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The Impact of Intrastate Conflict on Democratic Transition: A Case Study of the Mindanao Conflict in the Philippines

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Abstract

This article aims to investigate the effects of intrastate conflict's characteristics on democratic transition. New insights are gained by focusing on a conflict that was not the impetus for transition itself, but rather that developed and spread within transition processes. Using this approach, the case of Mindanao is explored in three stages: first, conceptualizing democratic transition, which is necessary for, second, investigating how the characteristics of intrastate conflict challenge the processes' ultimate objective, namely consolidated democracy. It is shown that two components of democracy, civil rights and effective power to govern, are primarily affected by intrastate conflict. The third step is analyzing the Mindanao conflict's impact on these components, leading to one major finding: in Mindanao, liberal–democratic standards are being hollowed out, thereby widening the gap between democratic ideals and reality. Moreover, empirical insights suggest that these negative effects may even extend beyond Mindanao itself.

Keywords: intrastate conflict, democratic transition, civil rights, effective power to govern, Mindanao

1 Introduction

In a quantitative perspective, the number of democratic countries increased significantly since the “third wave of democracy” (Huntington [2009](#), p. 31) started in Europe in the mid-1970s and finally reached East Asia in the 1980s (Thompson, [2015](#), p. 876). As democratic transitions swamped the continents, the number of authoritarian regimes declined steeply. Robert Dahl ([1991](#)) concludes: “democracy in the modern sense has gained almost universal force as a political idea, an aspiration, and an ideology” (p. 213). At the same time, as the Cold War came to an end, a specific type of conflict superseded conventional warfare (see Kaldor, [2012](#)). States were replaced as conflict’s central actors by non-state actors, expanding the notion of security notably (see Commission on Human Security, [2003](#)), with conflicts involving these non-state actors henceforth being termed ‘intrastate conflicts’. Although non-violent and violent intrastate conflicts are the most common type of conflict around the world, they are densest in Asia and Oceania (see Heidelberg Institute for International Conflict Research [HIIK], [2020](#), p. 120). Given these facts, this paper investigates the interrelatedness of two chronologically overlapping phenomena, that is, the rise of democratic transitions and the predominance of intrastate conflicts in Southeast Asia. The following question is of central importance: What impact do intrastate conflicts have on democratic transitions? By analyzing the “Mindanao conflict” in the Philippines, it is shown that intrastate conflict impinges on achieving the processes’ ultimate objective: consolidated democracy. It should be noted that the focus is primarily on the effects on the transition process *within the conflict region*.

The use of the term “Mindanao conflict” in this article is not intended to suggest that the conflict parties and actions in the Philippine region of Mindanao may be lumped together in a one-dimensional and entirely homogenous conflict. Indeed, doing so would neglect the complexity of the region’s history and current developments. Many different parties are involved, potentially impinging on the region’s transition. At the same time, analyzing each and every party and its actions individually, thus framing their intrastate conflicts as isolated and disjointed, is misleading as well. The term “Mindanao conflict” refers to a conflict between the Philippine central government and Muslim groups, which has been ongoing for decades, and which is rooted in colonial processes that created a religious and cultural divide between Philippine Christians and Muslims (see Ileto, [1971](#); McKenna, [1998](#)). This historical division created endemic problems upon which insurgent groups’ political claims for self-determination and independence were built (Bale, [n.d.](#)). While the Moro National Liberation Front (MNLF) is to be regarded as the core party that has organized the struggle against



the Philippine government since the 1970s, today the conflict is dominated by other groups that have splintered from the MNLF: the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG) (Abinales, [2015](#), p. 30; [Pitre, 2018](#)). The phrase “Mindanao conflict”, thus, primarily focuses on these two primary parties and their actions, both violent and economic, within the framework of democratic transition.

MILF is the largest insurgent group in the Philippines, encompassing an estimated number of 30,000 to 40,000 members, and demands regional autonomy and/or full independence (Center for International Security and Cooperation [CISAC], [2019](#)). The group is also regarded as a primary party in the Mindanao conflict due to the degree of legitimacy it has gained, being recognized as a legitimate negotiation partner by the Philippine government. ASG, conversely, is considered a primary conflict party for different reasons. While ASG—consisting of approximately 400 members (CISAC, [2018](#))—is rather small compared to MILF, it has a reputation for being the most dangerous and violent group in the country, which may also explain why the group has been excluded from peace negotiations with the Philippine government. Its actions are centered not only on the region of Mindanao and the Sulu Archipelago, but also on Manila, the capital of the Philippines.

In the case of the Philippines, the transition to democracy backdates to the ousting of dictator Ferdinand Marcos and the re-initiation of the Philippines’ electoral processes in 1986 (see Diamond, [2012](#), p. 8). As this article is not intended to analyze the conflict with respect to its historic context, but rather its effects on democratic transition, it must be framed by the beginning of the transition itself. Once more, the relevance of limiting the analysis of the Mindanao conflict within this article to the two identified primary conflict parties becomes apparent: both the ASG and the MILF dominated the conflict *after* the transition’s initiation (Abinales, [2015](#), p. 30).

Transformation studies have examined in detail challenges to democratic transitions that are triggered by pre-existing conflicts. In other words, the focus of earlier research lies on democratic transition as a condition set by peace agreements to formally end intrastate conflict (see Paris, [2004](#)). The following analysis, however, diverges from this approach: the democratic transition discussed in this article arose independently of the intrastate conflict. The Mindanao conflict was not followed by a peace agreement that provided a foundation for democratic transition, but rather continued and developed *within* the framework of the transition processes. Consequently, this article provides a new perspective for analyzing the effects of intrastate conflicts on democratic transitions. Keeping this in mind, it is important to emphasize that democratic transitions and intrastate conflicts may affect each other mutually; in other

words, transition processes may also influence the course of intrastate conflicts. However, in this article emphasis is put on the negative repercussions of democratic transitions that can be traced back to intrastate conflict. At the same time, conceptual findings are of primary interest: this article is not intended to examine the history, course, and general consequences of the Mindanao conflict in detail (see Abubakar, [2004](#); Hutchcroft, [2016](#)), but rather the effects of its key characteristics on the transition process.

