

DIALOGOS

A Balay Publication
on Psychosocial Praxis, Peace and Human Rights

March 2008

Vol. 1 No. 1

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DIALOGOS

Dialogos is an occasional publication of Balay Rehabilitation Center. It seeks to encourage the generation and dissemination of different perspectives in the field of psychosocial praxis and to contribute to the discourse in human rights and peace-building.

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Published with the support of
Rehabilitation and Research Centre
for the Victims of Torture -
Denmark

Note from the Executive Director

D*ialogos*, in its fundamental sense, refers to an exchange of information and ideas between two or more persons. Its origins can be traced to the fusion of the Greek concept of *diá*, which means "through" – and not two, as many of us had assumed – and *logos* which means a "word or speech." Hence, dialogos is a process or an occasion where people convey their thoughts, share their experiences, and communicate with each other in order to explore their assumptions of thinking, meaning, and practice.


It can be an undertaking among any number of people, not just two. Even one person can have a sense of dialogue within himself or herself, if the spirit of dialogue is present. This can also be considered as a practice of reflexivity where a person professes his/her insights and feelings in relation to the social reality confronting him/her. The picture or image that this derivation suggests is a stream of meaning flowing within, among us, through us and between us.

Dialogue used to be considered as a verbal exercise, but increasingly the conveyance of ideas and information are now being channeled through print and other media. Balay had thought of using the term Dialogos as the name of this publication because we see dialogue as an effective means of on-going or continuing communi-

cation rather than as a purposive attempt to reach some conclusion or to impose upon viewpoints. There are many sides from where reality may be viewed from as there are myriad angles from where an experience may be narrated and interpreted. Through Dialogos, Balay seeks to encourage the generation and dissemination of thoughts and practice in the field of psychosocial development response and its link with human rights praxis and discourse in peace-building. Our aim is to increase understanding of multiple perspectives, motivate new ways of doing, and encourage psychosocial practitioners, human rights champions, and peace workers to write down and share their reflections and insights.

Balay envisions Dialogos to be an occasional publication for now. It will carry thematic articles that cover topics on related to psychosocial thoughts and practice, as well as relevant articles on human rights and peace. It welcomes contribution from the Balay community, practitioners, program managers, and other contributors. Submissions can be in the form of conceptual papers, incisive fieldnotes, relevant reports, personal reflections, among others.

We believe that most, if not all of us, have a shared empirical reality that somehow binds us together. Dialogos aspires to stimulate the creation of a new understanding and insights of those situations as it strives to contribute to make positive changes in the conditions where we exist. With your support, we hope that we can make this goal happen.



Loreine B. Dela Cruz

Executive Director

Human Rights as the Practice of *Pakikipagkapwa*

Respect for human rights is one of the bases of a culture of peace. In fact, a culture of peace may be understood as the manner how people are reared into the practice of life-affirming values that are respectful of each other's rights. This practice can be appreciated as naturally occurring in the cultures of peoples in the Philippines. A look at how this is manifested in local expressions is instructive.

Notice that the term human rights (HR) when translated to the Filipino language is *karapatang pantao*. The word "*karapatan*" comes from the root word "*dapat*." According to the English-Tagalog dictionary written by the Redemptorist scholar Fr. Leo James English, *dapat* is intimately linked to the idea of *kinakailangan* (necessity, a must). This implies that human rights is imperative for the peoples' existence and for the development of their full human potential. Moreover, it also denotes the idea of *tama* (correct), *matuwid* (righteous), *nararapat* (fair), *angay* (appropriate), and *karapat-dapat* (something that one deserves).

This article is based on the lecture presentation by Kaloy A. Anasarias to the participants of the Mindanao Young People Institute organized by Balay Rehabilitation Center in January 2008 held at the University of Southern Mindanao in Kabacan, North Cotabato.

The modern-day understanding of human rights is the affirmation of the people's collective humanity. As the preamble of the Universal Declaration of Human Rights (UDHR, 1948) states:

Whereas the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.

Kapatiran

regards each person as a member of the same ancestry. It holds that everyone belongs to the human race and invariably connected to each other and inter-related.

Take note how the UDHR uses the word human family to describe the collectivity of human individuals. It indicates the bond and equality that people share with each other. This is similar to the concept of *kapatiran* which regard each person as a member of the same ancestry. It holds that since everyone belongs to the human race, they are invariably connected to each other and, therefore, are inter-related (principle of interrelatedness).

There has been some criticism on the focus of the HR declaration on the rights of the individual. But agreements arrived at in succeeding international human rights conferences had unmistakably affirmed both the individual and collective rights of humans. The Teheran Declaration of 1968 upheld the common understanding of the inviolable rights of all mem-

bers of the human family as expressed in the UDHR. It also underlined that the respect for human rights is an obligation for the members of the international community as well.

In the African Charter on Human and Peoples' Rights, the rights of groups and peoples are also included. It maintained that all peoples shall be equal. It emphasized that all peoples shall have the right to existence, and that they shall enjoy the same respect. A product of a consensus in Kenya in 1981, the Charter proclaimed that these rights shall be fulfilled when every person and community carry out their duty

to recognize and respect each other's human-ness. Article 28 of the Charter states:

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

This article shows how the rights are considered to be mutual at the community level. As every individual is regarded as a fellow-being, the practice of human rights involves a way of treating other people. Human rights are at the community level inherent to the practice of everyday life. At this level respect for and practice of human rights merge, as one cannot respect human rights without practicing them.

Human Rights as *Pakikipagkapwa*

As members of the human family, HR holds that all persons are born equal in dignity regardless of sex, age, creed, beliefs, culture, ethnicity or social status (principle of universality). Dignity signifies a position of honor, a quality of being noble, and an attribute of being honorable. As human beings, people are endowed with the ability and the capacity to think, to be creative, to reason and be reasonable, to worship, to distinguish right from wrong, to love and to be loved, to be productive, and to develop. These characteristics, among others, make humans distinct from other life forms on the planet.

Dignity is a measure of worth or *sukat ng pagkatao*. Translated in the Filipino language, dignity means *dangal*, *kadakilaan*, or *kapitagan*. *Dangal* is something inherent to each person; it does not come in installments. It is an indivisible whole that constitutes the *pagkatao*. This makes a person entitled to be treated with respect (principle of entitlement and indivisibility).

Long before the idea of HR was introduced by western experts as a set of legal entitlements, the peoples in the Philippines already have a notion of human rights as a world view and as a cultural norm. According to Dr. Virgilio Enriquez, an expert on the psychology behind the Filipino language, this can be gleaned in the concept of *kapwa* and its equivalent expressions found in many indigenous communities across the archipelago. He said that the term *kapwa* regards someone as being a fellow person who is "one of us" - someone considered as an extension of one's self and not as others or *ibang tao*. The term invokes a mutuality of relationship wherein persons or groups are expected to treat each other as an equal.

Practicing *pakikipagkapwa* is an observance of human rights. It is, perhaps, the highest form of expression of humanity ("*pagiging ganap na tao*"). While to be born and to have life is a grace, to develop one's self into a total human person is not easy. As the Tagalog proverb says: "*Madaling maging tao, mahirap magpakatao*." In order to demonstrate one's human-ness (*pagkatao*), a person should practice the right values and the right way of relating with the *kapwa* and to bring one's self to the path of transcendence. This can be regarded as a demonstration of humanity or *pagpapakatao*, seen as the fulfillment of one's mission as a member of the human family.

