangay* level. In Cebu City there are more than 200 children in city jails charged with various offences ranging from misdemeanors to more serious crimes such as robbery, murder and rape. As there is no standard 'community-based diversion approach' in the current juvenile justice system, children sentenced for criminal offences enter the formal criminal justice system which, as discussed above, is not sensitive to the well-being of the child.

The program trains and organizes a pool of community volunteers to provide support to CICL. The CICL are then trained to serve as peer facilitators in their communities. The project encourages and supports the participation of parents of CICL, government and school officials, and social workers in the *barangay* level committees that are given the task of implementing diversion programs in their communities. To address the recovery

and reintegration of CICL, the project provides psychosocial interventions such as counseling, has instituted a monitoring scheme to follow-up individual cases, and conducts crime prevention activities in the communities.

To date the project has selected, trained and organized 100 community volunteers from the selected areas in Cebu City. The project also formed *Barangay* Children's Justice Committees responsible for mediation and conflict resolution of CICL cases so that convicted children no longer have to enter the formal criminal justice system. Instead, the children are placed under the custody of their families or other responsible persons in the community with the agreement that the children will go through a rehabilitation program supervised by the community volunteers. Each community volunteer actively monitors individual cases of children who have successfully passed the diversion process.

More than 400 cases of CICL have been diverted since the program started, and more than 100 are enrolled in formal schools as part of their community reintegration activities.¹²⁷ The children have also been trained to become community peer facilitators. At present, each community volunteer is working with at least two trained peer facilitators to carry out the activities for the program. Former CICL in the community have also joined the program as peer facilitators.

Through the participation of community volunteers, the program (a) prevents children from being in conflict with the law, (b) prevents children who commit minor offences from entering the formal justice system, and (c) facilitates the reintegration of CICL into the community. FREELAVA affirms that a community-based approach to the CICL issue is an effective alternative to residential care.¹²⁸

The Center as an alternative family environment

Reintegrating back to society after life in an armed group or in jail can be a harrowing experience for children and young people. At Balay Pasilungan, children and young people are helped to return back to their normal lives. "We help the children overcome the stigmas that often push them back to jail," says Antonio Auditor, Executive Director of FREELAVA, the NGO that runs the project.¹²⁹

Balay Pasilungan is a transition center for children released from prison. Since it was established in 1997 it has become a temporary home for almost 1,000 CICL, preparing them to return to their families and communities. The majority of its residents are aged 13 to 15 years old, with the majority of their sentences under suspension.

Activities at Balay Pasilungan include values formation, skills enhancement, education, health, physical fitness and socio-cultural activities. The children participate in prayers,

¹²⁷ Email correspondence with Antonio Auditor, 8 May, 2004.

¹²⁸ Based on a briefing paper prepared by Antonio Auditor, Executive Director of FREELAVA, undated.

¹²⁹ "Balay Pasilungan Community Force," *Sun Star Cebu*, 16 September, 2003.

recollections and catechism classes. Values formation is reinforced by group discussion, film shows, family encounters, and community service.

Balay Pasilungan has also sent more than 300 children to school, and a few received honors for academic and extra-curricular excellence.¹³⁰ There are skills development sessions on cooking, food processing, sewing, and computer literacy. Balay Pasilungan also facilitates the residents' move into the formal work market through job immersion and apprenticeship programs.

Balay Pasilungan is run like a household. Its residents are treated not as delinquents who should be confined to the four walls of a center, but as children first and foremost. As such, Balay Pasilungan allows its residents to participate in community activities such as watching community basketball games and joining religious processions. They are encouraged to interact with other youths, local residents, and policemen.

There is an area in Balay Pasilungan for the children's rest and recreation. They can play with musical instruments and various board games. Sports activities include calisthenics, jogging and basketball games. Aside from their share in doing the household chores, the residents are given ample time for play.

The young residents are involved in running Balay Pasilungan. The house rules are continually re-assessed, incorporating suggestions from the residents. The children also participate in the performance evaluation of the staff of Balay Pasilungan.

Some of the young people at Balay Pasilungan have gone from CICL to becoming advocates for the rights of children in conflict with the law. They actively participate in forums and other activities where they share their experience and work for a more child-sensitive, and human rights-oriented juvenile justice system.

Forging a covenant of peace and development

In situations of intense and continued fighting, an all-too-frequent response is more violence: a military solution to quell the fighting. The residents of Maladeg have shown that there are other alternatives, and that violence as a way of life can be stopped, with support from the community.

