

THE CONFLICT TRANSFORMATION MECHANISMS FOR RESOLVING CASES OF DISPUTES IN THE PROVINCE OF MAGUINDANAO

SOPHIA ULAMA PAGUITAL, MAPD

Abstract

This study was conducted to know local ways of resolving cases of disputes by our traditional leaders that could be integrated to the conflict transformation framework and in particular, to identify the socio-economic profile of the respondents and existing dispute mechanisms in the province. The study also seeks to know cases of conflict being transformed, the different modes of settlement utilized and the approaches used by these traditional leaders.

The research was conducted in the Province Maguindanao. There were twenty five (25) traditional leaders chosen and served as respondents coming from the TFCRM as officers and members, traditional leaders as partners of MAPAD in resolving conflict and elders from their different respective areas in Maguindanao.

The conflict transformation mechanism in resolving disputes in the Province of Maguindanao was determined through qualitative research design which was employed and utilized the questionnaire and key-informant interview in data gathering. The questionnaires were translated into tagalog or Maguindanaon dialects to ensure they understand it. One-on-one Interviews and focus group discussion (FGD) was conducted by the researcher and analyzed. Data was also taken from a review of existing documents from TFCRM and MAPAD and online research.

The descriptive research design was employed and utilized the questionnaires and interview in data gathering. Frequency counts and percentages distribution, were the statistical tools applied in analyzing the data.

This study documents present local dispute settlement bodies and mechanisms that address rido and other community-based conflicts. It presents the local ways of resolving conflicts through the traditional leaders and the Task Force Conflict Resolution Management, a mechanism body patterned after the Shariah concept of justice in areas occupied specifically by the MILF. It has seven members of investigating teams which consist of CCCH, AHJAG, Shariáh, MILF- BIAF, IMT et al. Based on the summary of finding of this study, it is concluded that Moro in its culture still shows that men are most likely dominant in resolving disputes. Generally, land disputes ranked as the number one causes of conflict. Existing political and business rivalries that leads to the proliferation of guns and armed men being used on the grounds had resulted in the escalation of these local conflicts and committed murder in some cases. Often times, these actions leads to prevalence of the *Maratabat* of the Maranao and Iranuns as a contributory factor.

Keywords: Conflict Transformation, Shariah, Maratabat, Province of Maguindanao

INTRODUCTION

Conflict Transformation is a framework developed through years in looking through a different lens in which peacebuilding initiatives are discussed and carried out. In practice, the emphasis has been on conflict resolution and conflict management methods – both looks at addressing the issue or conflict and prevent it from escalating into a bigger scale of violence. So where and when does conflict transformation come in the picture?

According to Wilfredo Torres III (The Asian Foundation 2007), conflict transformation, although a relatively young concept, sought to address the root causes of conflicts and the underlying conditions that contribute as triggering factors for these conflicts. It attempted to surface the unseen factors, and reshape the social structures and dynamics behind the conflict through different analytical tools from the systems thinking toolbox. In general, conflict transformation was a process of engaging with the transforming of relationships, interests, discourses and, if necessary, the very constitution of society that supported the continuation of violent conflict.

Lederach (2003), stressed that a transformational approach sought to understand the particular episode of conflict not in isolation, but as embedded in the greater pattern. Change was understood both at the level of immediate presenting issues and that of broader patterns and issues. The sea was constantly moving, fluid, and dynamic. Yet at the same time it has shape and form and can have monumental purpose.

Bergof (2004), said that conflict transformation approaches differ from those of conflict resolution and conflict management. Conflict transformation involves transforming the relationships that support violence, conflict management approaches seek to merely manage and contain conflict, and conflict resolution approaches seek to move conflict parties away from zero-sum positions towards positive outcomes, often with the help of external actors.

In general terms, Galtung (2000), explained that conflict transformation is a multi-level concept that impacts global, social, and even inter/intra personal (macro, meso, micro) levels.