Human rights, therefore, is about relationship as it is also about human values and conduct. It broadly recognizes the right of individuals to life, dignity, and development. Human rights also recognize the rights of peoples to survival, self-determination, and development. To be treated in a manner that befits a person — with dignity, respect, fairness and justice — implies that all persons are "right-holders." To exercise human rights as the practice of *pakikipagkapwa* makes people responsible for their fellow human beings. This implies that they are "duty-bearers" as well.

The realization of one's equality with other human beings brings about justice and peace because people are expected to respect each other's rights. Actual lived experience

shows that conflict is avoided or reduced if people will relate with each other well in the spirit of *apatiran*. The absence of *pakikipagkapwa* makes people disregard others. This can result to *kawalan ng katarungan* (injustice), *kawalan ng kalayaan* (loss of freedom), and *kawalan ng karangalan* (loss of dignity). All these are building blocks of conflict. According to the UDHR the realization of the collective humanity by the human race is a step towards attaining peace.

The Codification of Human Rights

Great religions of the world are replete with instructions for people to treat each other as *kapwa* in order to attain peace. The Christian scriptures teach its faithful to "love thy neighbor as thyself." Confucian ethics reminds us "not to do unto others what we don't want others to do unto us." Islam, as a religion of peace, also teaches all humans to observe the right conduct and the right relationship with God and His creation. The fundamental beliefs of the indigenous peoples to the sanctity of life and the integrity of creation underline the same wisdom.

However such idealization is yet to see complete reality. In everyday life, competing interests, discordant beliefs, unmet needs, disparate power relations, and intolerance drive people to treat each other in a negative way. These result to conflicts and infringement of human rights. In times of war, ideology, grievances, and greed negate the humanity of people. It means

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that sometimes the cause people are fighting for takes precedence over the lives and well-being of other people. Life becomes dispensable in the name of political, economic, social, and even religious goals.

This is one reason why laws have to be created. The codification of human rights is meant to affirm and put into effect the universal consensus on the human requirements to nurture the integrity of creation and to attain the fullness of life. Moreover, laws are created to set a standard that would govern human relationships. They intend to delineate the scope and limits of acceptable human behavior and set the responsibilities and accountabilities of authorities as well.

The practice of setting legal parameters and guidelines to protect and promote human rights grew alongside the development of modern societies. This came about with rejection of the absolute power of the monarchies, particularly in Europe, and the birth of the concept of the state constituted by the government and the citizens of a defined territory. According to the social contract theory articulated by French and English thinkers in the 18th century, citizens bestowed upon the government the authority to regulate the conduct of oftentimes conflicting and violent human affairs. With this arrangement, it has become the primary duty of the government, representing the state, to take steps to fulfill, respect, and protect the rights of the people.

Eventually, the understanding of HR as a legal normative framework based on treaties and the rule of law proliferated. It advanced the idea that human rights can only be realized, protected and enjoyed if it can be legislated, decreed, and enforced by state authorities. This does not mean, however, that the people have surrendered their rights to the state. Neither does this mean that they have given up their power absolutely to the government. Quite the contrary, it is the government which, in fact, should be beholden to the people who placed them in that position of responsibility in the first place. In other words, governments are accountable to the people and to the international community.

Human Rights and Justice

Accordingly, it is expected that laws should be created by the state to promote human rights. But real life experience indicates that laws are casually invoked by authorities to oppress others and to protect certain interests as well. This implies that not all legal are just. The word justice translates to the term *katarungan* in the Filipino language. It is based on the Visayan-Cebuano term "*tarong*" which, when used in different contexts, can mean right (*tama*), or fair (*patas*). It can also refer to an acceptable order of things or propriety of thought and deed. It is related to the concept of *matuwid* (morally straight; not wayward), and *wasto* or exact which denotes equity and fairness.

The distinguished human rights champion and patriot, Jose W. Diokno, noted that the notion of justice is similar in both the Filipino and English languages. In English, the word "justice" is derived from the Latin "*ius*" which means right or *karapatan* in Filipino. This implies that justice is not analogous to law, a term that denotes a command, an order, or a decree.

The meaning of *karapatan* is not the same as in other European languages. In Spanish, Italian, French, and German, the word right means *derecho*, *diritto*, *droit*, and *recht* respectively. Diokno said that these terms consider the idea of right as the same as law in general. These connote three things: that law and right must be inseparable; what is law is right; and the law must respect right.

But as Diokno reminded us:

Human rights are more than legal concepts. They are the essence of man (and woman). Deny them their rights and you deny them their humanity.

The Filipino concept of justice is closely associated with the concept of *karapatan* which embraces the principles of universality, equity, indivisibility and inter-relatedness. This signifies that human rights can only flourish in a regime of justice where the foundation of peace is built upon. The relationship between *karapatan* and *katarungan* thrives on willful practice of *pakikipagkapwa*. It is nurtured by sound moral principles and not necessarily by imposition of law.

UDHR's

acceptance and the flourishing of peace groups manifest the collective stand of the human race against the horrors of man's violence to each other. People regardless of their background are considered equal and should be protected from any form of discrimination.

The Universal Declaration of Human Rights

The adoption of the Universal Declaration of Human Rights (UDHR) is a product of an international consensus in 1948 to come up with a document that would bind states to respect, protect and fulfill human rights. The declaration is actually an offshoot of World War II which saw the naked and deliberate violence inflicted by people upon each other. Interestingly, the last world war also gave birth to many peace organizations and movements against violence around the world.

The acceptance of the UDHR by world leaders and the flourishing of peace groups manifest the collective stand of the human race against the horrors of man's violence to each other. But more than a deterrent against war, the UDHR boldly declares that people of every sex, age, color, creed, or nationality share the same rights. People regardless of their background are

considered equal and should be protected from any form of discrimination.

In a sense, the Declaration is an injunction to peace and order through the "rule of law". This is further affirmed by the UN when it adopted a number of treaties and covenants, notably the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the UDHR, they now consist the International Bill of Human Rights from which succeeding international human rights conventions and agreements spring from.

Having accepted the human rights instruments, all members of the UN agree to:

- Reaffirm their faith in fundamental human rights;
- Recognize the dignity and worth of human persons, including children, young people, indigenous peoples and other minority groups;
- Acknowledge the equal rights of men and women;
- Promote social progress and better standards in life;
- Advance global solidarity and work towards a world free from hunger, disease, war and violence.

Still HR, as an idea constructed by modern society, is an evolving concept. Its understanding grows as people and society become more aware of who their *kapwa* is and how they should regard each other. For instance, the conventions on the rights of children, women and indigenous peoples have been agreed upon by the international community only in the last two decades or so.

Human rights

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Human Rights and Peace

The link between human rights, justice, and peace is expressed in different ways in various cultures in the Philippines. All of them resonate with the idea of restoring and promoting the sense of *pakikipagkapwa* as the operative core value. There is an array of justice systems in the country—both formal and non-formal—as the cultures of the peoples in the Philippines are diverse. The law may not be in accord with all of them, but they have a significant value in the lives of the people who subscribes to them. This is especially true as the dominant formal justice system in the country has been widely viewed as litigation-oriented, retributive, and biased in favor of those with power and resources. To paraphrase Diokno, every system of justice will finally have to depend on values. They will be judged by means, not of formal justice, but of concrete justice based on the discernment of what is truly fair and right.

An example of a traditional justice system at the community level is the practice of *sapa* and *dyandi* among the Manobos and the Maguindanaons. When a wrong has been committed against a *kapwa*, a certain amount of money or several heads of farm animals are usually given to the aggrieved party, especially in conflicts that result to loss of lives or properties. This act of indemnification is significant not only for its compensatory value, but for the symbolic meaning it provides as well. The reparation element of the process is evident in the sense that the gesture is seen as an admission of wrong-doing, and as an effort at atonement and a promise of non-repetition of the misdeed. The acceptance of the offering denotes forgiveness on the part of the offended party and the start of the reconciliation and healing process.

