PEACE AND WAR: WHAT IS NEXT IN THE BANGSAMORO PEACE PROCESS, PHILIPPINES?

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ABSTRACT

After forty six years of peace process, the Philippine government has now granted an autonomous government for its Muslim population. The long history of the conflict and the failed approaches to resolve it have created deep divisions among the Bangsamoro and the Filipino people, which regards any peace agreements with distrust or, at the most, fortified confidence. With this, as a basis of analysis, the researcher used several theories particularly the Moral Theory of Justice by (Rawls 1971), the Lay Theory of Peace by (Leshem and Halperin 2020) and the Conflict Transformation by (Lederach 1996). These theories have played significant role in examining the Bangsamoro peace process which has been now an ideal model to the conflicting areas around the world. Furthermore, the data used in this research was purely qualitative as it is gained from reliable and authentic books, journals, and first-hand sources such as Key Informant Interviews (KII) and Focus Group Discussions (FGD). More precisely, the main aims of this paper are to examine the previous efforts in relation to post-conflict reconstruction and will delve into important issues and challenges in the Bangsamoro peace process that can impede peacebuilding.

Keywords: Bangsamoro, Bangsamoro Islamic Freedom Fighters, Moro Islamic Liberation Front, Moro National Liberation Front, and Peace Process

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INTRODUCTION

In literature on peace studies, the term "peacebuilding" is frequently used to advance pacifism and stop violent conflict (Ozerdem and Lee 2016). Unfortunately, conflicts are always imbued with violence especially when negotiations have failed. Like many ethnic minorities around the world, the Bangsamoro people have to resort to armed struggle for 53 years to defend their land and rights. Which eventually lead to the crafting of Bangsamoro Organic Law (BOL) that gave birth to the creation of Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) on 26 of July 2018.

This allowed BARMM to deconstruct and dismantle and merging of institutions to establish parliamentary system of governance within a unitary presidential republic. The post-conflict reconstruction has three main components dubbed as "normalization" the first one deals with security, the second is socio-economic development and last is the transitional justice.

Peace Process has become an important part of post-conflict particularly in the Bangsamoro Region in recent years. As according to (Brouneus 2007), "today's wars are almost exclusively intrastate; as a result, former adversaries, offenders, and victims must coexist after the conflict." However, when peace is declared, attitudes and actions remain the same. Since cohabitation is fundamental, there is a great demand for distributive justice and reconciliation because it is crucial to resolving conflicts.

In the case of the Bangsamoro struggle in their right to self-determination, it has become a crucial reference of the Peace Processes in the Philippines, particularly in Mindanao. Of the 59-armed conflicts that have ended in the last 30 years, 44 concluded with peace agreements (Fisas 2015). The social, academic, and institutional capacities to analyze these processes and strengthen peacebuilding policies have thrived in parallel (HSRP 2012). However, no peace process has been implemented without peculiarities. For this reason, peace process between the Moro Islamic Liberation Front (MILF) and the Philippine government have learned from previous experiences of the Moro National Liberation Front (MNLF). It helped establish a more justified peace development while also advancing the field of sustainable peacebuilding internationally. The Bangsamoro peace process is currently being studied with great interest by other nations experiencing internal conflicts, including Myanmar, Thailand, and Turkey (Herbolzheimer 2015).

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Furthermore, since the Philippines has experienced foreign colonial rule, it is deemed important to note that the Bangsamoro people were never fully conquered nor were they Christianized. As stated by (Lingga 2004), "the Spanish colonial authority made attempts to subjugate the Muslim kingdoms' political existence and annex the region to the Spanish possessions in the Philippine Islands, but history teaches us that these efforts were never successful." The armed forces and organized maritime forces of the Bangsamoro state were successful in protecting the Bangsamoro regions, maintaining their independence.

Moreover, the American colonizers took control of the Philippines from the Spanish in two ways: first, through the Treaty of Paris in 1898, which cost twenty million Mexican pesos; second, through armed conquest, in which they separately crushed the resistance of the Filipino people and the Bangsamoro people. After the United States conquered Spain in the Spanish-American War, the treaty served as the political agreement between the two colonial governments (Tan 2002). It is imperative to stress at this point that at the time of the treaty, the Sulu and Maguindanao Sultanate and the *Pat a P'ngampong sa Ranao* (Four States of Lanao) were never colonized by the Spaniards, the Indigenous peoples also was not able to be subjugated by the Spaniards and thus remained free, they were not occupied by Spain at the time of the agreement. In this historical narrative, one of the root causes of the Bangsamoro struggle is that the Bangsamoro people was assimilated into the Philippines without their consent.