Accordingly, analysis is preceded by two theoretical considerations: *first*, a definition of democratic transition is provided with reference to the Philippines. Many scholars argue that democratic transition begins with political liberalization and (in the best-case scenario) ends with the rise of a new, democratic government. Thus, transition may be delimited with holding elections and followed by consolidation. The work of O'Donnell et al. ([1986](#)) is regarded as the seminal foundation of an entire academic field focusing on that precise pattern of democratic change (Collier, [1999](#)).

More recent theories have tried to move beyond this “transition paradigm” (Carothers, [2002](#); see also Haggard & Kaufman, [2016](#)), one that followed a set course of liberalization, collapse of previous regime, and consolidation. Indeed, empirical insights seem to prove the relevance of a different transition approach: according to Carothers ([2002](#)), most countries considered transitional in the past decades have been “neither dictatorial nor clearly headed toward democracy” (p. 9), but rather entered a political grey zone. Mainwaring and Bizzarro ([2019](#)) paint a more negative picture of the current state of third-wave democracies: “The cases of substantial democratic deepening leading to robust liberal democracies are isolated exceptions” (p. 112). Democratic transition may culminate in regression towards authoritarianism. However, transition processes may also stagnate, without achieving their ultimate objective. O'Donnell ([1996](#)) and Schmitter ([1994](#)) identify a teleological approach as regards to democratic transition: Western liberal democracies are clearly taken as a yardstick for transition.¹ In other words, the liberal concept of consolidated democracy is understood as the inherent objective of any democratic transition, and as such states’ moving away from liberal democracy or “stagnating” in the course of transition are generally described in negative terms, such as “weak democracy” or “pseudo-democracy” (Carothers, [2002](#), p. 10). This paper recognizes that the liberal concept of consolidated democracy has gained a hegemonic position as a normative ideal and ultimate goal of democratic transition; at the same time, however, it recognizes that democracies conceptually differing from the western yardstick

¹ This approach is connected to the so-called liberal peace theory (see Doyle, [1997](#); Zakaria, [1997](#)) (for critical voices, see Spiro, [1994](#)).



have manifested and remained relatively stable. A set sequencing of transition, thus, is clearly rejected; transition is viewed instead as a process of flux, with a broad range of possible outcomes. Consequently, this article does not employ a sharp distinction between the so-called stages of transition: as indicated above, and as elaborated on in the respective section, transition and consolidation must not necessarily be separated. At the same time, it understands consolidation as a goal, lest a teleological approach be neglected.

In this context, the importance of electoral processes for achieving the goal of transition is questioned. Nonetheless, this article argues that the democratic transition requires a certain normative approach. As such, Merkel's concept is understood as being a suitable and comprehensive analytical framework. According to Merkel (2007), five highly interconnected components are essential for any consolidated democracy: electoral regime, political rights, civil rights, horizontal accountability, and effective power to govern. This systematic subdivision of democracy enables the impact of intrastate conflict on democratic transition to be clearly located by referring to the respective component of democracy that is challenged. In his understanding of democracy, Merkel (2007) excels in areas where other conceptualizations of consolidated democracy have severe shortcomings; for example, Robert Dahl (1982) failed to sufficiently translate his normative demands into his conceptualization of democracy. Nevertheless, conceptual weaknesses shall not be neglected: Merkel's only minimal condition determinant in the shift from democracy to authoritarianism is the capacity of the electoral regime (Merkel, 2018, p. 7). However, this article does not intend to measure the quality of democracy, and thus does not seek to ascertain the consolidation of the Philippine political system; rather, it aims to investigate the impact of intrastate conflicts' key characteristics on the goal of democratic transition within Mindanao.

Second, this paper provides a definition of intrastate conflict. Four domains are introduced that contain the key domains of intrastate conflict: actors, goals, means, and financing. By discussing each of these domains with reference to the Mindanao conflict, it is shown how intrastate conflict challenges the concept of consolidated democracy and thus affects the ultimate goal of transition. While it is shown that intrastate conflict may impinge all components of democracy, due to their interconnectedness, it is argued that two require emphasis: civil rights and effective power to govern. As civil rights are a pillar of consolidated democracy (Merkel, [2007](#), p. 37), damaging these rights has a detrimental effect on all other components. Moreover, damaging effective power to govern makes election processes meaningless and thus erodes the core of any democracy. As shown by discussion of the actors, goals, means, and financing of intrastate conflicts, it is these two democratic components that are primarily violated by intrastate conflicts.

These theoretical considerations are then proved in a *third* section by analyzing the effects of the Mindanao conflict on civil rights and effective power to govern. While the analysis' starting point is determined by the beginning of democratic transition, it will not be limited to the completion of democratic transition. As the consolidation of democracy is understood as the ultimate goal of democratic transition, framing the analysis based on the completion of transition would necessitate determining the minimum conditions for consolidation to be sufficient, and thus also measuring the quality of democracy (exceeding the scope of this article). At the same time, the signing of a peace agreement must not be equated with the conclusion of intrastate conflict, and as such cannot be considered for delimiting analysis; indeed, the signing of a peace agreement can even be a catalyst for violent action. Following the brokerage of a peace agreement between MNLF and the Philippine government in 1996, MNLF members disillusioned by their leaders' choices joined MILF, and as such MILF's regional popularity increased (CIASC, [2019](#)). Meanwhile, both MILF and ASG increased their armed struggles in order to express their political dissatisfaction (Bale, [n.d.](#)) and to continue the decades-old struggle of Muslim Filipinos. Ultimately, intrastate conflict can continue to affect democratic transition. For the same reason, the *Bangsamoro Organic Law* (BOL), based on a MILF and Philippine government proposal from 2015 and passed in [2018](#) by the Philippine House of Representatives (HIIK, [2020](#), p. 121), is not considered as a delimitation for analysis (see also Temby, [2019](#), p. 115).