Though a particular violation may appear as a dispute between individuals and families, such situation is actually

regarded as a collective issue as it brings about disorder and suffering in the community. That is why when the above mentioned event happens, not only are the families directly involved in the hostilities asked to be present during that ritual but other community members and stakeholders as well. During the meeting, the issues are threshed out one by one. In the process of finding justice, the mending of broken relationship is given paramount importance. The conflicting relationship is transformed into one compact -- *parang magkapatid*. That *kapatiran* is expected to be binding not only on earth, but also in the afterlife because it is a commitment made in the name of the divine. Hence, to violate such pact is to violate a commitment to god. In modern-day parlance, this view and practice of *katarungan* is known as restorative justice.

In no uncertain terms, the UDHR has underlined the inextricable link between human rights, justice, and peace. The Teheran Declaration underscored that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms. Contemporary discourse on peace has acknowledged that it means not only the absence of violence (negative peace), but the reduction of, if not the elimination, of structures and conditions that allow restlessness and violence to break out (positive peace).

The Filipino language suggests social, individual, and spiritual dimensions of peace. Known as *kapayapaan* in the Tagalog-rooted expression, it is a description of a social and political condition that is free from war

UDHR

underlined the inextricable link between human rights, justice, and peace; the Teheran Declaration underscored peace as universal aspiration of mankind, that peace and justice are indispensable to the full realization of human rights and fundamental freedoms.

and strife (*mapayapa*). It also depicts a sense of public quietude and contentment (*katiwasayan*), and the prevalence of order and human security in a community (*kaayusan at seguridad*). It denotes a state of personal calmness and spiritual tranquility (*kapanatagan*) as well, which may be characterized by the absence of anxiety (*ligalig*) and fear (*pangamba*).

The international Declaration on a Culture of Peace resonates with the Filipino concept of *pakikipagkapwa* and *katarungan* as pillars of a peaceful society. UNESCO defines a culture of peace as a set of values, attitudes, traditions, modes of behavior and ways of life based on respect for life, human rights, and the practice of cooperative rather than violent relationships.

The Declaration of the Basic Duties and Obligations of Asean Peoples and Governments affirmed that it is the duty of everyone - governments and citizens alike - to strive actively and continuously for peace. It emphasized, however, that since social injustices frequently lead to breach of peace, it is the obligation of governments to promote and enhance human rights both within their countries and internationally. This means that states should uphold the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations.

As education at all levels is one of the principal means to build a culture of peace, human rights education is of particular importance for its nurturance. After all, as the spiritual hymn, *Pananagutan*, intones:

*"Walang sinuman ang nabubuhay
para sa sarili lamang;
walang sinuman ang namamatay
para sa sarili lamang."*



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HUMAN RIGHTS AND PEACEBUILDING

ERNESTO ANASARIAS & PETER BERLINER*

We begin this chapter by describing the principles of human rights and relating them to the promotion of a culture of peace. After discussing how war interferes with human rights we show how people were able to further human rights by creating a space for peace in the midst of a war in the Philippines. We examine the history of this endeavor and how the connection between human rights and peace is reflected in the remarkable grassroots document that declared the establishment of the space.

In a concluding section we reflect upon how mental health and human rights may be promoted through civil society activities at the local level, governmental legislation, and institu-

This article is a part of a book chapter on peace and human rights that is soon to be published under the auspices of the Department of Psychology of the Clark University in the USA.

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tional practices. Psychologists committed to human rights need to work with human rights defenders in the struggle against state torture and mass murder (see, for example, the work of the Martin Baro Foundation). However, we will focus on how people may build spaces for peace that promote human rights.

A Culture of Peace and Basic Human Rights

Respect for human rights is one of the bases of a culture of peace. In fact, a culture of peace may be understood as a particular organization of society and local communities that is basically informed by human rights, as the concept was described in the Universal Declaration of Human Rights. Nickel (2006) describes how these rights can be divided into six categories: *security rights* that protect people against murder, massacre, torture, and rape; *due process rights* that protect against abuses of the legal system; *liberty rights* that protect freedoms in belief, expression, association, assembly, and movement; *political rights* that protect the liberty to participate in politics; *equality rights* that guarantee equal citizenship and nondiscrimination; and *social rights* that require provision of education to all and protections against severe poverty and starvation.

Such rights are both a mutually shared set of values that may be protected by the state and a set of rules securing the individual from arbitrary persecution and suppression from the state. There has been some criticism of the Human Rights Declarations' focus on the rights of the individual. In the African Charter on Human and Peoples' Rights, the rights of groups and peoples are also included and there is a section on individual duties. Article 28 states that: *Every individual*

shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance. This article shows how rights are considered to be mutual at the community level. Even though a person cannot

lose her/his basic rights, the practice of human rights involves a way of treating other people. Human rights are, at the community level, inherent to the practice of everyday life. At this level, respect for and the practice of human rights merge, as one cannot respect human rights without practicing them. The practice may be measured in behavioral terms.

The template for assessing cultures of peace suggests measures that can be used to compare the degree to which different nations enjoy human rights. Thus, Gibney's political terror scale (based on the behavior reported in the annual reports issued by Amnesty International) may be used to estimate due process, political, and equality rights; and Freedom House ratings may be used to index political rights. Although we lack equivalent measures for security rights and social rights, these may be estimated by using questionnaires that assess the degree of security, insecurity, and social trust in a nation's emotional climate.

The template should ideally include an assessment of civil, political, and social rights (de Rivera, 2004). The social rights are the so-called welfare rights, which include the right: to work, to organize trade unions, to receive medical care, to education, to take part in cultural life, to enjoy the benefits of scientific progress and its applications, to have a safe childhood and family life, and to life in a sustainable and safe

environment. A consideration of such rights is often omitted from the (otherwise estimable) reports issued by Amnesty International and Human Rights Watch.

In the Declaration on a Culture of Peace, the social rights perspective has been taken to the fore by a direct focus on the elimination of poverty. It is stated that the fuller development of a culture of peace is linked to operations:

- Promoting peaceful settlement of conflicts, mutual respect, and understanding and international cooperation;
- Promoting democracy, development and universal respect for and observance of all human rights and fundamental freedoms;
- Enabling people at all levels to develop skills of dialogue, negotiation, consensus-building and peaceful resolution of differences;
- Strengthening democratic institutions and ensuring full participation in the development process;
- Eradicating poverty and illiteracy and reducing inequalities within and among nations;
- Promoting sustainable economic and social development;
- Eliminating all forms of discrimination against women through their empowerment and equal representation at all levels of decision-making;
- Ensuring respect for and promotion and protection of the rights of children;
- Ensuring free flow of information at all levels and enhancing access thereto;
- Increasing transparency and accountability in governance;
- Eliminating all forms of racism, racial discrimination, xenophobia, and related intolerance;

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Charter: Rights are considered to be mutual at the community level.

Even though a person cannot lose her/his basic rights, the practice of human rights involves a way of treating other people. Human rights are, at the community level, inherent to the practice of everyday life.

- Advancing understanding, tolerance, and solidarity among all civilizations, peoples, and cultures, including towards ethnic, religious, and linguistic minorities;

IN WARS,

groups of local people—often supported by NGOs—seek to create a set of values and practices conducive to peaceful coexistence through non-violent conflict resolution aiming to reduce the alarming levels of violence, abuse, and exploitation emergent in the communities.