The process of conflict transformation in a positive manner can take place if there is political will, determination and commitment on the part of major stakeholders. It may take several years and decades when a conflict is positively transformed. For instance, drawing from the experiences of other countries, we see how the combination of socio-economic benefits, a reliable justice system, and the use of non-formal local mechanisms such as the sulha committees (composed of traditional and government mediators) curbed the incidence of blood disputes in Israel.³⁶ In Albania, a campaign was mounted to reconcile feuding families by setting up the Committee of Blood Reconciliation, which resolved 756 blood feuds in August 2000. Elsewhere in Sabah, Malaysia, where a number of indigenous communities reside, the recognition of the Native Law (based on adat or customary laws) by the Malaysian Federal Government and the Sabah State, and its institutionalization through the Native Courts have empowered local communities to use indigenous means in resolving conflicts, thereby

ensuring swift access to justice. Furthermore, the disintegration of the Soviet Union also contributed to the transformation of Sino-Russian relations to an extent that now the two former adversaries have close, peaceful and stable relations.

In Philippine setting, especially in some parts of Mindanao where Muslim dominated areas has inflict such feud thru retaliatory violence between families and kinship groups as well as between communities. Revenge killings and feuds are typical in small-scale societies where family and kinship ties are the main sources of authority and where there is a lack of effective state control and authority. Like for instance, for Maranao or Iranun, maratabat are known to be one of the causes of conflict in their areas. There is nothing wrong in “kanaman” or maratabat in Iranun and Maranao, as a social value. The problem is when “kanaman” or maratabat, is infringed and one does not get justice under existing institutions because this will induce one to seek justice even outside the rule of law. If one revenged violently, this consequently invites counter revenge creating cycle of vengeance. In the process, peace is sacrificed. Peace and justice are values that are mutually inclusive - there will be no peace without justice and justice will remain elusive in a state of unpeace.

If wrong is done and justice is given to the offended party, the conflict is resolve for justice is the restorative system of damaged “kanaman” or maratabat. That is why many conflicts do not result to rido because justice was served to the offended parties. If parties in conflict have faith that justice will prevail, they would be willing to submit their disputes in courts of law, or for arbitration or mediation. In situation when both or either party perceives the system as bias the usual reaction is refusal. As Barlome (2001: 32) observes, “Unless most Maranaos do trust the administration of justice, rido will always take place.”

Local conflicts such as family feud, or more commonly known in the Bangsamoro context as “rido” are often resolved through conflict resolution facilitated by respected community leaders. This practice of resolving cases of rido has persisted through generations, until isolated cases or recurring conflicts started to emerge in the past years. While conflict resolution continues to address these conflicts, a new framework of looking at conflicts differently may offer more desirable results – one that resolves the conflict on one hand, and restores the relationship of people and communities on the other hand, and thus ensures that there are no recurrence of conflict. This is the Conflict Transformation framework. What is conflict transformation? How does it differ from conflict resolution and what are its added value? It is along this line why the present study is conducted.

METHODS

The qualitative type of research design was employed as well as descriptive-narrative method of research. This method was used to help the researcher to gather factual information on the subject of the study. Using this design, the researcher determined the different local strategies being used by the community/traditional leaders that could

integrate to the processes of conflict transformation assuring the non-recurrence of the conflict and would not affect the peace and development of their community.

This study was conducted in the province of Maguindanao, in the Autonomous Region in Muslim Mindanao. The study covered the first District municipalities of Maguindanao Province specifically in the areas of Datu Odin Sinsuat, Kabuntalan, Barira, Buldon and Matanog. Maguindanao: (*Dalapa sa Magindanaw*) is a province in the Philippines located in the Autonomous Region in Muslim Mindanao (ARMM). Since 2014 the provincial capital is Buluan but the legislative branch of the provincial government, the Sangguniang Panlalawigan, convenes in the old provincial capitol in the town of Sultan Kudarat. It borders Lanao del Sur to the north, Cotabato to the east, Sultan Kudarat to the south, and the Illana Bay to the west.