Finally, by referring to recent developments, this article contributes once more to existing research on the Mindanao conflict. It shows that the Philippine national government may use the ongoing conflict as a justification for acting against established norms and rules, thereby risking a democratic backsliding both within and without Mindanao.

2 Conceptualizing Democratic Transition and Consolidated Democracy—With Reference to the Philippines

Democratic transition describes a process that aims to ascribe decision-making to elected representatives, with political decisions being made within the framework of public accountability rather than based on the will of an autonomous ruler. Democratic transition, thus, means transforming an authoritarian regime into a form of democracy. In influential theories on democratization, this transition is often characterized by acts of liberalization. In the face of increased societal demand for reform, an authoritarian regime may submit in order to preserve political power, a reaction that may indicate the beginning of its fall. Adam [Przeworski](#) (1991) states that “liberalization is inherently unstable” (p. 58), describing it as “a melting of the iceberg of civil society that overflows the dams of the authoritarian regime.” Indeed, in the Philippines in 1986, authoritarian president Ferdinand Marcos was toppled after attempting to stabilize his frail power through acts of liberalization (Merkel et al., [2006](#), p. 175).

Early theories contended that transition is initiated by and at the same time ends with elections. Huntington’s two-turnover test, for instance, outlines the importance of elections and the peaceful handover of power for the completion of transition (Huntington, [1991](#)). However, recent processes have often been described as occurring independently of societal change. Haggard and Kaufman ([2016](#)), for instance, find transitions to be unexpected, without any sort of pre-condition necessarily being met. In other words, democracies may emerge in different contexts, under diverse conditions. Again, transition processes may have different outcomes. “Restoration of authoritarian regime” and “consolidated democracy” usually represent its extreme points (see O'Donnell et al., [1986](#)) with “electoral democracy”, “restrictive democracy”, and “illiberal democracy” located between them (Møller & Skaaning, [2013](#), p. 144; Collier & Levitsky, [1997](#), p. 440; see also Mainwaring & Bizzarro, [2019](#)). To make these differentiations is also to acknowledge that democratic transitions contain an ultimate objective, with consolidated democracy being regarded as optimum. This is emphasized by the

use of the terms “pseudo-democracy” and “weak democracy” in order to characterize democracies that deviate from this optimum, both of which underscore the negative connotations of particular democratic subtypes (Carothers, [2002](#), p. 10). Only in some cases can these negative connotations be traced back to restricted electoral processes; more commonly, these terms are used to describe a more or less democratic political system that is perceived as having shortcomings by liberal-democratic ideals (Merkel, [2007](#), p. 46). Evidently, electoral processes cannot be regarded as the ultimate goal of democratic transition. Rather, analysis of democratic transition is characterized by a certain teleological approach, as will be expanded further below.

Dahl ([1983](#)) developed a concept of democracy based on normative contemplation. His conceptualization emphasized not only frequent elections, but also the articulation of interests as well as exertion of influence of political processes (for further details see Dahl, [1983](#), p.7; [1991](#), p. 129). In many aspects, the Philippine political system corresponds with Dahl’s concept of democracy: the country re-initiated its democratic election processes in 1986, and since then it has held regular presidential and parliamentary elections, guaranteeing the removal of elected officials as well as citizens’ participation in political decision-making while demonstrating their eligibility to contest elections, form political parties representing pluralist interests, etc.

At the same time, however, individuals in the Philippines are not treated equally under the law, and minorities are discriminated against (Human Rights Watch [HRW], [2020](#), p. 461.). Furthermore, people’s lives are threatened, and human rights violated, while veto players undermine the central government.² This has occurred even though, in the liberal understanding, broad civil rights are essential for democracy; according to John Locke ([1690/2005](#)), humans are, “by nature, all free, equal, and independent”, and “no one can be put of this estate, and subjected to the political power of another, without his own consent” (sect. 95). Subsequently, it is argued that a lack of civil rights may expose further normative shortcomings in a political system: groups of people might be excluded from participating in the electoral processes, challenging the heart of democracy while reducing accountability in decision-making and making elections meaningless. Moreover, the people’s freedom and equality may be threatened. Mainwaring ([1989](#)) concludes: “in the absence of guarantees of civil liberties, it [the regime] is not unequivocally democratic.”

2 It is not intended here to expose the Philippines as undemocratic, but to reveal specific normative shortcomings.



Dahl's normatively reduced concept of democracy exemplifies why a more comprehensive approach is required. Maboloc (2020) adds: "it is the moral worth of persons that determines for all how to live in a civilized world. The sacrifice of our democratic ideals is unacceptable because it can only mean the irreparable loss of our basic liberties" (p. 134). At the same time, however, it is claimed that a high-reaching normative approach would make it less easy (or even impossible) to determine criteria for supposed democratic regimes.³ A comprehensive concept of democracy might, for example, include the outcomes of the political order itself, such as "avoiding extreme inequalities" (Merkel, 2018, p. 5). This would result in a theoretical concept that is more utopian than practically feasible. The question, then, is how democracy should be conceptualized in order to provide an adequate target point for democratic transition.

A concept of consolidated democracy that is neither too modest nor too utopian is therefore required. The concept of "embedded democracy" developed by Merkel et al. (2006) fits the bill. Merkel understands democracy as a complex structure consisting of eight different components (2007, p. 34). While three partial regimes form democracy's environment (external embeddedness)⁴, the following five conditions must be fulfilled by any democratic system (internal embeddedness):

- (1) The *electoral regime* is the heart of any democracy, including the right to vote and to run for elections. Access to positions of power within the state consequently depends on competitive, open elections, which require basic political rights (p. 34).
- (2) *Political rights*, the right to vote being only a minimal condition, constitute the second component. An open, independent political arena in which "organizational and communicative power" (p. 36) may develop is required to promote the articulation of pluralist interests. Hence, rights and freedoms, such as freedom of expression or association, are included in this component.