- Education at all levels as one of the principal means to build a culture of peace—in this context, human rights education is of particular importance.

War Impinges on Human Rights

Wars today are often directed against poor segments of the population by terrorizing people through massacres, genocide, torture, and other forms of violent oppression, including sexual exploitation, kidnapping, and execution of local leaders or randomly picked people. Since World War II, more than 170 wars have affected an alarming number of countries, most of them developing countries, where war has taken a great toll on already scarce resources. Millions of people have been killed or injured or have lost family members and homes. Millions have been forced to leave their homes, seeking asylum in other part of their country or in a foreign country.

These wars result in vast breaches of basic human rights. They are fostered by a culture of war and promote aggression in attitudes and behavior. In most cases, before, during, and

after the war, groups of local people—often supported by NGOs—seek to create a set of values and practices conducive to peaceful coexistence through nonviolent conflict resolution aiming to reduce the alarming levels of violence, abuse, and exploitation emergent in the communities. The negative impact of war, low-intensity warfare, and other forms of organized violence has been described as social trauma consisting of distrust in others; fear of violence (revenge, robbery, sexual assault); lack of confidence in local leaders; violent responses to even minor conflicts; violence against women and children; lack or scarcity of schools, hospitals, law enforcement and infrastructure; aggravated poverty; and destruction of farmland and other means of livelihood.

To prevent this self-perpetuating culture of suffering and war from being seen as the only solution, groups of local people supported by NGOs try to advocate basic human rights in the affected communities and in the society at large. This endeavor may be quite dangerous for the promoters of human rights, as has been documented in a number of reports (for instance, by the Inter-American Commission on Human Rights, 2006). Threats, intimidation, murder, and torture are used as means to silence the defenders of human rights—defenders that include poor women organizing reading classes using easy-to-read pamphlets on civil and social human rights, local priests, volunteers at the community level, highly positioned people in the judicial system, and spokespersons for oppressed groups requesting equal human rights for all groups in the nation.

When the struggle for implementing the principles of human rights in a society or community is combined with the promotion of a culture of peace, the challenge is to put its own fundamental principles into practice. Hence, it must be different from most of the great social movements of the past in at least one very important aspect. It must not create enemy images and must be essentially nonpartisan and open to working with everyone (Adams, 2000, p. 262).

Peace and Human Rights

The imperative to behave in concurrence with the civil and social human rights is also a clear guidance for human rights organizations working together with the people impacted by organized violence (and also for humanitarian aid organizations within disaster response). An example will show how this imperative has been put into practice.

Mindanao—the southernmost large island in the Philippines—is inhabited by three broad segments of people. These segments are referred to as the “tri-people” of Mindanao and the Sulu archipelago, namely the Lumads, the Moro, and the Christians. Sometimes the term “Mindanawon” is preferred, as it emphasizes the existence of the different groups of people who have to share Mindanao as well as the ideal of their equality and their unity as the basis of their identity. Indigenous peoples are referred to as *Lumads*, Muslims are referred to as *Moros* (and include different groups of indigenous people who converted to Islam), and *Christians* are often referred to as settlers as they were the latest group to settle in Mindanao. Mindanao is home to 18 Lumad tribes, 13 Moro tribes, and 64 settler groups (Rodil, 2003).

Some parts of Mindanao have for decades been subjected to recurrent internal armed conflict between national military forces and the locally-based MNL (Moro National Liberation Front, formed in 1968) and the MILF (Moro Islamic Liberation Front, formed in 1977), which strive for a higher degree of independence for the area. The intensity of the conflict was at its highest in the 1970s and during the military campaigns in 2000 and 2003. Fragile peace talks and ceasefires have been established in the periods between the wars, and a new ceasefire was agreed upon in 2004. The recurrent wars and the organized violence by the fighting parties have led to widespread suffering, deprivation, and a continuous violation of basic human rights in the affected communities.

In 2000, more than 1 million people were affected by the total war policy declared by the government against the MILF. In February 2003, armed conflict broke out again. This time the fighting lasted four months and produced more than 450,000 IDPs, who sought refuge in mosques, churches, schools, and vacant lots in the town centers.

In 2004 the overall impact on the living standard was measured by the National Statistics: The poverty rate was 63% in Mindanao and 34% nationwide in the Philippines; life expectancy for women (in years) were 59 in Mindanao and 72 nationwide; enrollment in primary education was 82% in Mindanao and 96% nationwide; enrollment in secondary education was 39% in Mindanao and 72% nationwide; and 42% of children in Mindanao had their schooling and education disrupted due to armed conflict

In this situation, the local people in one of the most war-affected area of Mindanao decided to leave the evacuation centers and move back to their farmlands. They decided to counteract the dominant description of them as powerless victims, relying on other people's support as they count the length of days in evacuation centers. Repeated calls for the hostilities to stop so that the civilians could go on with their lives had been unheeded. After four months of waiting since the military offensives began on February 11, 2003, the evacuees decided to change the situation: They decided it was time to go home. They named the new approach *Bakwit Power: The People's Exodus to Peace*. A *Bakwit* is an evacuee.

On June 24-26, evacuees, both young and old, marched from different evacuation centers in Pikit, Pagalungan, and Pagagawan and gathered in the town of Pagalungan. They

PEOPLE in evacuation centers are no longer powerless victims, relying on other people's support. They call for the stop of hostilities so that the civilians could go back home and go on with their lives. This is *Bakwit Power: the People's Exodus to Peace*.

reiterated their call for the government and the MILF to declare an immediate ceasefire and resume peace negotiations. Approximately 8,000 evacuees staged a protest that has come to be known as *Suara Kalilintad*, meaning “voices for peace.”

Carrying placards bearing calls for peace, the *bakwits* lined one side of the Davao-Cotabato highway, forming a line that stretched for nearly 7 miles. In Pagalungan, the protesters handed a manifesto to the local government.

The highway stand-ins peacefully continued for the next few days. Pockets of “silent protest” by the evacuees in nearby areas sustained the call for a bilateral ceasefire and the return for the government and the MILF to the negotiating table. That there were no violent incidents during the protest activities showed the ability of the evacuees to organize a peaceful conduct of the mass action.

Bakwit Power was the collective action by people who had experienced evacuations repeatedly for as long as they could remember. Their decision to assert peace and rehabilitation gained the support of NGOs, local government officials, barangay leaders, civil society, and solidarity networks in Manila and Mindanao.

The protests helped hasten moves toward the cessation of hostilities and on July 19, 2003, the government and the MILF declared a bilateral ceasefire and moved towards the resumption of the peace process. The manifesto of the evacuees stated that:

“We have ultimately placed our lives and safety in the hands of the merciful and ever-protective God, our Allah, or Magbabaya. But we realize that the conflict in Mindanao that has made us evacuees can be settled peacefully through negotiations and political settlement. We therefore dedicate *Bakwit Power* to this continuing search for the end of the conflict in Mindanao.

In 2005, one of the participants of the movement explained the background:

We moved back to our land and declared it a Space for Peace. We were Lumads, Muslims and Christians. We realized that the war was not our war. We were invited into narratives of war, saying that the reason for the conflict was religion or related to ethnicity—but these narratives were not ours. We were encouraged into thinking in racist ways . . . we said thank you very much—but no. We have our own stories of living together for a century without hate and violence.

On November 29, 2004, a declaration was signed by more than five thousand inhabitants of the seven barangays (villages), which established the Space for Peace. The declaration was named: *GiNaPaLaDTaka* (from the first two letters in the name of each barangay)—*Space for Peace and Children as Zones of Peace*.