RESULTS AND DISCUSSIONS

Profile of the Respondents

The first objective of the study focused on the profile of the respondents in terms of their age, gender, tribe and his/her position in their community.

a. Age

Table 1. Age of the Respondents

Age Group	Frequency	Percentage
18 – 29	3	12.0
30 – 39	7	28.0
40 – 49	11	44.0

50 - 59	4	16.0
Total	25	100

The Table above shows the age group of the interviewed respondents particularly the traditional leaders. As shown in *Table 1*, 12.0% of the respondents are in age range 18 – 29, 28.0% from the age range 30-39, 44.0% are in age range 40 – 49 while 16.0% are in age range of 50-59. This indicates that most of the respondents are on their middle age, trusted by their people on having a capacity to deal with conflict that is enough to take and/or given responsibility in resolving conflict within their community.

b. Gender

Table 2. Gender of the Respondents

Gender	Frequency	Percentage
Male	25	100.0
Female	0	0
Total	25	100

The Table above shows that traditional leaders involved in resolving conflicts are all male. As shown in *Table 2*, 100.0% of the total numbers of respondents are male and 0.0 percent from female. This shows that areas of Moro's in terms of resolving conflict, male are most dominantly in the frontline and moro communities are in a patriarchal culture/structure

c. Tribe

Table 3. Tribe of the Respondents

Tribe	Frequency	Percentage
Maguindanaon	16	64.0
Iranun	6	24.0
Maranao	3	12.0
Total	25	100

The Table above shows number of tribes of the respondents. As shown in the *Table*, majority are Maguindanaon which cast 64.0% while 24.0% are Iranun and has 12.0% from the Maranao tribe. Respondents were pre-determined by the Task Force Conflict Resource Management (TFCRM) of the Moro Islamic Liberation Front (MILF) and the Mindanao Action for Peace and Development (MAPAD) as their partner on the ground in resolving conflict.

d. Position

The Table below shows that traditional leader has the highest numbers involved in resolving conflict. As shown in *Table 4*, of all the interviewed respondents, 12 or 48% are traditional leaders, 3 or 12% are heads of the investigating team of the TFCRM, 7 or 28% are members of the TFCRM while 3 or 12% are religious leader.

Table 4. Position in his/her community

Position in your community	Frequency	Percentage

Traditional leader	12	48.0
Heads of investigating body of the TFCRM	3	12.0
Member of the TFCRM	7	28.0
Religious leader	3	12.0
Total	25	100

I. Causes of Conflict in the Area.

The second problem of this study dealt on the Causes of Conflict in their areas as perceived by the respondents.

Table 5 presents the distribution of possible causes of rido as responded by the traditional leaders. As shown in the table, land conflict, politics and business rivalry were high in the list among the causes of rido in the Province of Maguindanao. The findings are consistent with the statement of Rasul (2003) that rido was also caused by the people's desire for wealth and power. Those sometimes economic reasons such as theft or murder people are also associated because of the desire to be free from poverty and get power.

The issue of land ownership is generally the primary cause. Accordingly, land disputes typically occur because of a lack of documentation (unmarked property boundaries, wills, deeds or land titles). The usurpation by rich heirs over land or encroachment stimulates disputes. It creates conflict not only among the Moro people themselves but also with migrant settlers carrying "titles" and other pertinent papers issued and recognized by the national government.

Existing political and business rivalries that leads to the proliferation of guns and armed men being used on the grounds had resulted in the escalation of these local conflicts and committed murder in some cases. Often times, these actions leads to prevalence of the *Maratabat* of the Maranao and Iranuns as a contributory factor.

Here is one land conflict case of rido which was cited by one of the respondents during the interview. The conflict was situated in Barangay Langgapanan and Barangay Angkayamat. It started with the problem on land which resulted to the death of four persons and damaged of properties. If not

resolved, the conflict may be used by the spoilers and may affect the 2016 elections.

Some of the women who were present during the conduct of activities expressed their gratitude that the conflict was finally resolved and they can already sleep deeply at night without fear that armed confrontation will happen. They elaborated that whenever an encounter happened, they were bothered and asked to help in pacifying the conflict since they are leaders in the municipality. But dueto this effort, they can already relax and not be troubled anymore.