3 Dahl also developed an idealized type of democracy, one which "might never exist in actuality" (Dahl, 1991, p. 109). Hence, he created a more realistic concept, the so-called "polyarchy".

4 External embeddedness consists of socioeconomic context, civil society, and international integration (Merkel, 2007, p. 41).

- (3) *Civil rights* are the pillars of the preceding partial regimes. Merkel argues that civil rights are of crucial importance in guaranteeing rule of law, which he defines as the “principle that the state is bound to uphold its laws effectively and to act according to clearly defined prerogatives” (p. 37). In this sense, constitutionalized civil rights and rule of law limit the exercise of state power while protecting the people from arbitrariness of state authorities with support of an independent judiciary.
- (4) *Horizontal accountability* is the outcome of division of power. State power is to be controlled by an autonomous executive power, legislative power, and judiciary, as the mere provision of civil rights alone would be insufficient to prevent abuse of power.
- (5) The final component is represented by the *effective power to govern*, meaning that those who were elected should have the actual power to rule, for they were given an official mandate. In other words, no “extra-constitutional actors” or “veto powers” (p. 39) should be in control of state functions. The monopoly of force, especially, is reserved for the elected only; otherwise the democratic system would be immensely undermined.

In summary, the concept of consolidated democracy provides a means of balancing normative demands and operational criteria, while simultaneously representing a *mélange* of modern concepts of *liberal* democracy; According to Møller and Skaaning (2013), liberal democracies comprise “a combination of inclusive election, civil liberties, and the rule of law” (p. 144). Fukuyama (2015) additionally highlights the importance of a “legitimate monopoly of coercive power” as well as “democratic accountability” for a modern state (p. 12). Clearly, civil rights are of crucial importance within the concept of embedded democracy, constituting the pillar of other democratic components (Merkel, 2007, p. 37), and thus guaranteeing the upholding of liberal principles or ideals. Meanwhile, even as the potential outcomes of democracy are excluded, the concept of embedded democracy remains realistic. It thereby offers the possibility of concretely locating shortcomings within a democratic system: any impact of intrastate conflict can be retraced by considering the different components of democracy. With respect to subsequent analysis, it therefore may be regarded as the ultimate goal of democratic transition.⁵ Clearly, in this paper, the *liberal* concept of consolidated democracy is promoted as transition’s best-case scenario. It is, thus, followed a teleological approach, determining western liberal democracies as

5 This should not be taken to imply that there is only one conceptualization of consolidated democracy.



transition's yardstick. It should be noted, however, that there is also debate about an Asian model of democracy, one based, for example, on Asian values (see Thompson, 2015). However, within this debate, advocates of both democratic and authoritarian regimes rely on the same culturalist arguments. According to the latter, Western liberal democracies are "inappropriate in more collectivist and consensual Asian societies" (Thompson, 2015, p. 876), for they center on individualism and competition. Thompson argues that democratic rule and individualism may even be denounced as primarily Western ideas, "being at odds with Asian national cultures" (2019, p. 7). While it is beyond the scope of this article to expand this debate further, it seems obvious that a contestable concept of democracy with respect to the role of liberalism would conflict with the logical structure of the article.

In the next section, the characteristics of intrastate conflicts are presented, providing reference to the case of Mindanao. In the course of these considerations, it is shown that, at least on a theoretical level, intrastate conflicts have an impact on specific democratic components considered essential for the ultimate objective of democratic transition. In the third section, it is then determined whether the theoretical findings hold true for the Mindanao conflict.

3 Characteristics of Intrastate Conflicts Challenging Democratic Transition—With Reference to the Mindanao Conflict

The actors of war have notably changed in the last century. While between the 17th and 20th century war was conducted by states, other actors have since entered the stage of armed conflict (see Münkler, 2002, p. 10). Nowadays, non-state actors such as insurgents, religious extremist groups, guerrillas, rebels, etc. contest the state's monopoly on force. In accordance with this development, a new notion of war has emerged. Levy (2005) states: "over the past five decades war has shifted away from the great powers...to other actors in other regional systems, and away from interstate wars to intrastate wars" (p. 3). While it is less important in this context to further discuss the reasons for this development (also see Münkler, 2002; Kupchan, 2005), it is necessary to investigate how this modern type of intrastate conflict is to be characterized. According to Kaldor (2012), four different areas in which the characteristics of intrastate conflict emerge are to be highlighted:

1. *Actors*

HIK (2020) provides the following definition for intrastate conflicts: “Whereas...interstate conflicts only involve internationally recognized state actors, intrastate conflicts involve both state actors and non-state actors” (p. 8). This definition points out the above-mentioned relevance of distinguishing between conventional and modern warfare while at the same time categorizing the actors involved in conflict actions. The Mindanao conflict in the Philippines clearly satisfies this characteristic. Social, economic, and political developments gave rise to a Muslim secessionist movement. The Moro National Liberation Front (MNLF) began fighting against the Philippine government by military means in the 1970s (Bale, [n.d.](#)). Soon, a proliferation of insurgent groups commenced (Abinales, 2015, p. 30), culminating in the emergence of the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG).

As outlined below, the selected intrastate conflict illustrates not only the shift of central actors as first characteristic of intrastate conflict, but also the characteristic’s impact on the concept of consolidated democracy: non-state actors compete against the state’s monopoly of force and power. They undermine the effective power to govern, for they are not legitimized by the people to implement their interests militarily. By acting as veto players, the conflict parties impinge on the democratic transition’s ultimate goal. As outlined above, the term “veto player” refers not only to groups challenging a legitimate government, but also to their strategic approach: veto players make use of non-democratic means, especially violence. In other words, within the framework of democratic rule, a government’s legitimacy must be disputable and contestable.