Maladeg is a coastal *barangay* of Sultan Gumander, Lanao del Sur, a province where more than 93% of its population are Maranao Muslim. The population of Maladeg is 90% Maranao and 10% Christian and comprises of 876 households. Before a covenant of peace and development was signed, there were around ten Christian houses, now there are more than a hundred.

¹³⁰ Antonio Auditor correspondence, op. cit.

The Maladeg Peace Zone is unique because it was designed by the people themselves. The signing of the covenant brought about peace in this *barangay* devastated by a two-decade family feud (*rido*) between prominent Christian and Muslim families that intensified into Christian and Muslim conflict. The warring families signed the Covenant of Peace and Development to begin a reconciliation process. The signatories of the peace zone covenant are clan leaders who used to be mortal enemies. Once sworn to annihilate each other's families, today they are sworn to protect each other. Other signatories, also bound to uphold the peace zone, are leaders of MILF and MNLF, the chief of police, and a colonel of the Philippine Army.

The peace zone is led by the head of a committee that represents clans tasked with peacefully mediating all *rido* and preventing trouble from escalating inside the zone. They also clearly defined the geographical boundaries of the peace zone, which measures about 7 kms. in width and about 15 kms. in length.

A council of elders sees to it that the rules are implemented and communicated to all families in the peace zone. If family or clan is unable to implement the rules, the signatories of the covenant – *datus* and other leaders – will take over. Maladeg has a community jail for violators of the rules of the peace zone covenant. There are no exemptions and until now all violators of the rules have been apprehended. The first person to be apprehended for breaking the rules was the son of the leader of the peace zone.

Armed conflict, gambling, the use of illegal drugs – all criminal behavior – is prohibited inside the peace zone. Good deeds are encouraged. Anyone from outside the peace zone who has *rido* or family feuds, but does not wish to be part of it, is guaranteed sanctuary inside the zone. In exchange, the person promises to renounce violence and his support for his relatives' *rido*.

The committee's record in successful conflict mediation has been spectacularly high. Unlike the majority of Maranao mediators, they do not charge a 30% fee on the settlement sum. They have built a reputation of fairness, regardless of their social rank. They have the cooperation of the residents in maintaining the peace zone as all residents are now living in peace.¹³¹

Involving children and youth

The United Nations Convention on the Rights of the Child (UN CRC) ensures that children have access to information, to venues for expressing their thoughts and opinions, and to consultation especially regarding matters that directly involve them, whether at the level of the family, school, church or the larger community. This cluster of rights is based on the premise that children are developing individuals with feelings and opinions of their own. They are best placed to articulate their own needs and if given proper support

¹³¹ Based on Siton-Nanaman (2002), "Local Peace Alternative to Ethnic Conflict in Mindanao: The Bual, Dinas and Maladeg Peace Zone Experiences."

and respect they will make sensible and responsible suggestions and decisions. Hence, children and young people's participation should be an integral feature of any violence prevention and protection program for children.

A remarkable example of child led efforts in peace building is the Kids for Peace movement. Kids for Peace started out as a student party in an elementary school in Cotabato City. Having themselves experienced the terror of war and hearing stories of countless children who were displaced and housed in evacuation centers, the group continued its campaign for peace outside the school grounds. They also actively advocated for relief goods to be distributed to their fellow children in evacuation centers, worked with other organizations in calling for peace, and encouraged other children and young people to work for peace. In the process, they were able to generate the support of church groups and other non-governmental organizations.¹³²

The Provincial Social Welfare and Development Office in Lanao del Norte (Southern Mindanao) facilitated the organization of the Pag-asa Youth Movement¹³³, another successful example of involving children and youth in finding solutions to problems that involve them. The Pag-asa Youth Movement is composed mostly of out-of-school youth that are considered as those most vulnerable to recruitment into the armed groups. The organization proved to be an effective prevention mechanism against child recruitment and participation in hostilities. The DSWD also noted that cases of children in conflict with the law decreased as the youth were occupied with developmental activities. The members of the youth movement were given skills training in leadership, livelihood, and other practical skills. The DSWD was also able to obtain funds for the purchase of sports equipment to be used by the members of the group.¹³⁴

Jamborees or peace camps have also been organized for children. The rationale behind these activities is that children are instruments of peace and it is in them that efforts in making peace should start. The activities in the jamborees or peace camps are venues for instilling in children a culture of peace as well as an opportunity for their views and voices to be heard. Through these activities, the children's views on the armed conflict are solicited and then presented to government.