Table 5. Responses of Traditional Leaders on “Causes of the Conflict in their area”

Causes	Frequency	Percentage	Rank
• Land Conflict	7	28.0	1
• Politics	5	20.0	2
• Maratabat	5	20.0	2
• Business Rivalry	3	12.0	3
• Jealousy	3	12.0	3
• Murder	1	4.0	4
• Theft	1	4.0	4
Total	25	100	

Table 6. Response of Traditional Leaders on “How do traditional leaders resolve conflict?”

Responses	Frequency	Percentage
Amicable settlement	21	84.0

Sharia'h Court	4	16.0
Total	25	100

Table 6 shows that 84.0% of traditional leaders respondents answered the amicable settlement while 16.0 percent answered process thru Sharia'h Court. The findings implied that majority of the respondents settled disputes through amicable settlement with the help of the mediators coming from TFCRM, LGUs, CSOs and RRUC. Most of the traditional leaders and even "victims" from both parties seek the help of the TFCRM of the MILF to intervene in whichever conflict arise. Traditional leaders says that TFCRM has an effective ways or approach because of its flexible procedure and that it comprises seven (7) members as investigating team.

Traditional leaders put trust to the TFCRM because it has a very convenient way of settling conflict. Its process of resolving disputes is an effective as means of amicable settlement set by both parties and go back to normal life after. Mediation and Amicable Settlement Mediation is the most popular means of peacefully resolving disputes.

The TFCRM before conducting investigation seeks first the commitment of both parties to participate during the process and should tell the truth. If the other party doesn't want the TFCRM to intervene or not satisfied with the output of investigation or don't want amicable settlement, he/she may opt to file the case in Shariah Court. The Shariah Court will analyze the problem if it's still possible for amicable settlement and later on will ask the complainant she/he already went to TFCRM to seek help, if not Shariah would recommend TFCRM. If she/he already did, the Shariah will still ask the output/findings about their investigation on the conflicts and will find out if the recommendations are necessary or appropriate.

Most disputes were settled at the residence of those who have been killed or harmed. In cases where there are deaths in both families, disputes were settled in places where both parties agreed on.

According to Vago (2002), the Philippines judiciary system were seen as corrupt and slow, sometimes dragging on years and still not achieving reconciliation. That was one of the reasons why Moro tribe groups returned to customary laws through amicable settlement.

Table 7. Responses of the Traditional Leaders on "What are modes of dispute settlement were used by the traditional leaders in the Province of Maguindanao"

Modes of dispute settlement	Frequency	Percentage
Advice is given to both parties to amicably settle their disputes at their level.	5	20
Appropriate case is filed against the offender to the Sharia'h court.	2	8
Fine is imposed to the persons /groups found guilty.	1	4
Disputes are referred to a certain organization like the TFCRM of the MILF, MAPAD, RRUC among others.	17	68
Total	25	100

Table 7 reveals the responses of the respondents as to what modes of settlement methods will they use when conflict is reported to them. Five (5) or 20.% answered the method on giving an advice to both parties to amicably settle their disputes at their level. Two (2) or 8% answered appropriate case is filed against the offender to the Shariah court. One (1) or 4% agreed on imposing fine to the person/groups who found guilty while sixteen (16) or 68% says that disputes are referred to a certain group like the TFCRM of the MILF, MAPAD, RRUC among others.

The findings signified that most disputes being referred to organization like TFCRM of the MILF had often used in settling conflict when being reported to them. They believe that the mechanism of the MILF has its own way of effectively dealing in resolving disputes especially when the conflict are being escalate or took so many years of unresolved conflict or big family clans are involved.

Table 8. Responses of the Traditional Leaders on “What are the cases transformed in the area?”