In addition, the Bangsamoro leaders publicly expressed their strong resistance to being a member of the Philippine republic when the US administration pledged to grant the Philippine Islands freedom. In order to prevent their annexation to Philippine politics, the Bangsamoro people continued to fight and used armed as well as diplomatic means. This has led to pleas the US government over the annexation, one of which was dated June 9, 1921, and stated that "the inhabitants of the Sulu Archipelago would prefer to be a part of the US rather than a separate Philippine republic (Lingga 2004)." Additionally, the Declaration of Rights and Purposes, which was drafted during the meeting with Bangsamoro leaders in Zamboanga on February 1, 1924, endorsed this nonviolent resistance. The body proposed that the "Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America" in participation that in the event the US will decolonize its colonies and other non-self-governing territories, the Bangsamoro homeland would be granted separate

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independence (Lingga 2004:06)." This opposition against annexation even continued on March 18, 1935 with the known 'Dansalan Declaration of 1934' which was prepared by <u>Didato Amai Manabilang</u> and one hundred twenty Datus of Lanao, with thirty sultans who signed a strongly worded letter to the U.S. President <u>Franklin D. Roosevelt</u> and the <u>Congress</u> that in the U.S. grant of Philippine independence, Mindanao and its Muslim inhabitants should not be included and should remain under American rule to be granted separate independence at the right time but their request was rejected.

Hence, this is a manifestation that the Bangsamoro people used both diplomacies as to their struggle for right to self-determination. Had this negotiation successful, the Bangsamoro people would have regained its independence under the UN declaration of decolonization.

THEORETICAL FRAMEWORK

In understanding this study, certain theories were used as its framework. These theories are the Conflict Transformation Theory, Lay Theory of Peace, and the Moral Theory of Justice. The Conflict Transformation Theory (CTT) is propounded by (Lederach Gawerc 2006). This theory is a contemporary theoretical framework for peacebuilding in the light of the dynamics and changing context in which social conflict occurs such as that in the case of Bangsamoro people. The transformation concept of conflict is both descriptive of conflict dynamics including its impact, and prescriptive of the overall purpose that building peace pursues in a process-outcome paradigm. In addition, (Galtung 1999) further contextualized the theory of conflict transformation in which there is no alternative to transforming, changing violent attitudes and behavior, exploring, and engaging in peace dialogues and advocacy, with conflict transformation happening at all levels of conflict followed by peace transformation in the context of peace education. Secondly, the researcher also used the lay theories of peace by (Leshem and Halperin 2020) who believed that based on the relative strengths of three meanings or interpretations of peace, which are not necessarily mutually exclusive, corresponding to "the end of war" (negative peace), "harmonious relationship" (positive peace), and "justice" (structural peace). Although lay theories lack the rigor of scientific theories and not very popular in peacebuilding efforts, people rely on them to understand, interpret, and predict their social world and "what counts as one's lay theory of peace is the

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balance between the three, namely, which interpretations dominate, and which are more peripheral" (Leshem and Halperin 2020:379). (Leshem and Halperin 2020) applied the lay theory of peace to the understanding of the Israeli-Palestinian conflict to propose a bi-national state solution, which if not similar, identical to the Philippine-Bangsamoro conflict. This theory can also effectively intersect with other theories and used in different aspects of the study.

Lastly, the third theory that was used in this study is the Moral Theory of Justice by (Rawls 1971). According to this theory, it is based on equity and fairness in the distribution of goods for a well-ordered society and argue that peace is conditioned and regulated by a shared public conception of justice. It is a fair choice model in which individuals will hypothetically choose mutually acceptable principles of justice, equity, and liberty in their social interactions. According to (Rawls 1971) the theory is a non-utilitarian justification of a democratic political order characterized by fairness, equality, and individual rights as first propounded by early social contract theorists. (Rawls 1971) maintains that a theory of justice is based on the existence of equal rights of individuals to basic liberties, equal opportunities, and in which the concept of an egalitarian society and specific political arrangements are important in the practical application and understanding of social democracies and social justice frameworks derived from it.