Before, during, and after the signing of the spaces for peace declaration, a whiff of euphoria pervaded the air as festive parades, songs, dances, performances, and food marked the declaration that led to the gathering of at least 500 Muslims, Christians, and Lumad people in the area and beyond it. In an expression of support to the initiative, representatives from civil society groups, international humanitarian and non-government organizations, the United Nations, an international ceasefire monitoring team, a Roman Catholic archbishop, church groups as well as evacuees from adjacent areas came down to the Takepan High School yard. A chorus of applause echoed across the school yard at the strife-torn community of Takepan as Government and Moro Islamic Liberation Front (MILF) emissaries signed and raised together a large facsimile of the declaration.

But reaching this goal was the result of a long process starting in 2000 when the first initiatives were taken for creat-

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(*Bakwit Power*)

ing a space for peace and putting an end to the fighting. To understand how this process wove human rights into a culture of peace we consider its history.

The History of the Space for Peace

The Space for Peace initiative began as an idea that started in the village of Nalapaan. It was severely devastated when army soldiers and MILF fighters fought for control over a portion of the highway following the government's "total war" campaign in Mindanao in May 2000. The MILF had declared an "all out jihad" in response to the military offensives. Instantly, many parts of Mindanao had been turned into combat zones.

A number of humanitarian organizations arrived to offer support to the beleaguered evacuees. The NGO Tabang Mindanao asked Immaculate Conception Parish (ICP), which was working side-by-side with the municipal social workers in providing emergency assistance to displaced civilians, to collaborate on the idea of helping the evacuees to return back to their villages and start a rehabilitation program.

The violence had turned Nalapaan into a virtual "ghost village"—the civilians were gone, their empty houses were laid to ruin, and farms were left unattended. In just four weeks, tall grasses choked the entire village. Prior to the war, the village was populated by 352 families (1,818 people). The villagers have a diverse ethnic and cultural background: 60% Maguindanaons, 30% settlers (mostly Bisaya), and 10% Manobos. The villagers went to different evacuation centers when the fighting started. They were among the more than 42,000 residents of Pikit—almost two-thirds of its population of 69,000 population—driven to mass exodus.

Reeling from deprivation in evacuation centers, about 200 families tried to return to Nalapaan. But one week later,

about 40 Maguindanaon families returned to the evacuation center. They complained of strange-looking men with long hair roaming around their village bearing rifles. The evacuees said they already lost their houses, personal belongings, farm animals, and livelihood. They did not want to lose their lives as well, they said. They stated that they were prepared to die of hunger in the evacuation center rather than perish in a gruesome way.

After several week of providing food rations to evacuees, government assistance started to dwindle. The idea of going back to their village was now taken up by the Maguindanaon evacuees themselves. Kagawad Kadtong Andik, a Nalapaan village official, said that they would rather take their fate in their own land than spend days of indignity at the evacuation center.

The resolve of the bakwits struck a chord among the humanitarian agencies and religious leaders who were helping them. On July 29, 2000, religious leaders and NGO leaders decided to support a rehabilitation and community-building plan for Nalapaan. They did this because the "tri-people" composition of the community could provide a model for the social healing, collective empowerment, and participatory development they considered building blocks for peacebuilding at the grassroots level.

Tabang Mindanao proposed that Nalapaan be developed as a "peace sanctuary," but the residents preferred to call their area a "Space for Peace." The term implied that the peace the civilians were trying to obtain was fragile and might be only temporary considering that the MILF and the government had not yet agreed to cease hostilities permanently. The residents also acknowledged that it would

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be impossible to make their community "combatant-free" because it would antagonize the soldiers who had established detachments near the highway. It could also be misconstrued by the MILF as a ploy to restrict their movements. At most, what the civilians aspired for was to make Nalapaan a "combat-free" geographical space so that the residents could return and start the rebuilding of their community. This was supported by the NGOs and the religious leaders. The process gave rise to the slogan "*give peace a space*."

The evacuees had started to return to their village by then. They accepted the rehabilitation and community-building plan. However, they were worried about the military detachments and the presence of soldiers in the school in Nalapaan. They complained of some soldiers from the 38th Infantry Battalion firing their guns at night, and they were apprehensive that MILF fighters might engage the military once more and put them in the crossfire.

To address these problems, a delegation from Nalapaan had a meeting with high-ranking military members. They discussed military detachments in civilian communities, indiscriminate firing, roadblocks, and the security of civilians. The meeting was successful. The military assured them of the following: a pull-out of soldiers from schools and their return to their original detachments; no more indiscriminate firing; roadblocks along the highway would be dismantled; and soldiers from 40th IB would replace members of the 37th IB. The military authorities, in turn, asked the barangay officials to talk with the MILF forces operating in their area and asked them not to display their firearms in public and to refrain from harassing people at military checkpoints.

A similar meeting was arranged with the MILF to lobby for the recognition of Nalapaan as a Space for Peace. MILF raised certain conditions for that: for example, MILF troops passing through Nalapaan should not be challenged by the military. Rather, the residents should report the matter to the community task force, which then should report to MILF for proper action. In September, the military and MILF made a

formal commitment of approving Nalapaan as a Space for Peace.

When the conditions had been met, the work for rebuilding Nalapaan went into full swing. Committees were formed consisting of local residents, ICP staff, and NGO-partners to implement various components of the rehabilitation plan. A negotiating team was established to reconcile conflicts that could affect the civilian security.

From the time that the rehabilitation programs started, the villagers started to rebuild mosques, *bentana* (place of worship of the Manobos), and chapels. They repaired houses and schools as well. By the end of 2000, most of the evacuees had returned. In just five months, the residents and their supporters were able to build 13 new houses and repair the dwellings of 142 families. Eighty-three hectares of wetlands had been cultivated and planted with corn and palay.

The Space for Peace in Nalapaan was inaugurated on February 1, 2001. Around that time, the parties in conflict had agreed to declare a ceasefire and resume the stalled peace negotiations. But the durability of the Space for Peace was brought to test when the government launched a major military offensive against the MILF on February 11, 2003. More than 3,000 soldiers from three military divisions stabbed into 15 villages in the

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Pikit. Clashes broke out between government forces and fighters of the MILF. Military OV-10 airplanes dropped bombs and shells from 105 mm Howitzer cannons rained on suspected rebel positions. The fighting was one of the fiercest in Pikit. Civilians were caught in the crossfire as their communities were turned into war zones; one-third of the 69,000 people of Pikit were displaced.

The fighting lasted for about five months. Most of the residents in Nalapaan stayed in the village and noticed that both military and the MILF refrained from shooting within the borders of the Space for Peace. The community assigned responsible persons to obtain information from reliable sources in order to assess the security situation. They also designated people to signal to the civilians if it was time for them to execute an orderly evacuation. The elders were prepared to negotiate with the MILF forces or Army troopers to ensure respect for the Space for Peace in case the combatants showed up in the community. The Maguindanaons elders were tasked to talk to the Moro fighters, while the Christians were expected to talk with the government soldiers.

After the offensive, 6 neighboring communities—Panicupan, Takepan, Dalengaoen, Kalacakan, Lagundi, and Ginatilan—started to join the Space for Peace. This was supported by ICP and NGOs and the seven communities established a council for peace, which has ongoing negotiations with ranking MILF officials as well as the base commanders of the government armed forces. This process led to the members of the council for peace formulating the previously mentioned declaration of the Space for Peace; in the following days, more than 5,000 people from the area signed it in November 2004.