Cases transformed	Frequency	Percentage
Land Conflict	12	48.0
Politics	6	24.0
Murder/Killings	5	20.0
Maratabat	2	8.0
Total	25	100

Table 8 presents the frequency distribution of the responses of traditional leaders respondents in the question “What are the cases being transformed in the area?”. The said Table shows that majority of the respondents cite land conflict cases that has been transformed. These land conflict included land grabbing and land boundaries incidents. As shown in Table 8, land conflict, politics and business rivalry were high in the list among the cases of disputes transformed in the Province of Maguindanao. The findings are consistent with the statement of Rasul(2003), that disputes was also caused by the people’s desire for wealth and power. Those sometimes economic reasons such as theft or murder people are also associated because of the desire to be free from poverty and get power.

Table 9 below reveals the responses of the traditional leaders as to what are the approaches used by these traditional leaders in settling conflict. Please note that respondents were asked to cite several means or modes in resolving conflict. As shown in Table 9 Kanduli and signing of peace covenant or agreement garnered the biggest number or percentage as means of resolving conflict.

Kanduli signifies that disputes has put to an end. A kanduli is held wherein elders explain the issue including the stimulations contained in the agreement to maintain peace. Both parties express their commitment to bring back good relationship or achieve reconciliation between their families and relatives and forget everything related to the conflict.

Hence, the cost of the amount of blood money as a means of settlement may be indicated. While other forms of compensation and arrangements are also included, especially for conflicts that resulted in damage to property and physical injury or even loss of lives.

However, the study shows that blood money, *kanduli* with oath of allegiance or re-affirmation are the most usual ones used by these traditional leaders and the mechanisms. Blood Money is often times known as “payment” punishments for crimes

associated with disputes. Any killing is often compensated with blood money and ranges from Php 50,000.00 to Php 300,000.00 depending on the damages being done. Blood money is not the monetary equivalent of one's life but is often necessary as settlement money which is part of the healing process between families and a symbolic elements that lead to forgiveness and healing.

Mostly, the trial of a disputes usually ends in a Kanduli (thanksgiving celebration). Several people from the community and from both sides attended such activity to witness the end of the conflict. Food and sometimes even money, is offered to those who are in attendance. Prayers to seek blessing, swearing in the Qur'an, signed agreements and oath taking are highlights of the celebration led by traditional and religious leaders.

Rido is a complex problem that requires a combined set of strategies for prevention and resolution. Locally, where there is a wide range of community- based peace initiatives or alternative conflict-resolution mechanisms as well as more formal legal approaches, the challenge is to approach conflicts in a contextual manner and work with the local people on shared objectives, to harness

and strengthen the assortment of existing conflict-resolution mechanisms and translate these into strategic interventions that will promote an enabling environment that will help communities and government address conflicts.

Studies on Rido can help our people understand further that this problem has to stop. Massive information dissemination are also needed to further educate and empower our youth to stop rido. Our elders must also respect our rule of law. Blood money alone cannot and will never solve the problem.

Table 9. Responses of Traditional Leaders on "What are approaches used in transforming the conflict?"

Approaches	Frequency	Percentage
-------------------	------------------	-------------------

Blood money with oath of allegiance/re-affirmation	22	21.35
Using Authoritarian personnel (Sultan, Datu's, politicians)	13	12.62
Inter-marriage	10	9.70
"Kanduli"	25	24.27
Position in the politics	6	5.82
Peace Covenant or signed agreement	25	24.27
Referral to Shariah court	2	1.94
Total	103	100

Summary of the Findings

Based on the data, the following findings are presented.

1. The findings reveal that the profile of the respondents in the terms of age are 44 percent belongs to the age bracket of 40-49, there are 100 percent male respondent and majority are Maguindanaon with 64 percent, in terms of position in the community, most of the respondents are traditional leaders with 48 percent.

2. The main causes of conflict was the land conflict/ownership with 28 percent followed by politics and maratabat which both have 20 percent. Business rivalry and jealousy got the same frequency with 12 percent while the theft and murder got the lowest frequency with 4 percent.