In facilitating children's participation, the contribution of the individual child matters. In 2001, a daily newspaper carried the story a child's small but heroic call for peace. Suawib, a 10 year old Iranun boy, handed the emissary of President Gloria Macapagal Arroyo a card when the latter visited an evacuation center in Parang, Maguindanao. Suawib and his mother were forced to flee their home after government soldiers burned their house in Surakan, Matanog. Still showing signs of trauma, Suawib asked the

¹³² See letter by Rosalyn Aliya Agbon, "Calling all kids for peace," 4 May 2000. Available on: <http://www.mindanao.com/kalinaw/peaceproc/kids.htm>

¹³³ *Pag-asa* is Tagalog for hope

¹³⁴ Based on the sharing of Loida Calit, Lanao del Norte Provincial Social Welfare Officer, during the 2nd National Consultation on the Use of Children as Soldiers in the Philippines, 9-12 November 2003.

President's emissary, "When will the war end?" Suawib called the card a peace card where he had drawn a dove inside a burning house.¹³⁵

Addressing COAV: Concrete Proposals from the Field

Children and youth are social actors in the communities in which they live, and as such there is merit to involving them in community watch programs. The Civilian Volunteer Organizations (CVOs) are, in fact, one such community watch group; their aim, in theory, is to aid the local police force in the maintenance of peace and order in their respective communities. The situation becomes problematic when watch groups like the CVOs are armed, involving children in hostilities, and are being used as private armies by local politicians and other influential persons in the community for their personal and political interests.

Strict enforcement of guidelines for CVOs

When asked about ways to deal with the problem of children's involvement in CVOs that are used as private armies, responses from the key informants for this study ranged from denial of the problem,¹³⁶ to acceptance with justification,¹³⁷ to acceptance and condemnation.¹³⁸ But there was unanimity with regard to the need to strictly enforce existing guidelines governing CVOs. The following were frequently mentioned:

1. The minimum age for membership is 18 years old. In the absence of a birth certificate, there should be mechanisms followed to verify the age of the applicant (e.g. counterchecking with school records, affidavits). As a long-term measure, the government should carry out a massive birth registration campaign targeting especially the rural areas.
2. There should be a mandatory drug test for applicants. A mandatory drug test for members should be conducted on a regular basis.
3. The minimum and maximum number of CVOs per *barangay* as stipulated in the guidelines should be strictly followed.
4. The CVOs should limit their operation to the area of their jurisdiction – at the *barangay* level. As such, there should be no CVOs for the mayor, who has jurisdiction over a municipality.
5. The CVO members should be given standard benefits, such as health insurance and social security. Although CVO involvement is voluntary by nature, it is

¹³⁵ Bartolo, R. "Peace is a smiling child," CyberDyaryo, 20 March 2001, available on:

http://www.cyberdyaryo.com/opinion/op2001_0320_01.htm

¹³⁶ In an interview conducted by Agnes Camacho and Marco Puzon on 16 November 2003 in Cotabato City, PNP Maguindanao Provincial Police Director Hamdag Ali said, "CVOs are not used as private armies. There are no children in the CVOs".

¹³⁷ In an interview conducted by Agnes Camacho and Marco Puzon on 16 November 2003 in Cotabato City, the head of the Civil-Military Relations (regional) of the Armed Forces of the Philippines said, "Children are involved in CVOs but they do not carry arms, they only serve as porters or runners."

¹³⁸ In an interview conducted by Agnes Camacho and Marco Puzon, a senior local government official of the Autonomous Region of Muslim Mindanao (identity concealed for security reasons) said, "Yes! The CVO and the CAFGUs are the private army of the Governor!"

recommended that a monthly stipend be allotted in order to discourage volunteers' involvement in criminal activities.

Capacity building and education

A noteworthy recommendation is for CVOs and their supervising officials to undergo regular sessions on values formation, human rights education, the basics of community policing, a review and assessment of their roles and responsibilities, traffic management, disaster management, and conflict resolution. A government budget should be allocated for this purpose.

Civilians and unarmed

Although the CVOs are community partners of the police in maintaining peace and order, they are not substitutes for the police and therefore should not perform police functions. Only police should provide a uniformed and armed presence in the community. It should be noted, though, that there were key informants in favor of arming the CVOs in view of the deteriorating peace situation in Maguindanao and due to the commonly held belief that firearms are needed for protection.¹³⁹ However, the example of Matanog in Lanao del Sur, a place devastated by *rido* for two decades, shows that peace can be attained and enforced through peaceful means, and therefore CVOs should not be armed.

