

GETTING RID OF ILLEGAL GUNS

ENGINEERING A PEACEFUL TRANSITION IN THE BANGSAMORO

SUMMARY

The comprehensive peace agreement between the Philippine government and the Moro Islamic Liberation Front (MILF) commits both parties to undertake a 'normalisation' process. This entails decommissioning MILF combatants and their weapons, redeploying some government military units and disbanding private armed groups. The proliferation of illegal firearms poses a real challenge to normalisation in the Bangsamoro territory. The success of the normalisation process and the peace process depends on the ability of both parties to effectively address the problem of illegal firearms. This policy brief proposes a three-pronged strategy that combines the work of decommissioning weapons in the hands of ex-combatants and other rebel groups; disrupting the activities of private armies and other criminal groups as well as capturing their weapons; and reforming the institutional framework that guides the control and management of firearms in Philippine society.

INTRODUCTION

The high number of shooting incidents and proliferation of illegal firearms in the hands of rebels, criminal groups and private armies poses a real challenge to normalisation in the Bangsamoro. Despite this, there is surprisingly little in the policy framework on normalisation in the Comprehensive Agreement on the Bangsamoro (CAB) that speaks about the when, where and how of weapons decommissioning under the new autonomous government.²

Undoubtedly, the normalisation annex signals the parties' strong commitment to the decommissioning of rebel combatants and their weapons. This will be accompanied by measures to redeploy some government military units outside the Bangsamoro region and to liquidate private armies and capture illegal firearms. The rhetoric is also accompanied by the proposal to establish structures that will govern the normalisation process. However, these commitments are vague in terms of: how the actual decommissioning of weapons and combatants will take place³; the political and security requisites that will be needed to enable the launch of a vigorous campaign to liquidate illegal firearms; and the conditions that will mandate the gradual redeployment of military forces outside the Bangsamoro.

In this light, this policy brief locates the normalisation agreement within a broader canvass that should include the following priorities:

- The need for effective actions that can disarm local warlords, criminal gangs and other ruthless political entrepreneurs in the Bangsamoro on account of the proliferation of illegal firearms⁴;
- The need to amend several provisions of Republic Act (RA) No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act, the 2013 gun law, which heighten the risk of firearms-related violence from threat groups and criminal syndicates – this is essential to attain consistency and coherence with the aims of a normalisation process; and
- The need to learn from previous efforts to decommission weapons and to integrate former combatants into mainstream society.

REAL DILEMMAS IN WEAPONS DECOMMISSIONING

The Philippine government has significant experience in reintegrating combatants but poor experience in disarmament and weapons decommissioning. The term 'decommissioning' is not even in the language of the current Philippine laws on firearms, including RA 10591. The Philippine National Police (PNP) uses the term 'demilitarisation', which includes a transitory process of scavenging for usable parts from guns before these are destroyed. On the other hand, studies about the police and military integration of former combatants of the Moro National Liberation Front (MNLF) under the 1996 final peace agreement, as well as the MNLF attack in Zamboanga City in September 2013, demonstrate the

number of heavy weapons that remain in the hands of MNLF combatants.

Integrating ex-combatants into the ranks of the military and police as a method for controlling the spread of illegal firearms can produce unsavoury results. However, it can also contribute towards strengthening the state's military capacity and monopoly of coercive power, and it can create the space that enables the flow of large amounts of post-conflict reconstruction and rehabilitation support to areas affected by conflict. Nevertheless, an integration process that is not accompanied by a national arms control programme will not stem the spread of illegal firearms. As was the case following the 1996 agreement, armed groups in Mindanao and elsewhere continued to have access to illegally produced and traded weapons.⁵ The integration programme also failed to link the disarmament and demobilisation processes – that is, demobilisation was carried out before disarmament. This made it doubly difficult to collect illegal firearms from the hands of ex-combatants who were no longer under the control of MNLF.

Previous arms control processes illustrate the dilemmas faced by panels of the Philippine government and the MILF as they hammered out a normalisation agreement. For instance, when and how will the MILF combatants be actually disarmed when they will be returning to communities where everyone else possesses illegal firearms? How can the decommissioning of MILF combatants and weapons take place in unison with the liquidation of private armies and paramilitaries that use illegal firearms? How can the MILF respond to the threats posed by new splinter groups, such as the Bangsamoro Islamic Freedom Fighters? Moreover, in light of the 2013 gun law, how can it be ensured that former combatants are prevented from acquiring weapons legally? These dilemmas amplify the problems posed by the proliferation of weapons in the Philippines in general, and the Bangsamoro in particular.