2. *Goals*

Conflict parties’ goals are not necessarily determined by geo-strategic interests or ideologies, but rather by identity politics; it is a “claim to power on the basis of a particular identity—be it national, clan, religious or linguistic” (Kaldor, 2012, p. 7; see also Balcells, 2011). A political cleavage between universalist, inclusive values, and particularist identities is being created by reinventing tradition or cultural memory in “the context of the failure or corrosion of other sources of political legitimacy” (Kaldor, 2012, p. 8). Accordingly, identity represents a form of labelling: certain labels, either forcibly or voluntarily imposed, are used for political claims. These political claims are not to be misunderstood as demands for political power based on specific political programs, but as “the right to power on the basis of identity” (p. 80), which can be proved by reviewing the selected case of intrastate conflict.



The Mindanao conflict is derived significantly from two sources, namely two periods of colonialism and their effects. First, during the Spanish colonial era, social oppression and economic injustice unfolded. Resulting tensions between Philippine Christians and Muslims were exacerbated further during the period of American colonization (see McKenna, [1998](#); Stanley, [1974](#)). While it is beyond the scope of this article to provide a detailed discussion of historical developments, this context sheds light on some of the root causes of conflict that underpin identity politics in what is defined here as the Mindanao conflict.

Spain pursued a goal of Hispanizing and Christianizing the Philippines. While it succeeded in its crusade in the northern parts of the Philippines, the colonizer proved less successful in subjugating the Muslim society in the south (see McKenna, [1998](#)). Ultimately, Spain waged wars against the Muslims in the south for some 300 years (Bale, [n.d.](#); McKenna, [1998](#)). According to Bale ([n.d.](#)), it is this combination of the successful subjugation of the north and failed subjugation of the south that “created unprecedented political, social, religious-cultural, and economic distinctions between Christian Filipinos and Muslim Moros, despite their underlying ethno-cultural similarities.” Moreover, the Spanish perpetuated a patronage system in the whole country and introduced the concept of individual private property (Fowler, [2015](#), p. 121). They thus laid the foundation for land monopolies and the resulting struggle for agrarian and social justice (Borras & Franco, [2010](#), p. 38; Case, [2002](#), p. 204). People living in rural areas and working in agriculture are highly dependent on their patrons, the landowners, who secure their clients’ loyalty through benefits, intimidation, and even violence. When the central government adopted a policy of moving Christian northerners to southern arable land, social and economic injustice extended further. Fowler ([2015](#)) states that, when northerners took legal title of significant areas of the island, there was “a general feeling that Muslims were being excluded from the system or being treated as a type of subservient caste” (p. 127). Kaufman ([2011](#)) adds: “Muslim-majority provinces consistently rank among the poorest in the Philippines, with infrastructure and educational opportunities even within those provinces disproportionately going to serve Christian areas” (p. 939). All these circumstances produced steep social hierarchies and alienated Muslims in Mindanao, until they ultimately broke “their patterns of deference and surged with great militancy” (Case 2002: 212). It was the MNLF that first fought for an independent Muslim state in a Christian-majority country, with armed conflict erupting in the competition for the claim to power.

However, there was ethnic and political disagreement about the way the goal of independence was to be established (Cook, [2018b](#), p. 2). Ultimately, the MNLF produced two insurgent groups, which have dominated the conflict since the mid-1990s (Abinales, [2015](#), p. 30). MNLF members dissatisfied with their leadership created the MILF, which seeks not only the establishment of an independent state or autonomous region, but also an Islamic state. After two decades of negotiations with the central government, it made a potentially significant step towards settling the Mindanao conflict: the *Bangsamoro Organic Law* (BOL). Signed in [2018](#), this law provides for the creation of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) ([Cook 2018b](#)). It is considered an ambitious initiative, “recognizing the Moro community’s rights for self-determination within the Philippine state through the establishment of a regional autonomous government” (p. 2). In Article 1 of the *BOL* ([2018](#)), the legislation’s purpose is defined as follows: the establishment of a political entity “in recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao to secure their identity and posterity.” The entire second article is focused on the “Bangsamoro identity”, defining the “Bangsamoro people” as those “who, at the advent of the Spanish colonization, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands, whether of mixed or full blood”. These people “shall have the right to identify themselves, their spouses and descendants, as Bangsamoro.” Clearly, political claims are built upon a distinctive Mindanao community and identity.

The region of Mindanao is far from homogenous. However, at the same time, the provinces of Maguindanao and Lanao del Sur account for the majority of its population, and the MILF is closely associated with the Maguindanao, the ethnic group in the largest province (Cook, [2018b](#), p. 3; Bale, [n.d.](#)). This may prove beneficial when it comes to identity politics, e.g. in the framework of future parliamentary elections for the BARMM. In the three-year transitional phase, the Mindanao government will be led by MILF (Temby, [2019](#), p. 129). For this reason, the BOL might be seen as an agreement that exists only between MILF and the Philippine government, and thus not binding opponents such as Maute or Bangsamoro Islamic Freedom Fighter (BIFF) (p. 130)—insurgent groups that remain active in the region. It thus remains to be seen whether the peace process will be successful or disrupted.



The second splinter group, ASG, consists of disgruntled MNLF members who consider even the position of MILF as too moderate (Banlaoi, [2006](#), p. 249; Merkel et al., [2006](#), p. 190). ASG's proclaimed goal is the establishment of an Islamic state, and it advocates war as "a necessity for as long as there exists oppression, injustice, capricious ambitions, and arbitrary claims imposed on the Muslims" (Banlaoi, [2006](#), p. 250). As regards to the nature of the group's goals, recent debate has focused on whether ASG's activities are driven by ideology or by profit (see Schuck, [2020](#)). Banlaoi ([2010](#)), for instance, describes the group as having developed from an Islamic movement to a bandit group, to a terrorist group, and again to a bandit group. Meanwhile Schuck ([2020](#)) draws the conclusion that, in its current form, ASG is "a largely non-Islamist group which knows how to use an Islamist narrative to portray itself in ways that give it an advantage" (p. 12). Whatever the motivations behind ASG's activities are, it is evident that identity features fuel the primary conflict parties' claim to political power. Again, the Mindanao conflict is rooted in centuries-old tensions between Philippine Christians and Muslims, which provides an underlying basis for the modern Mindanao conflict (see also Bale, [n.d.](#)).