THE BANGSAMORO PEACE PROCESS

The Bangsamoro peace process must be able to offer a detailed roadmap that directly addresses the grievances of the Bangsamoro people, particularly, the ordinary people because peace process can significantly contribute to peace only when it is supported by the majority. The government and the MILF must reach out to their own constituencies and engage their active support of the peace process. The government and the MILF must go beyond their narrow group interests to find workable solutions to the problems of the country's minoritized Muslims.

To reach common ground, it is imperative that the parties explore all options for a political arrangement that can accommodate their conflicting interests. They must get out of the independence-autonomy track that has constricted previous peace processes and explore

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different models and political structures that have worked well in settling secessionist conflicts in other parts of the world. However, there must be also a recognition of injustices towards the Bangsamoro people, with this, both parties can come up with sustainable conflict transformation that addresses historical, socio-economic, cultural, and political reconciliation.

Seen from an academic point of view, reconciliation is anything but a conceptualized tool for peace building. Hence, central to my analysis are rational issue of justice, specifically what have come to be called transitional justice. Political theory, especially theories of justice, often discuss transitional justice as necessary step toward what (Kymlicka and Bashir 2008) called, established societies. This means that much of the political work done before and during the transition to independence is largely overlooked or discussed in terms of intervention.

With this regard, we cannot legitimately speak of justice unless political, historical, social, and cultural reconciliation are stable. Political and social trust is present, and institutions are working to not merely represent the people but also help them to find self-cohesion by providing a space for direct participation and intervention in the peace process.

Peace Reconciliation

In the peace process, to reach common ground, it is imperative that the parties explore all options for a political arrangement that can accommodate their conflicting interests. They must get out of the independence-autonomy track that has constricted previous peace processes and explore different models and political structures that have worked well in settling secessionist conflicts in other parts of the world. However, there must be also a recognition of injustices towards the Bangsamoro people, with this, both parties can come up with sustainable conflict transformation that addresses historical, socio-economic, cultural, and political reconciliation.

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Political Reconciliation

In this section, it is essential to note that the crucial principle of a strong and useful conception of justice is reconciliation because it is only through reconciliation that we can begin to legitimately discuss Justice. And Justice can only be legitimately understood through reconciliation, hence reconciliation makes justice possible. According to (Nordquist 2006) political reconciliation is "a process where harm resulting from political violence, is repaired in such a way that trust again can be established between victims, perpetrators, and the society at large." Few empirical studies have been made in the field of political reconciliation. According to Weinstein and Stover "Claims made of the relationship between for example truth, justice, peace, and reconciliation are in need of empirical backing (Weinstein & Stover, 2004)." Thus, this research is needed to define the challenges as well as the success connected with political reconciliation efforts in the Bangsamoro region. And in order to promote sustainable peacebuilding, we need informed decision-making that can strengthen reconciliation and avoid undermining insubstantial relations (Anderson 1999).

Consequently, most important effort of political reconciliation is to transform these relations through local community efforts that build trust and new social behaviors to replace the failed peace agreements which only maintain conflict through violent suppression which leads to the devastation of innocent civilians. Sometimes this is, or becomes, part of a strategy of the parties – the civilian population represents a target since it is seen as a resource for protection, as in guerilla strategy, or for material support for one side or the other. This is supported by Nordquist that the result of all this is that displacement, killing, and human suffering among civilians in armed conflicts, not among the military (Nordquist 2006: 09). This is obviously the consequences in the peace process. Thus, this paper suggests that from this observation and given the general negative impact of the armed conflict, it is needless to say that if the hostilities affect everyone, then the peace process should affect everyone especially the grassroots or the common people.

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Peace Negotiation: President Marcos to Aquino

On March 18, 1968, during the administration of Ferdinand E. Marcos, 26 Bangsamoro trainees from Sulu were massacred by their military trainers, allegedly for mutiny; some accounts claim that they were only asking for the payment of their allowance, which had already been delayed for more than a month (Jubair 1999). This came to be known also as the infamous Jabidah massacre; Jabidah being the code name of the military training that took place in Corregidor Island. This event is believed to have fueled the formation of the Mindanao Independent Movement (MIM) which was led by Datu Udtog Matalam calling for the independence of Mindanao and Sulu on May 1, 1968 and then the Moro National Liberation Front (MNLF) led by Nur Mishuari was organized to compliment the political struggle with the military force of the Philippines (Gowing 1979).