ILLEGAL TRADE IN GUNS

International Alert's study about the shadow economy in guns highlights the parasitic relationship between the legal and illegal trade in guns, where state officials are involved in subverting state regulation for financial benefit and where flaws in the regulatory system nurture the illegal trade.⁶ During his 2013 State of the Nation Address, former President Benigno Aquino III candidly admitted the complicity of customs officials in guns smuggling. Import data covering 2000-2010 from the United Nations Commodity Trade Statistics Database shows a huge discrepancy between what was reported by local authorities and the records of exporting countries. The discrepancy amounted to a total of 26,969 guns valued at US\$54.04 million.

In Mindanao, illegal firearms in the hands of civilians are estimated at around 358,000, or about 70% of the total number of firearms in the region.⁷

The problem is not only the number of guns, but also the geographic concentration and function of such guns. The Autonomous Region in Muslim Mindanao holds 32% of the almost half a million civilian firearms (licensed and unlicensed) in Mindanao. Based on PNP estimates in 2009, the region also holds 33% of the estimated 15,640 firearms in the hands of threat groups and 28% of the 4,980 firearms in the hands of criminal groups. The number of firearms in the hands of the MILF alone is estimated to range from 11,000 to 15,000, excluding firearms owned by kin and allies at the community level that are often mobilised in times of conflict.

The challenge of curbing the proliferation of illegal firearms is compounded by weak enforcement. For instance, the police do not have an operating unit specifically aimed at capturing illegal firearms. The Firearms and Explosives Office (FEO), a unit of the PNP, is the principal regulatory agency tasked with licensing firearms; storing illegal firearms captured by the police from the hands of civilians, rebels and criminal elements; and maintaining the storage and bonded warehouses for locally manufactured and imported guns. Yet, its administrative reach goes no further than its regional field offices; there are no FEO units – nor storage facilities for captured weapons and legal and illegal guns – at the provincial level.

POLITICAL WARLORDS AND PRIVATE ARMED GROUPS

In August 2009, then Acting Defence Secretary Norberto Gonzales revealed the existence of 132 private armed groups (PAGs) linked to political elites.⁸ He also reported that these groups were in control of an estimated 10,000 men and 800,000 firearms. The PAGs were involved in the violence affecting nine election hotspots that included the five provinces of Muslim Mindanao as well as the provinces of Abra, Nueva Ecija, Masbate and Western Samar. Three months after Gonzales made his remarks, a notorious paramilitary group under the thumb of a warlord clan in Mindanao massacred 58 civilians, mostly women and journalists, in what is now called the Maguindanao massacre.

The existence of many private armies complicates any disarmament process because individuals and groups possessing illegal firearms will seldom surrender such firearms without a fight once they have joined these shadow paramilitary groups. In the province of Masbate alone, the number of PAGs is equivalent to the number of provincial- and municipal-level political elites vying for control of the province.⁹ Many are involved in the high-stakes game of private elite protection – this includes village and barangay officials who establish armed groups, including state-subsidised civilian volunteer organisations that are often supplied with unregistered guns. In some areas, such as Lanao del Norte and Lanao del Sur, political elites would expand their existing armed groups during election campaigns in the same way that rebels and security forces would mobilise militias as force multipliers during an escalation of military operations.¹⁰ Members of these PAGs often resort to criminal activities in between elections.

THE CASE FOR NORMALISATION

Normalisation is at the core of any peace agreement. However, disarmament is seen as the most contentious, and, by local and international experience, often the most protracted, of the three components of disarmament, demobilisation and reintegration (DDR). The notion that disarmament means the surrender of rebel challengers to the state – entailing the real transfer of the means and guarantees of protection and security from one side to the other (from rebel combatants, their followers and their communities to a separate government authority) – transforms the disarmament component into a protracted process. Such a process will either advance or retreat depending on the economic and politico-military environment and the interests of multiple stakeholders.