In summary, in the case of Mindanao, identity is shaped not only by religion, but also by economic and social injustice, which can be traced back to the colonial era and established patronage systems, and which generate political claims. From a theoretical perspective, these claims to political power are equivalent to denying the legitimacy of the state, thereby affecting the effective power to govern. However, as demands are expressed through identity politics, a negative impact on another component of democracy becomes apparent. Identity politics is exclusive, creating rival identities, and the resulting exclusion and discrimination is deleterious to civil rights (an essential component of democracy): freedom of expression, freedom of association, and individual protections are not considered by the parties applying identity politics (see Levy, [2005](#), p. 9). In this article, however, it is argued that upholding civil rights is central for achieving consolidated democracy (the target of democratic transition). Obviously, the deterioration of the peoples' civil rights leads to the imposing of restrictions on their political rights as well. According to Kaldor ([2012](#)), "identity politics is a form of communitarianism that is distinct from and may conflict with individual political rights" (p. 80). Once again it is shown that the different components of democracy are highly interconnected, with civil rights constituting the pillar of other democratic components. Maintaining these rights, then, is central to democratic transition. In the third section, it will be examined whether these theoretical findings also apply to the Mindanao conflict.

3. Means

The third characteristic of intrastate conflicts is the means through which they are fought. In intrastate conflicts, international standards such as martial law, protection of civilians, or respect for human life in general do not apply. When characterizing this mode of warfare, Münkler ([2002](#), p. 242) pointedly speaks of the return of massacre. Identity politics results in mobilization on the basis of hatred and terror. By using violence against, or even eliminating, rival identities, conflict parties aim to control the population (Balcells, [2011](#), p. 401; Kaldor, [2012](#), p. 9). Moreover, the deliberate killing of civilians is used to attack the psychological infrastructure of the enemy, thereby compensating for the government's superiority in terms of technology, weapons, and finances. Non-state actors in intrastate conflicts employ strategies related to their capabilities (Wood et al., [2012](#), p. 649). Accordingly, warfare in intrastate conflicts is dynamic (Lockyer, [2010](#)).

Again, the case of Mindanao delivers empirical insights. Both of the primary insurgent groups fighting in Mindanao have chosen violence to pursue their political goals. The ASG, for example, gained international attention for bombing a Christian missionary ship in the 1990s and conducting simultaneous bombings in three Philippine cities in the early 21st century (Banlaoi, [2006](#), p. 248, 256). ASG has gained a reputation for being the most violent group in the Philippines (CISAC, [2018](#)), using a broad range of activities—bombings, beheadings, kidnapping, robbery, etc.—to implement its identity politics. While in recent years the MILF has focused increasingly on political negotiation, rather than targeting civilians, it has not relied solely on peaceful means. For instance, in 1999, the MILF founded a Special Operations Group (SOG) in addition to its existing armed wing. SOG functioned to carry out terrorist activities, even including joint operations with the ASG (Bale, [n.d.](#); Abuza, [2005](#), p. 15). In 2017, the group claimed responsibility for two coordinated bombings, targeting police personnel and a gas station respectively (CISAC, 2019). Muslim secessionists' strategy for implementing their political claims in Mindanao has therefore included the deliberate killing of civilians, even though their consistency varies.

Since the means of conflict include the practice of violence against and killing of civilians for the purpose of spreading fear, terror, and hatred, the third characteristic of intrastate conflicts again conflicts with the civil rights component. Merkel ([2018](#)) pointedly argues: "individual civil rights give legal protection to life, liberty, and property: they protect against unjustified detention, torture, surveillance, dataveillance, or unlawful intervention in private life" (p. 9). However, an "essential component of the new mode of warfare" is constituted by a behavior "that was proscribed according to classical rules of warfare and



codified in the laws of war in the late nineteenth century” (Kaldor, [2012](#), p. 9), such as violation of human rights, atrocities against civilians, etc. Once again intrastate conflicts negatively affect the concept of consolidated democracy, affecting the ultimate goal of democratic transition.

4. Financing

The fourth characteristic of intrastate conflict relates to the establishment of an illegal economy. Conflict parties must finance themselves because they are not backed by the state, and their lack of legitimacy results in a lack of pay. Self-financing may involve plunder, illegal taxation of access to resources, trade in arms and drugs, etc. In other words, there is dependence on local predation and/or external support, resulting in economic deterritorialization (Duffield, [1999](#)). It thus can be argued that intrastate conflicts can be sustained only if the conflict groups are financially viable, that is, if illegal economic structures are being upheld (Collier et al., [2008](#)).

With respect to insurgents’ financing in Mindanao, an illegal economy had already emerged in the aftermath of the Second World War, when the Philippine central government tried to institute stronger taxation structures: “Muslim clans were not prepared to pay the Philippine government the sort of taxes they had violently resisted under American rule” (Vellema et al., [2011](#), p. 303). In other words, Mindanao remained impervious to state regulations, resulting in the growth of illegal economic structures such as the production and trade of narcotics, trade of arms, and/or smuggling. Moreover, ASG has received financial and logistical support from like-minded groups, such as Hezbollah, Al Gamaa-Al-Islamiya (Banlaoi, [2006](#), p. 249) and, more recently, the so-called “Islamic State” (Heydarian, [2018](#)). MILF is also reported to hold ties with international terrorist groups (Montesano, [2003](#), p. 162). Singh ([2018](#)) even identifies a “crime-terror nexus” in the Philippines, defined as the “proliferation of terrorists turning to criminal activities to keep the organization alive” (p. 6).