3. The findings on how do traditional leaders resolve those conflicts, reveal that the TFCRM provides a space for both parties to talk and understand the situation and agreed to make amicable settlement to end the disputes. But if one or both parties don't agree to negotiate or not satisfied with the output, they can seek the Shariah court to intervene or ask the TFCRM to endorse the case in Shariah court and let it resolve the case.

4. The result on what modes of rido settlement used by the traditional leaders in resolving conflict in the province of Maguindanao, show that several modes has been used by our traditional leaders in settling disputes. That includes amicable settlement thru blood money, inter-marriage, political position, *kanduli* and oath of allegiance or re-affirmation.

The existing local mechanisms used by the traditional leader thru the TFCRM ensures a “win-win” solution for all parties involved in a disputes.

5. The findings reveal on the cases transformed in the area that land conflict has a frequency of 12 or 48 percent, followed by politics with 24 percent. Murder/killing has 20 percent and maratabat is 8 percent.

6. The study reveals that the approaches used in transforming the conflict are kanduli and peace covenant or signed agreement have the same respond by the respondents with 24,27 percent followed by the blood money with oath of allegiance / re-affirmation with 21.35 percent. Using authoritarian personnel has

12.62 percent, inter-marriages has 9.70 percent, position in the politics has 5.82 percent and the lowest percentage is on the referral to Shariah court with 1.94percent.

Conclusion

Based on the summary of finding of this study, it is concluded that Moro in its culture still shows that men are most likely dominant in resolving disputes. Generally, land disputes ranked as the number one causes of conflict. Hence amicable settlement with kanduli and oath of allegiance was found to be the most convenient and accessible mechanism for respondents, and the most effective measure for settling disputes in the province. This also shows that traditional leaders even the communities believe on the capacity of the TFCRM which has most capable of resolving their disputes in an affordable, accessible, convenient and effective manner.

It is further concluded that, several modes of resolving conflict has been practicing all throughout the years in Moro communities, yet these modes haven't yet seen as a way of dealing conflict transformation in our area. (This could possibly integrate to the existing approaches of conflict transformation that can be used locally by our traditional, community and religious leaders in resolving conflict within the Bangsamoro Region as a whole.)

REFERENCES

Abdullah, I. M. (2002). *Disputes Settlement among Maranao*. Metro Manila: Rex Bookstore.

Burton, John, and Frank Dukes (1990). *Conflict: Practices in Management, Settlement and Resolution*. New York: St. Martin's Press.

Cloke, Kenneth, and Joan Goldsmith (2000). *Resolving Personal and Organizational Conflict: Stories of Transformation & Forgiveness*. San

Francisco : Jossey-Bass.

Deutsch, Morton, and Peter T. Coleman, eds (2000). *The Handbook of Conflict Resolution: Theory and Practice* San Francisco: Jossey-Bass.

Domenici, Kathy, and Stephen W. Littlejohn (2001). *Mediation: Empowerment in Conflict Management*. Second Edition. Prospect Heights, IL: Waveland Press.

Durante, O., et al., 2005 . *Management of clan conflict and rido among the Tausog, Magindanao*

Felstiner, William L.F., Richard L. Abel, and Austin Sarat (1980-81). "The Emergence and Transformation of Disputes: Naming, Blaming and Claiming..." *Law & Society Review* 15: 631- 54.

Folger, Joseph P., and Robert A. Baruch Bush, eds (2001). *Designing Mediation: Approaches to Training and Practice within a Transformative Framework*. New York : The Institute for the Study of Conflict Transformation.

Isenhardt, Myra Warren, and Michael Spangle (2000). *Collaborative Approaches to Resolving Conflict*. Thousand Oaks, California: Sage Publications.

Jay, Ram N. 1996. *Social Conflict* Delhi: Oxford.

Lang, Michael, ed (1996). *Transformative Approaches to Mediation*. Special Issue. *Mediation Quarterly* 13(4).

Saber, M. M., ed. 2001 *The Maratabat of the Maranao*. Manila

Solidaridad Torres, W. M., ed. 2007 *Rido. Clan Feuding and Conflict Management in Mindanao*. Makati City: the Asia Foundation. Publishing House