An inherent challenge in any post-agreement disarmament process lies in its voluntary nature. The process lends itself to frequent delays in implementation and compliance, eventually leading to lower expectations and chances of success. The coercive powers of the state are usually reserved for accompanying measures to control the spread of illegal firearms and the spread of shadow and underground economies, in order to cripple the capacities of other armed groups and criminal elements who benefit from conflict and instability.

Another critical issue in disarmament programmes is that they seldom act in unison with the processes needed to build trust and confidence between the contracting parties. International experience shows that the disputes between former combatants and the state, and between former combatants, led to splits in Aceh, inter-gang warfare in Timor-Leste, and periodic flashpoints in Afghanistan, Burundi, the Democratic Republic of Congo, Rwanda, Somalia and Uganda. In most of these cases, armed combatants (including their militias and other paramilitary and armed members from their communities) were expected to follow their leader's instincts and adhere to the agreements they entered into without the adequate security and social capital having been established. The challenge of building trust and confidence explains why some scholars have suggested that disarmament should be seen as the final, rather than the initial, component of a DDR process, and undertaken within a longer time horizon.

Finally, there is a growing consensus about the weaknesses inherent in gun buy-back schemes, as demonstrated in most of the 45 countries where DDR processes were initiated. Modifications of standard gun buy-back schemes have been attempted in initiatives such as the 'guns for food and development' or 'guns competing for development' schemes; however, the record in terms of effective disarmament and decommissioning has been mixed. What is clear from both initiatives though is that they provide the widest opening for addressing the interests of other excluded groups, such as women and children.

CONCLUSION

The larger objective of a decommissioning and normalisation process is to build peace. This objective

A national disarmament programme could persuade the MILF to cooperate in the decommissioning of weapons in the hands of combatants.

cannot be achieved without strengthening the devolved political authority in Mindanao, especially by strengthening its administrative reach and coercive powers. Disarming rebel combatants is therefore a central task in strengthening the powers of the state. The problem is how to achieve it in a speedy and less contentious manner.

To support the peace process and ensure peaceful transition, the following policy options should be considered:

- A national disarmament programme that prioritises the destruction of illegal small arms and light weapons;
- Clampdown on the illegal importation and technical smuggling of illegal firearms;
- Efforts to cripple the trade in illegal firearms;
- Measures to retrieve, store and ultimately destroy small arms and light weapons in the hands of MILF combatants; and
- An effective communication plan for nationwide dissemination of the disarmament programme and community mobilisation, combined with high visibility of disarmament actions and destruction of retrieved firearms.

A national disarmament programme is an important parallel and complementary initiative of the Philippine government that could persuade the MILF to cooperate in the retrieval, storage and destruction of weapons in the hands of combatants. However, this also means that the government has to undertake serious internal reforms – such as amendments to RA 10591 and to RA 6975 or the Department of the Interior and Local Government Act of 1990 – to create an operating unit against illegal firearms, expand the administrative reach of the FEO, and strengthen coordination between the Bureau of Customs and the FEO.

The success of any normalisation process depends on the ability of both parties to agree on a three-pronged strategy that combines the work of decommissioning weapons in the hands of ex-combatants and other rebel groups; disrupting the activities of private armies and other criminal groups as well as capturing their weapons; and reforming the institutional framework that guides the control and management of guns and other weapons in Philippine society. Institutional coherence between the normalisation process and the country's gun control laws is crucial. Institutional reform must also be accompanied by an effective communication strategy that signals the commitment of the government – in partnership with the MILF – to hit hard at groups and places where illegal firearms arsenals are found.