The Declaration of the Space for Peace

The declaration is not a comprehensive peace agreement, but it bound government and MILF

forces to avoid armed confrontations in any part of the 7-village Space for Peace. The text is a very remarkable document as it states a number of important transformations as seen from the perspective of people living in the war-torn area. We present it in its entirety and analyze its discourse to clarify the concepts involved.

"We are Muslim, Lumad and Christian inhabitants of barangays Ginatilan, Nalapaan, Panicupan, Lagunde, Dalengaoen, Takepan and Kalacakan, collectively known as the GiNaPaLaDTaka in the municipality of Pikit, Cotabato in Mindanao.

We delight in recalling that in early times, we had known a vibrant and peaceful way of life together despite the differences in our being Muslim, Christian and Lumad. Before the war in the 70's, we lived in peace and thrived jointly amidst simplicity. We worked in the fields even at night and we owned and raised many animals. We had bountiful harvests and our children were able to go to school. Even though the prices of farm products were low, the prices of local commodities were also cheap.

Despite our poverty, we helped each other. We shared our food together especially during the "kanduli" of the Muslims, the Christian feasts, and the "samayanan" of the Lumads. We lived in harmony during times prosperity as well as in lean times. We did not have disputes over land. We trusted one another. Muslims slept in the homes of their Christian friends and the Christians in the homes of their Muslim friends. This can be gleaned from the number of Muslim-Christian inter-marriages, which have generated many families up to this day. In short, our relationship was strong and beautiful.

But this harmonious relationship was broken along with the destruction of our properties. This happened following the breakout of one war after another in Mindanao in the 70's paving way for the rise of the Ilaga, Blackshirt, Bar-

racuda, MIM movements and the declaration of Martial Law along with rising cases of redo, ambushes, and armed conflicts, the most recent of which took place in 1997, 2000, 2001 and 2003.

The upsurge in ambushes, redo, hold-up and the dumping of dead human bodies along the National Highway, and the daily broadcast of bad news over local radio stations, sowed fear among us and gave a bad reputation to our place. This fuelled negative feelings and increasingly affected the mutual trust formerly enjoyed by everyone. Soon, we lost the lively and joyful atmosphere of our place.

We lost our possessions including our farm animals; they were stolen during the war. The remaining ones were eventually sold at cheap prices. Most of our houses were razed to the ground while bullets and bombs flattened other houses. To escape the war, we were separated from one another as we fled and evacuated to different places. We abandoned our farms and lost our sources of sustenance.

Many of us were also wounded and killed by bullets. Many more fell ill and children who were the most vulnerable died in evacuation centers. Most of our children were unable to go to school anymore. At night, most of us could not sleep well because of fear and suspicion. Guns proliferated. Even the first barangays which were earlier declared as spaces for peace were tainted with

doubts. The war succeeded in erecting an invisible wall which alienated communities and tribes.

“WE HOPE that the Space for Peace and Children as Zones of Peace will expand to other barangays of Pikit and Mindanao. We yearn for the eventual eradication of war, ambushes, massacres, redo, kidnappings, hold-ups, rapes, stealing and other violent and oppressive acts trampling upon the human rights of people. We pray for the genuine peace to rule our land.”

Every family suffered after the war. There was no income because there were no jobs and capital. Skyrocketing prices of consumer goods and commodities aggravated the plight of the people, not to mention the onset of natural calamities like droughts and flash floods. Life was very hard as we struggled to rebuild our lives from the scratch. Cases of salvaging and extra-judicial killings continued. There was no security and certainty to our life and livelihoods.

As our response to the aforementioned situation and to strengthen the Peace Process and to restore the prosperity and peace we once enjoyed as a tri-people in our communities, we hereby DECLARE our barangays as GiNaPaLaDTaKa SPACE FOR PEACE and Children as Zones of Peace.

We dream of a life where there will be no more oppressors and oppressed. We aspire to restore our trust towards one another. We seek to rebuild our community life where love reigns, and where there is forgiveness and recognition of mistakes. We strive to build our community on good moral principles where one is faithful to one's religion and culture.

With this DECLARATION, we appeal and seek the respect and support of all concerned parties including the armed groups and organizations in Mindanao, whether this be the MILF, AFP, local police forces, Caggu, CVO, MNLF, “Balikbayan”, including the civilians as well as the leaders of our local and national government. We likewise call on various agencies of government and non-government organizations, the media practitioners, religious groups, school administrators and students, and other sectors of society, to support and stand with us in this DECLARATION.

Beginning today and in the years to come, we hope that the Space for Peace and Children as Zones of Peace will expand to other barangays of Pikit and Mindanao. We yearn for the eventual eradication of war, ambushes, massacres, redo, kidnappings, hold-ups, rapes, stealing and

other violent and oppressive acts trampling upon the human rights of people. We pray for the genuine peace to rule our land.

With the blessings of Allah/Magbabaya/God, we hope that this endeavor will bear fruit for the good of all, today, and in the next generation of tri-peoples in Mindanao."

The declaration stressed that the spaces for peace is a community response to more than three decades of continuing violence, displacement, armed confrontations, and criminality. These events, according to the declaration, had alienated communities and tribes, fomented fear, fanned distrust, triggered intercommunity and clan conflicts, perpetuated poverty, unleashed human rights violations, and broken what was once strong and constructive relationships among people.

Typically, the situation in Pikit is descriptive of a complex emergency that had been a focus of separate and varying levels of humanitarian interventions, particularly relief assistance, rehabilitation, social protection, and psychosocial programs. Distinctly however, the establishment of the Space for Peace somehow created a ground for the strife-torn communities to move away from the receiving end of humanitarian intervention and actively articulate their views as they come face-to-face with trusted representatives of the main actors and institutions fomenting armed conflicts. On another level, the initiative also established a nexus or a common mechanism for varying humanitarian institutions and programs to intersect and find their appropriate place and relevance in consonance with the declaration's articulated vision of building communities founded on good moral principle and openness.

In the declaration, we find a description of the culture of peace and the impact of the war. The description of the culture of peace is two-fold as one part is a description of the situation before the outbreak of the war and another part describes the current re-establishment of peace in the community. To clarify the transformations involved we summarize the meaning units in the document in Table 1.

TABLE 1: MEANING UNITS IN THE DECLARATION OF THE SPACE FOR PEACE

	Culture of peace Before the war	Impact of the war	Culture of peace As a response to the war
Religion and spirituality	Tolerance of different religion Respected and participated in each others celebrations/feasts	What goes here?	Seek the blessing of Allah/Magbabaya/God Pray for genuine peace Faithfulness to one's religion
Discourse	Emphasize on strong and beautiful relations	Broadcast of bad news: - sowed fear, - gave bad reputation to the place, - fuelled negative feelings, - destroyed mutual trust	We declare the Space for Peace and Children as Zones of Peace We dream of, seek, appeal, call on, hope, and yearn
	Emphasizes on the vibrant and peaceful life		
	Emphasize on thriving even in lean times		
	Emphasize on sharing and harmony	Loss of the lively and joyful atmosphere	Call on all concerned parties for respect and support
Social interaction	Mutual help	Physical separation	Good moral principles
	Trust in each other	No security – Fear and suspicion	We aspire to restore trust
	Stayed overnight in each others houses		
	Friends across religious faith	Militant groups	We seek to rebuild a community life with love and forgiveness
	Inter-marriages	Alienation between communities and tribes	Hope for good for all today and in the next generation
Livelihood and physical condition	No disputes over land	Redoes, ambushes, hold-ups, dumping of dead bodies, salvaging	We yearn for no more violent and oppressive acts trampling on human rights
	Worked hard in the fields	Left the farms	
	Schools for the children	No school for most children	
	Sustainable economic system	No jobs or capital	A process of restoration of prosperity
	Shared food together	No income High prices of consumer goods	
	Lot of farm animals	Farm animals were stolen or sold cheaply Lost sources of sustenance Houses and properties destroyed Many wounded or killed Children fell ill and died	

In the document, the culture of peace refers to tolerance to different religious faiths and faithfulness to ones' own belief. The overarching concepts here are tolerance and meaningfulness through commitment to one's religious faith on the spiritual dimension. On the discursive dimension, there is a

poignant emphasis on the active participation and the responsibility of all concerned parties. On the social interaction level, the objectives are to restore trust and to be guided by good moral principles in the interaction between people. This morality should enhance love and forgiveness, that is, produce an integrative community. In particular, it is stated that the peace means the cessation of violence as the violence ravages basic human rights. Furthermore, the peace depends on certain forms of livelihood and infrastructure. These encompass access to the farmland and the use of farm animals; access to consumer goods, houses and other properties, income, job, and education and training. On the physical level, peacebuilding involves safety from diseases and availability of medical care.