Finally, illegal financing, the fourth characteristic of intrastate conflicts, competes strikingly with basic state functions. By establishing an illegal but effective economy, the economy of peace is undermined (Singh, [2018](#), p. 6). Borders between the legal and illegal economies erode while the intrastate conflict persists, until engagement in the legal economy is literally not worth it anymore (Münkler, [2002](#), p. 232). During conflict, civilians act in terms of economic self-interest and try to protect their wealth, which contributes to the flourishing of illegal economic structures. Intrastate conflicts then satisfy the people's economic needs, even as they absorb basic state functions. Conflict parties strengthen their position as veto players, such that the effective power to govern does not lie with the elected officials; this ultimately damages an essential component of democracy.

In summary, this paper aims to distinguish between the four domains in which the key characteristics of intrastate conflict can be discovered: actors, goals, means of warfare, and financing. All of them have an impact on countries that are undergoing democratic transition because they negatively affect certain components of consolidated democracy, the ultimate goal of transition. More precisely, intrastate conflicts mainly infringe on civil rights and the effective power to govern: the actors of intrastate conflicts and their ways of financing undermine the effective power to govern, while the application of identity politics and the means of fighting impinge on civil rights. In this context, it is important once again to stress the interconnectedness of components: they interact with and support each other (Merkel, [2007](#), p. 41), and thus damaging one component of democracy inevitably has repercussions on another component. This holds even more true for the civil rights component, which is the pillar of consolidated democracy and thus essential to the objective of transition. Meanwhile, restrictions on political rights are corollary to damaging civil rights; similarly, if civil rights are not respected, constitutional powers are incapable of mutually checking and balancing each other, leading to a lack of horizontal accountability. Bearing this in mind, the following analysis shall be limited to the two components determined to be mainly affected by intrastate conflicts.

4 The Mindanao Conflict's Impact on Civil Rights and Effective Power to Govern

The damaging of *civil rights* can be traced back to the patronage system that has shaped Philippine society. Historically, Christian landlords in the Philippines have wielded disproportionately more power than their dependent Muslim workers, and they were able to reassert this power, fueling intrastate conflict, when democratic transition was initiated. The first president following



the authoritarian regime, Corazon Aquino, depended on landowners' support in order to maintain her political power, as Aquino forfeited the military's favor by cutting the military's budget and establishing a human rights commission. As the military had helped Aquino gain power in the first place, it felt betrayed, ultimately attempting seven major coups within only three years (Fowler, [2015](#), p. 138). After the first coup attempt, Aquino moderated her social reforms in order to sustain political support. And even though land reform was enacted by the Congress of the Philippines in [1988](#) through the *Comprehensive Agrarian Reform Program* (CARP), it did little to address the root causes of the Mindanao conflict; landowners prevented the necessary redistribution of land, which was their source of wealth and power. "Key Aquino supporters...opposed significant land reform and ensured provisions were included which would neuter the law" (Fowler, [2015](#), p. 138). Such provisions included a chance of being exempted from land redistribution, which facilitated even further by the extensive timeframe for implementing the law. The collective interests of landowners remained better protected than the farmers', exacerbating conflict between Philippine Christians and Muslims.

Bribery, as well as the intimidation of dependents, the use of violence, and even the killing of political rivals, are common means through which political interests are pursued in Mindanao (Fowler, [2015](#), p. 125; Bertelsmann Stiftung, [2018](#), p. 11). According to international election observers, during the 2016 election period, there were 17 election-related killings in Muslim Mindanao—as well as other violent incidents, such as the bombing of polling stations and attempted assassination of political candidates (The Carter Center, [2016](#), p. 5). Interestingly, these violent events in the Autonomous Region of Muslim Mindanao (ARMM) are said to "relate to local conflict and competition rather than to national electoral issues" (p. 6). During the 2016 elections, vote buying offers "affected nearly 20 percent of voters" (Freedom House, [2019](#)), and international election observers conclude: "Vote-buying remains a substantial problem, and there are some indications that it is growing" (The Carter Center, [2016](#), p. 1; see also Aspinall, [2018](#), p. 85; Co et al., [2013](#), p. 12). Even the Commission on Elections, tasked with ensuring the conduct of free and fair elections, has been entangled in corruption scandals. In 2004, one of the Commissioners was caught conspiring with then-president Gloria Macapagal-Arroyo to manipulate the 2004 election results (Kuhonta & Truong, [2020](#), p. 158). Those involved in the scandal have still not been prosecuted.

Civil rights, as a subcomponent of consolidated democracy (see [section 2](#)), encompass the limitation of state power and protection of people from arbitrariness; that is, civil rights are important to guarantee the rule of law. However, a culture of impunity has spread, and seeing this in the aftermath of

election-related violence and killings, as well as corruption, the Muslim society's trust in the local government and political institutions has diminished. According to data published in 2013 by PCID, religious leaders were among the most trusted persons in the ARMM (Co et al., [2013](#), p. 170). Meanwhile, ARMM Congressmen were the second least trusted persons. The community's trust in the security sector was similarly low. It shall be noted here that more than 80% of current Congress members belong to families that have ruled since 1972 (Maboloc, [2019](#), p. 163).