RECOMMENDATIONS

- The **immediate target of arms reduction** should be high-calibre firearms, ammunition and explosives.
- The **initiative should be calibrated and protracted** and should correspond to or be complemented by the following measures: demobilisation of ex-combatants; provision of gender-sensitive development projects and assistance; implementation of security sector reform; establishment of a joint inventory and registration programme for small weapons in the hands of ex-combatants and communities; third-party (international) involvement in supervision, monitoring and evaluation; and creation of a communication strategy and plan that includes public disclosure of weapons decommissioning and demobilisation of ex-combatants.
- The **focus should be on who control the guns**, specifically the fulfilment of commitments for ex-combatant transition towards a life of peace and security.
- The national government should initiate **parallel actions**, such as national and regional disposal and control of small arms and light weapons.
- A **10-year security partnership** should be established between the Philippine government and the MILF, with the latter ensuring command and control of the organisation to prevent fragmentation and loss of weapons during the transition. This partnership should serve the following purposes: joint inventory, temporary warehousing and disposal of high-calibre firearms, ammunition and explosives; joint inventory of small arms and implementation of a registration programme; cooperation towards crippling the shadow economy in illegal guns and related economies, such as illegal drugs and kidnap-for-ransom, which are linked to combatants, local strongmen and clans; and dismantling of private armed groups in the service of crime organisations and political warlords.
- Use of **conflict-sensitive, clear and neutral terms** such as: 'peaceful transition' rather than 'normalisation'; 'shared leadership' instead of 'demobilisation'; 'weapons control' instead of 'disarmament' or 'weapons management'; 'development cooperation' instead of 'rehabilitation'; and 'social cohesion' instead of 'reintegration' (because combatants have never been dis-integrated from their communities, and communities have formed part of the rebellion).

This policy brief was written by Ed Quitariano, Managing Director of RiskAsia Consulting.

Endnotes

- 1 Reprinted with minor changes in January 2017 and April 2018.
- 2 The Protocol on the Implementation of the Terms of Reference of the Independent Decommissioning Body was approved by the government and MILF negotiating panels on 29 January 2015. According to this document, the decommissioning process will be completed in four phases: first, a ceremonial turnover of 75 high-powered firearms; second, decommissioning of 30% of MILF weapons and combatants; third, decommissioning of 35% of MILF weapons and combatants; and last, decommissioning of the remaining 35%. Phase I has been completed with the turnover of 55 high-powered firearms and 20 crew-served weapons and demobilisation of 145 MILF combatants on 16 June 2015. The succeeding phases are contingent on the passage and ratification of the proposed Bangsamoro Basic Law.
- 3 Ibid.
- 4 Memorandum Circular 83, s. 2015, "Creating the National Task Force for the Disbandment of Private Armed Groups in the Areas of the Proposed Bangsamoro and the Adjacent Regions IX to XII" was signed on 2 September 2015 by then Executive Secretary Paquito N. Ochoa Jr.
- 5 For detailed reviews, see: M. Coronel-Ferrer (1999). *Integration of MNLF Forces into the PNP and AFP: Integration Without Demobilization and Disarmament*. Quezon City: University of the Philippines; M. Makinano and A. Lubang (2001). *Disarmament, Demobilization, and Reintegration: The Mindanao Experience*. Canada: Department of Foreign Affairs and International Trade.
- 6 E. Quitariano (2013). 'Shadow Economy or Shadow State? The Illicit Gun Trade in Conflict-Affected Mindanao', in F. Lara and S. Schoofs (Eds.). *Out of the Shadows: Violent Conflict and the Real Economy of Mindanao*. London: International Alert.
- 7 PNP-FEO (2011). *Firearms data coverage, 1990-2008*. PDF sent by the chief of PNP-FEO to the author on 12 September 2011.
- 8 R. Santos. '132 armed groups linked to politicians', *Newsbreak*, 8 December 2009.
- 9 Interview with the deputy chief of police in Masbate City, 30 June 2013.
- 10 Interview with Bobby Quijano, Executive Director of Pailig Foundation, 5 August 2013.

This reprint was made possible with funding from the Australian government. The opinions expressed in this publication are solely those of International Alert and do not necessarily reflect the opinions or policies of its donors.



International Alert

346 Clapham Road
London SW9 9AP, United Kingdom
Tel +44 (0)20 7627 6800
Fax +44 (0)20 7627 6900
Email info@international-alert.org
www.international-alert.org

Registered charity no. 327553

International Alert Philippines

Room 108, Philippine Social Science Center
Commonwealth Avenue, Diliman, Quezon City
Tel +632 352 3016 | +632 453 7646

Block 12, Lot 22, Garnet Street
Marfori Heights, Davao City
Tel +63 82 285 9993

 www.international-alert.org/philippines

 [/InternationalAlertPhilippines](https://www.facebook.com/InternationalAlertPhilippines)

 [@intalert_ph](https://twitter.com/intalert_ph)

 [@intalert_ph](https://www.instagram.com/intalert_ph)

 International Alert Philippines

ISBN: 978-1-909578-44-9