The war situation involves fear, negative feeling and aggression, lack of trust, and a loss of the previous lively situation and joyful atmosphere. These social and emotional aspects are linked to economic, infrastructural, and service

deficits. The situation can be described as a combination of lack of control, no social support in general, aggression and violence, and lack of supportive and integrative social structures.

The peace, both before the war and as an objective in the peacebuilding, is described as a state of being in control,

getting and providing social support, trust, and shared participation—guided by a sense of being responsible for the outcome of the actual situation. In the document, it is iterated that this social organization depends on a particular arrangement of the economic and infrastructural environment.

In the declaration, peacebuilding includes: (1) tolerance; (2) active participation; (3) responsibility of all parties; (4) mutual trust; (5) the moral principles of caring and forgiveness; (6) human rights; and (7) farmlands, income, and schools.

The Space for Peace declaration holds values that are supportive of the factors preventing violations of human rights and a culture of war. It emphasizes tolerance towards the different groups; it is stated that they form one community in which people have equal rights and responsibilities. It denounces the militant groups as a result of the warfare and an ideology of militarization, and it states that everybody can be actively involved in the peacebuilding. It makes it clear that interaction in the Space for Peace should be guided by moral principles that pave the way for mutual trust and forgiveness.

Based on decades of experience in living in an area with recurrent wars and low-intensity warfare, the declaration describes the negative impact of the organized violence. Furthermore, the declaration includes the economic, infrastructural, and institutional dimensions necessary to prevent the violence from expanding. To have a certain level of living conditions—a livelihood—and to be able to provide children and youth with schooling and education are described as prerequisites for peacebuilding. The declaration emphasizes that peacebuilding and respect for human rights are intrinsically interlinked.

Founded in these principles, the Space for Peace council has organized (1) *Peace camps* for young people—the aim of the camps is to reduce cultural bias amongst participants; (2) *Schools for peace*, which teach respect for human rights to children by telling about their common history of living together in peace; (3) *Community planning*, where various community members of different religious and ethnic groups work

THE CULTURE

of peace refers to tolerance to different religious faiths and faithfulness to ones' own belief. The overarching concepts here are tolerance and meaningfulness through commitment to one's religious faith on the spiritual dimension.

together; (4) *Education* on how to document events in the conflicts and human rights violations; (5) *Economic support*, given to cooperatives or community livelihood associations, which comprise people from different ethnic and religious backgrounds; and (6) *Advocacy* aiming to raise concerns at the regional and national level (Anasarias, Mikkelsen, Berliner, & Iancev, 2007, 2005; Berliner & Mikkelsen, 2006).

Peacebuilding, Human Rights, and Welfare

It is evident that the Space for Peace promotes respect for human rights as a core part of peacebuilding. The results achieved in the process stem from a dialogue among the civil society in the local community, the civil society organizations in the area (in this case religious organizations), NGOs, and the leaders of the military and the MILF. That the military and the MILF engage in the dialogue shows that the civilian population is not seen as the main target and that the leaders in conflict are somewhat supportive of a peaceful resolution. Although the Philippines is high on the Political Terror Index, it is still lower than countries such as Guatemala and Colombia. During the civil war in Guatemala, the target of killings was mainly unarmed Mayan civilians—more than 200,000 deaths and 50,000 disappearances (REMHI, 1999; Anckermann et al., 2005). During the civil war in Guatemala, the state supplied firearms to more as 800,000 civilians in the civilian defense patrols. This dissemination, combined with high levels of crime and violence, caused an atmosphere of fear and insecurity—even after the cessation of the civil war. The level of impunity is very high and there are

recent examples of killings of human rights defenders.

Amnesty International's 2006 report on human rights in the Philippines states that there is a high level of extrajudicial executions and imprisonment of people because of their political opinions or affiliation with a human rights organization. However, government and military officials declare that there is no state policy that allows for extrajudicial executions and no secret "death squads." The government of the Philippines points to the international human rights treaties the Philippines has ratified; the government asserts that protecting human rights are ensured through national laws and institutions, including both an independent judiciary and a Commission on Human rights. This means that there is no overt acceptance of violations of human rights.

There have been reports of severe violations of human rights during the periods of war in Mindanao. The Space for Peace movement has managed to combine promotion of human rights and peacebuilding. By doing that it has fostered a shared sense of understanding, tolerance, solidarity, and mutual obligation involving the state (represented by the military and the governor of Mindanao), the rebels (MILF), religious leaders, local and international NGOs, civil society organizations at the local level, and the people living in the area. This requires an ongoing process of negotiation with the involved parties as well as an incessant process of reinforcing the discourse of peace through conflict reconciliation at the local level, as this prevents a discourse of segregation along religious or ethnic categories. The process of keeping the Space for Peace functioning involves an open debate about values, a highly organized civil society, and the support of people in need. As we have seen, the peacebuilding and peace maintaining process is a promotion of both civil and social rights for everybody. One of the Moro community leaders in the peace process, Mr. Abidin, said:

"The space for peace reinforces the Muslims' view that as long as the culture and faith of everyone is respected, there will be peace. There should be an acknowledgement of the histori-

cal injustice done to the Bangsamoro and it should be corrected. Here in Ginapalad Ta Ka, people are being given a lot of trainings and seminars to transform our minds towards a

perspective of peace that we so long desired. However, unless the government will demonstrate respect and prevent the oppression of the Moro people, then there will be no justice and there will be no peace. Perhaps, the government should also undertake seminars on peace!"

THE SPACE for Peace movement managed to combine promotion of human rights and peacebuilding; fostered a shared sense of understanding, tolerance, solidarity, and mutual obligation involving the state, rebels (MILF), religious leaders, local and international NGOs, civil society organizations at the local level, and the people living in the area.

standing, tolerance, solidarity and mutual obligation implies an unbroken struggle to practice human rights along the lines depicted in the Declaration of the Space for Peace. The struggle also implies practicing this understanding in the negotiations with the larger network of stakeholders, including the state, in a way that conveys democratic participation and openness.

This view suggests that the strengthening of multicultural communities does not in any way undermine the Bangsamoro's aspiration for a free homeland. Peacebuilding at the grassroots level is not seen as a contradictory response to their struggle to arrive at a political settlement of the issues behind the armed conflict. Rather, it is viewed as a part of the many possible tracks in the building of a more appropriate and responsive social fabric in the conflict-affected areas in the historical and sociocultural context of Mindanao. The effort to make the local community function in ways that promotes and maintain under-

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A CASE STUDY ON MEDIATION AND RECONCILIATION AS A PRACTICE OF A "CULTURE OF PEACE"

By FR. ROBERTO C. LAYSON, OMI

I understand, we are all here because we want "to settle this problem through dialogue," Omar started as he spoke to the audience after a Muslim and a Christian gave the invocation.