In 1973, the Quadripartite Ministerial Commission representing the Libyan Arab Republic, the Kingdom of Saudi Arabia, the Republic of Senegal, and the Republic of Somalia was formed to negotiate with the Philippine government concerning the situation of the Bangsamoro people. In 1975, the MNLF gained recognition from the Organization of the Islamic Conference (OIC) as the representative of Muslims in the Philippines. President Marcos sued for peace and embarked on a flurry of diplomatic initiatives with OIC member states, which facilitated a cease-fire agreement and the opening of peace negotiations between the Philippine government and the MNLF (USIP 2005). On December 23, 1976, the Tripoli Agreement was signed. This granted a degree of autonomy to the Bangsamoro, in which the Third Section, Provision No. 16 states that "The Government of the Philippines shall take all necessary constitutional processes for the implementation of the entire Agreement," to which President Marcos issued Presidential Decree No. 1618 in July, 1979, to implement the autonomy of Regions IX and XII (Bell and Utley 2015:02). Nonetheless, the Tripoli Peace Agreement, and the principles established in it, continued to be an important reference point in all future peace processes between the Moro revolutionary groups and the Philippine government.

However, after the MNLF agreed to accept autonomy within the framework of the Philippine government as stipulated in the 1976 Tripoli Agreement, the Moro Islamic Liberation Front was established and carried on the fight for independence (Bell and Utley 2015:01). Additionally, this has increased their desire for independence because even Bangsamoro civil

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societies have joined the fight through peaceful and democratic ways. Due to this rift, the 1976 Tripoli Agreement's covenants did not hold after the plebiscite in 1977 wherein 10 out of 13 provinces voted for autonomy and that President Marcos has unilaterally divided the 10 provinces into two autonomous regions which is not part of the agreement. Thus, the MNLF and the Philippine government once more turned to hostilities.

After the EDSA revolution in 1986, Corazon Aquino succeeded Marcos and resumed talks with the MNLF, producing the Jeddah Accord in 1987, in an attempt to further discussions on a democratic process for Mindanao (Abubakar 2004). This was ultimately restricted by the 1987 Constitution that was passed as part of the democratic reconfiguring of the Philippines post-Marcos. Article X, Sections 15-21 of the 1987 Constitution established regional restrictions, furthered by RA 6734, in August, 1989, providing an Organic Act for the Autonomous Region in Muslim Mindanao (ARMM) following a plebiscite (Official Gazette of the PH 2015). The MNLF rejected the Organic Act after the plebiscite in 1989 wherein only 4 provinces voted for autonomy (Mackerras 2003:146). Hence, negotiations were halted until 1992 and resulted to another protracted-war between the MNLF with MILF against the Philippine government.

Peace Negotiation during President Ramos Administration

In 1992, the new president led by Fidel Ramos resumed peace negotiation with the MNLF (Abubakar 2015:455). After four years of an interim ceasefire and exploratory talks, in 1996 the Final Peace Agreement on the Implementation of the 1976 Tripoli Agreement was signed between the Philippine Government and the MNLF (Asia Foundation, 2010). The 1996 Agreement was intended as a two-stage process, with Phase I composing a 3 year transition period to join MNLF elements with the Armed Forces of the Philippine (AFP) and to undergo intensive socio-economic rehabilitation in the region, and Phase II consisting of the devolution of powers and the repeal of the Organic Act (RA 6734). While this was satisfactory for the MNLF, the MILF continued armed resistance, reaffirming their commitment to the establishment of an independent Bangsamoro government.

Furthermore, the Moro Islamic Liberation Front began its peace talks with the Philippine government in 1997 which was resulted to the first agreement signed by the two parties which is the Agreement for General Cessation of Hostilities On July 18, 1997. Thus, the both parties

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build up rapport about the substantive issues of the conflict. This round is a milestone in a drawn-out peace process often derailed by allegations of the MILF's links with terrorist organizations, and charges and countercharges of violation of the cease-fire agreement forged by the parties on July 18, 1997 (USIP 2005:02).