Reservations

Applications to join CVOs made by the following groups should be carefully reviewed: military or police officials dishonorably discharged from service, those with criminal records, members of religious cults and fanatical groups, and members of MILF, NPA and other armed opposition groups.

It has been suggested that CVO members should be in uniform when they are on duty. However, care should be taken that their civilian identity not be compromised, as uniforms will give the impression that they are an auxiliary police force.

Monitoring, supervision, and accountability

Interestingly, there is no consensus on which government body is responsible for the monitoring and supervision of the CVOs. Interviews carried out for this study generated conflicting answers: the *barangay* captain, the mayor, the governor, or the police. It is unclear who gives orders to the CVOs, who is in charge of their operations, or who is responsible for carrying out disciplinary measures. The reality suggests that the CVOs are at the behest and direction of local politicians who themselves are at the behest and direction of their benefactor, usually a higher ranking politician.

CVOs must be accountable for their actions not just to the local politicians, but also to the members of the community where they come from and actively operate.

¹³⁹ Interview conducted by Agnes Camacho and Marco Puzon with PNP Maguindanao Provincial Police Director Hamdag Ali, on 16 November 2003 in Cotabato City.

Dissemination of information about the guidelines

An important prerequisite for enforcement is information dissemination – though the key informants interviewed hold high-ranking positions in their organizations, not all of them were aware that there are guidelines to be followed in the recruitment and organization of CVOs.

A Multi-faceted Solution

But the problem of child and youth involvement in CVOs used as private armies is more complex than the simple non-enforcement of laws. It is a local manifestation of children in organized armed violence, a global phenomenon that requires a comprehensive approach. As seen above, examples from the Philippines include: coalition building; networking and partnership; a community-based approach; rehabilitation and transition centers as an alternative family environment; forging a covenant of peace and development; and involving children and youth in any solution process.

Addressing an issue as complex as children in organized armed violence needs the concerted efforts of groups and individuals from different sectors of society. Child and youth involvement in CVOs used as private armies by local politicians has never before been publicly discussed by policy makers and service-providers. This could be attributed to, among others, fear of reprisal from the powerful *pagalis*, and the voluntary nature of the child and youth involvement. Hence, the problem of child and youth involvement in CVOs has remained hidden and invisible until now. A concerted effort by government and civil society is needed to bring this problem to the attention of policy makers and service providers so that appropriate prevention and protection programs can be put in place. Networking and partnership at all levels are needed to ensure implementation of policies and programs, especially at the grassroots level.

Perhaps an important goal of this concerted effort lies in problematizing this phenomenon. There is a need to raise the awareness of the public, especially in the communities where CVOs are used as private armies, on the negative impact of child and youth involvement in armed groups. There is a need to disseminate the information that child and youth involvement in CVOs used as (*pagsama-sama*) private armies by local politicians violates Philippine laws and international standards protecting the rights of children.

Partnership with at-risk communities is essential to any prevention and protection program for children in organized armed violence. The community's capacity to protect their own children and youth should be enhanced, and their involvement sought in working for solutions to their own problems. The community may be particularly effective in addressing the factors that increase participation, including assessing the extent and magnitude of the involvement of children and youth in CVOs in at-risk communities, supported by qualitative information about the children's and youth's experiences; providing alternatives to joining the organized armed groups, such as

livelihood programs for families and youth; providing formal and non-formal education for children and youth; providing educational alternatives to children and youth, such as sports, recreation, clubs etc.; and advocating for child protection laws and policies at the local and national levels.

Partnership with children and youth is central to any community-based prevention and protection programs for children in organized armed violence. Children and youth in at risk communities should be targeted by our advocacy and information efforts, and given access to appropriate intervention programs to prevent further recruitment. Children and youth must be encouraged to become advocates for peace, and not as instruments of violence.

Social recovery and reintegration programs for children and youth who decide to leave organized armed groups should be in place, focusing on rehabilitation rather than punishment. The underlying message of such programs is that *children should be viewed as victims rather than as offenders*, irrespective of their previous membership of armed groups.

As the phenomenon of children and youth in CVOs used as private armies in the Philippines is a complex issue, it must be approached from different angles. These should be carried out in partnership with affected communities, and may include approaches described above as well as policies and programs on education, electoral reform, youth employment, a culture of peace, firearms regulation, good governance and poverty alleviation have to be instituted in partnership with the affected communities.