Omar is the barangay chairman of Dalengaoen and the president of GiNaPaLaDTaKa, an alliance of seven Spaces for Peace communities in Pikit. He was requested by Kapitan Tibo of barangay Takepan and Kapitan Tanny of barangay Panicupan to mediate in the conflict involving both of their constituents – Robert, a Christian, and Babu Karilya, a Muslim.

Seated around the table was Robert the accused, and Babu Karilya the complainant. Also present were Tanny, the barangay captain of Panicupan and Tibo of barangay Takepan. Others present were the two secretaries, a police investigator, an army detachment commander, relatives of the two parties, a journalist, NGO observers, religious elders and some local residents.

After a short preliminary introduction, Omar started the dialogue. "So what really happened," Omar asked Babu first in order to establish all the facts surrounding the incident.

"It was late in the afternoon and Robert was drunk and without provocation he just strafed our house. I scampered for safety. After that, I was scared and I decided to evacuate to barangay Batulawan," Babu Karilya began to narrate the details of the incident.

After Babu had spoken, Omar then turned to Robert and asked him, "Is this true?" "Yes, it is true," Robert sheepishly admitted.

The wife of Robert was murdered a few months ago at the boundary of Takepan and Panicupan. Two nights later a strafing incident occurred at a Muslim community living at the boundary of the two barangays. A Maguindanaon was killed in the incident. The Muslim community later identified a Moro suspect with two of them willing to testify as witnesses if only to prevent further severance of relations. A criminal case has been filed before the municipal trial court and a warrant of arrest has been issued. The murderer, however, has remained at large.

"I'm very sorry for what happened to Babu. I have not gotten over the loss of my wife and I was drunk that afternoon." Robert said apologetically "Besides, I don't want any Muslim house anymore standing inside my property. But I'd like to ask forgiveness from Babu... if she could forgive me," Robert continued.

The small house of Babu Karilya was located at the roadside and encroaching a little bit in the farm lot of Robert.

Omar turned to Karilya, "Babu, you have heard Robert admitting his fault and asking forgiveness from you. Are you going to forgive him now?"

Everybody was waiting for the answer of Babu Karilya. But Babu was speechless and did not know how to answer the question of Omar. And so Omar suggested that she con-

sults her relatives first who were sitting beside her. There was a short break. Babu and her relatives gathered in one corner as they discussed among themselves how to deal with the question of Omar.

Finally, it was over and they returned to the table, "So, what's your decision Babu?" Omar asked Babu Karilya again. "Well, I could forgive Robert if he will make a promise here that he will not do it again," Babu declared.

At that point, the sister of Robert stood up and said, "As the elder sister of Robert, I promise that I will be the one to put him in jail if ever he does it again."

Actually, a case has been filed at the police station and was just waiting to be forwarded to the sala of the municipal judge who would then issue a warrant of arrest for Robert. The police investigator who was present explained it himself before those who attended the dialogue. He further explained that in the absence of a peaceful settlement, Robert could go to jail.

"So Babu, you have heard Robert made the promise," Omar turned to Babu Karilya, "Are you now prepared to forgive Robert?" At this point, Babu said, "Okay, I forgive him now," "But he has to fulfill his promise," she added.

There was joy inside the barangay hall. Everybody clapped their hands in what everybody believed was the successful conclusion of the session and resolution of the conflict. It appeared it was. But not yet for Bapa Butch.

When the joys and the laughter inside the hall were beginning to subside, Bapa Butch, politely asked Omar if he could speak. Bapa Butch was a member of the parish special team assisting communities in rehabilitation. He was acknowledged by Omar who called the attention of those present to listen to Bapa Butch.

"We are all happy," Bapa Butch began. "That the TRUTH has come out, that Robert has shown REPENTANCE and that Babu has extended FORGIVENESS to Robert. But I think there is one thing lacking in the process."

"You
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Everybody became quiet.

"How about JUSTICE?" Bapa Butch continued. "How shall the damages be treated? Do we just forget them or does Babu deserve some form of reparation?" Bapa asked the question.

Actually Babu Karilya has a small "tindahan" (store) that used to support her after she became a widow. Her shanty was demolished by Kapitan Tanny after the strafing incident on the basis that it encroached on the farm of Robert.

"Okay, let's ask Babu then what the damages were" Omar said. Babu Karilya spoke about her small store and her small hut.

"So how much you lost in your small "tindahan" Babu?" Omar inquired.

"It's not big," Babu Karilya said. "It's something like P1, 500.00 pesos only."

Immediately, the elder sister of Robert stood up and said, "Okay, I will take care of that." The audience spontaneously clapped their hands. "What else?" Omar asked Babu again, "My house," Babu replied. "Kapitan Tanny demolished it," she continued.

It was at this point that I stood up. I supported the thought of Bapa Butch. "It is not enough," I said, "that truth has come out and that the two have seemingly reconciled. However, there is no real RECONCILIATION without justice," I explained.

I reminded them that the conflict was not just between Babu Karilya and Robert, that it could actually develop into a family feud and even escalate into organizational conflict where armed group and the military could get involved thus affecting the two communities.

"In this case, the community, therefore, has also a responsibility to help in the resolution of this conflict," I said. "What can everybody here contribute to restore the house of Babu," I further challenged them.

The responses were quick.

"I will contribute 200 nipa leaves," said Omar, the mediator. "I will contribute some lumber," pledged Kapitan Tanny. "If something else is lacking, just let me know," Kapitan Tibo said. "Here are P200.00 pesos for the nails," the police investigator offered as he handled the amount to Kapitan Tanny. I also gave P200.00 pesos. And there were others who contributed as well.

The barangay secretary of Takepan who was recording the minutes of the proceeding was jotting down the pledges. Meanwhile, a merienda was served courtesy of barangay Panicupan. While feasting on biscuits and cola drinks, Omar consulted the officials and the two parties what to do with the case filed at the police station. It was agreed that Babu, Robert and his elder sister would go together to the police station to withdraw the case.

"So, it looks like we have already solved the problem," Omar smiled. He then announced the withdrawal of the case against Robert. "The next thing is to put the agreement in writing for Robert and Babu to sign," he added.

While the secretary was preparing the agreement, Omar invited Robert and Babu to shake hands in the presence of everybody. The elder sister of Robert approached Babu Karilya and embraced her.

Everybody was jubilant and shaking each other's hands, feeling triumphant for the victory of peace over what could be another cycle of violence.

The session barely lasted for one hour on December 18, 2003 at the barangay hall of Panicupan Space for Peace in the municipality of Pikit. It was an early Christmas gift for the

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local inhabitants of these two villages who have experienced repeated displacement due to armed conflict between government troops and MILF forces.

As shown in this case, the role of Kapitan Omar as a mediator was a key to the resolution of the conflict. His being the chairman of the GiNaPaLaDTaKa-Space for peace accorded him the credibility as neutral to the conflict.

Secondly, it was shown in this case that real RECONCILIATION required the carrying out of JUSTICE for the victims.

Thirdly, it was evident that after the dialogue session, not only JUSTICE was rendered to the victims but the RELATIONSHIP of the victim and the offender was also RESTORED. In peace-building this is known as RESTORATIVE JUSTICE, an indigenous way of resolving conflict in some traditional communities.



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