Peace Negotiation: President GMA to Aquino III

While a majority of the MILF-GPH peace agreements were signed from 2001 (GMA's administration) until 2019 with the ratification of the Bangsamoro Organic Law, one of the most notable agreement is the Memorandum of Agreement on the Ancestral Domain Aspect of the MILF- GPH Tripoli Agreement on Peace of 2001 (MOA-AD), which was controversially drafted and initialed in August 2008, but later struck down as unconstitutional by Supreme Court ruling G.R. 183591 (The Province of North Cotabato v The Government of the Republic of the Philippines Peace Panel on Ancestral Domain). Viewed by many as the strongest manifestation and solution of the Bangsamoro right to self-determination, the ruling briefly halted the peace process when MILF and the Philippine government resort once again into war in 2008.

However, the negotiations resumed after the restructuring of the GPH Peace Panel and a mutually acceptable agreement between the Philippine government and the MILF during the first term of President Benigno Simeon Aquino, III in 2010. As history repeats itself in a different context and period, the resume of peace negotiation of the MILF led to its division as Commander Ustadh Ameril Umbra Kato broke away and founded the Bangsamoro Islamic Freedom Fighters (BIFF) in the same year which is now linked to the ISIS radical ideology.

Nevertheless, the peace process continued and it was codified after 32 rounds of negotiations, the MILF and the GPH signed the Framework Agreement on the Bangsamoro (FAB) on October 7 2012 (Heydarian 2015). This agreement paved the way for the creation of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), a new political entity which will replace the ARMM (Heydarian 2015:04). Furthermore, under the presidency of Rodrigo R. Duterte, a year after the Marawi siege of 2017, the Bangsamoro Organic Law or known as the Republic Act No. 11054 was signed on July 26, 2018. The signing of the BOL is vital to the peace process since this is the most awaited part in the negotiation. This basic law will address the aspiration of the Bangsamoro people to their right to self-determination. In the

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perspective of the MILF, the signing of this law is a proof that the Philippine government is sincere to the peace process. On the other hand, the Philippine government proved its commitment towards the peace process and is ready for the transition for the new Bangsamoro autonomy.

Thus, one of the results brought about by this law was the establishment of Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) within the sovereign state of the Philippines. While not the creation of a new state, it has taken the place of the previous ARMM government with enough authority, power, and funding.

CONCLUSION

To conclude, it is deemed important to note the three main pattern we have seen in this peace process. Firstly, every time the both parties are exhausted in war, they come into peace negotiation table and when the both parties has not come up with a substantive agreement that benefits their interest, they resorted into war. This manifests that one of peculiarities in the peace process is trust and sincerity. The justification for this is the long waiting autonomy that was signed under 1976 Tripoli agreement, this was materialized only after 20 years in the 1996 Final peace agreement between the MNLF and the Philippine government under President Ramos.

Moreover, this is the same with the fate of the basic law of the Bangsamoro autonomy under the leadership of the MILF. As stated in FAB, the Bangsamoro Transition Commission (BTC) drafted the known Bangsamoro Basic Law (BBL) which was rejected in 2015. Hence, the peace process has faced a number of setbacks. Primary among this is the clash between the BIFF together with some of MILF members and the government's Special Action Forces (SAF) in the Mamasapano municipality in Maguindanao on 25 January 2015. Members of both sides were killed in the incident, but the majority of casualties were on the government side (Heydarian, 2015: 05). Clashes between different armed groups also jeopardize the peace process that led to another breakaway group from MILF but more radical which is the ISIS affiliated groups (Maute-Abu Sayyaf) who besieged the city of Marawi in 2017. Secondly, with the experiences of MNLF on their peace talks with the Philippine government, several

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agreements were abrogated. In the case of MILF, they have learned from the mistakes of MNLF. A significant assessment to this peace process is that, every time the President has changed, the policy of the government also changed. This is the reason of failure of peace agreements between the two parties just like for instance in the all-out-war of President Estrada with that of all-out-peace of President Arroyo. Lastly, another pattern that we have seen in the peace process is the participation of those who are involved in the peace process. Most of the agreements signed between the MNLF and the Philippine government is basically more exclusive as it is deemed domestic. In the case of MILF, the involvement is from the central committee down to various sectors in society (such as CSOs, educators, businessmen, *Ulama*, among others) and also with international observers.

Furthermore, given that the MILF in BARMM did not supported President Ferdinand Marcos, Jr. during the most recent national election, the new Philippine president might not accept the MILF's leadership under his watch. The parliamentary election in the Bangsamoro region in 2025 will be a disaster for the MILF because President Marcos Jr. probably will not support its leadership.

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