The Mindanao conflict, fought between insurgent groups and the national government, has claimed about 120,000 lives and displaced some two million people (Vellema et al., [2011](#), p. 298). In order to achieve their political goals in the framework of identity politics, Muslim secessionists and Islamists in Mindanao have violated individual protections as well as impinged on others' freedom of religion (Banlaoi, [2006](#), p. 249). However, at the same time, the Philippine government has damaged civil rights, for the state launched severe counterinsurgency attacks on the insurgents, which also resulted in the death and displacement of many civilians (Vellema et al., [2011](#), p. 299; Banlaoi, [2006](#), p. 258). In this context, security forces' brutality and lack of control has been particularly highlighted (Merkel et al., [2006](#), p. 182). For instance, after a series of terrorist attacks in the United States on September 11, 2001, the Philippine government intensified its military operations against Muslim insurgents: Forces were deployed to hunt down Muslim fighters, to bomb suspected lairs, etc. (Banlaoi, [2006](#), p. 258). These military operations, and subsequent ones disguised as de-radicalization programs, had varying degrees of success (Gunaratna, [2017a](#), p. 76; Banlaoi, [2017](#), p. 95). The so-called *Human Security Act*, passed in [2007](#), may be regarded as a symbol of the deterioration of the civil rights situation in Mindanao (and even beyond). The law's vague definition of terrorism serves as a foundation for harsh mandatory penalties even on minor violations, as well as for the indefinite detention of suspects (HRW, [2007](#)). The law also restricts the political arena by preventing the articulation of pluralist interests in the free press. By installing further barriers to information access, and even allowing for the wiretapping of journalists on the mere suspicion of involvement in terrorist actions (Co et al., [2013](#), p. 193), it has infringed upon the Mindanao community's organizational and communicative power. Even in 2006, before the passage of the aforementioned law, opposition leaders feared that it could be used as a "pretext to curtail human rights and civil liberties" (Banlaoi, [2006](#), p. 267). Following Ugarte ([2010](#)), the mere labelling of criminal activities as Islamist can be used by the state to disguise arbitrary detention and murder while simultaneously distracting from its own involvement (p. 406). While the *Human Security Act* may be a tool to delimit civil rights both within and without



Mindanao, it shall be noted that the ARMM still has a tragic history as regards to the safety of journalists. In 2009, during the so-called Maguindanao massacre, 33 journalists were murdered, an all-time high in the country (Co et al., [2013](#), p. 193; Committee to Protect Journalists, [2019](#)). Even worse, the first verdict on the killings was announced only ten years later (Jorgio & Griffiths, [2019](#)). Unsurprisingly, the Committee to Protect Journalists ([2019](#)) has consistently ranked the Philippines as amongst the five worst countries on its Global Impunity Index.

In 2014, a peace agreement between the MILF and the national government was reached, awarding special autonomy provisions (Sindre, [2018a](#), p. 23). The signing of this agreement can be understood as a means of conflict resolution, facilitating the groups' inclusion into political processes as well as their transformation into political parties. According to Sindre ([2018a](#)), such a transformation should be understood, first, as a moderation in terms of the endorsement of principles of democracy, and, second, as an "ideological moderation on the issue of secession" (p. 31). Evidently, the transformation is usually seen as a means of ensuring lasting peace after intrastate conflict, for it exemplifies that former rebel groups are now acting within the framework of democracy (Ishiyama & Marshall, [2015](#), p. 364). Indeed, a decreased level of hostility and increased level of collaboration between the Philippine national government and the MILF has been noted (Walch, [2014](#)). Exemplarily, even before this peace agreement was signed, MILF shared information with the central government for counter-terrorism purposes and collaborated with the government in disaster relief. Walch ([2014](#)) concludes saying "MILF has been very effective in creating a strong social contract with the local population, which has resulted in a number of governance institutions similar to those of a state" (p. 47). Subsequently, collaboration with the national government has also been a means of fostering the group's credibility, for MILF presumably intends to be recognized as the community's partner. In other words, as secessionists rarely succeed in their quest of creating a separate state, they must find a new track of power. Therefore, they may adopt a more inclusive approach to identity politics (Sindre, [2018b](#), p. 486). Finally, in 2018, the so-called *Bangsamoro Organic Law* (BOL) was ratified, establishing the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM); this further evidences progress in conflict resolution in Mindanao (HIIK, [2020](#), p. 121). Amongst other things, the BOL entailed the establishment of even more autonomous administration and jurisdiction (p. 154).

It shall be emphasized, though, that not all insurgent groups have followed the same path. ASG was even excluded from the peace talks, due to the fact that the group has actively tried to boycott negotiations and discourage dialogue, e.g. by killing supporters of the peace process (CISAC, [2018](#)). Instead of negotiating

with ASG members, President Duterte thus chose a military approach, including violating their human rights if necessary (Franco, [2017](#), p. 297). Armed struggle in Mindanao has, thus, continued, even with the 2014 peace agreement and 2018 ratification of the BOL (HIIK, [2020](#), p. 154). According to Heydarian ([2018](#)), peace negotiations between the insurgents and the Philippine government created “a perilously conducive environment for more extremist elements to mobilize support and engage in acts of terror” (p. 108). In 2017, Islamists tried to take over Marawi (Cook, [2018a](#), p. 274; Gunaratna, [2017b](#)), the Philippines’ city with the largest Muslim majority. They seized large parts of the city and were able to defend it for several months. Significant parts of the established rebel groups in Mindanao joined the so-called “Islamic State”, leading to a structural and ideological re-orientation and culminating in the re-ignition and continuation of violent conflict (Heiduk & Preisendörfer, [2017](#), p. 5). In response to the fighting, the Philippine government declared martial law (Proc. No. 216, s. [2017](#)) across the entire Mindanao region, guaranteeing impunity to the armed forces and again launching counterattacks. This resulted in the killing of more than 1000 people, as well as the complete destruction of Marawi (HRW, [2018](#); Heiduk, [2018](#), p. 70). Furthermore, in 2018, only two days after the results of a plebiscite concerning the BOL were announced, Indonesian militants, allegedly supporters of ASG, conducted a suicide attack in BARMM, killing over 20 people (HIIK, [2020](#), p. 152). Even after martial law ended on December 31, 2019, fighting between the national government and the ASG has continued, as has the curtailing of civil rights (HIIK, [2020](#), p. 152).

While it could be argued that the declaration of martial law in Mindanao, in accordance with the 1987 Philippine constitution, illustrates the national government’s power to rule, and as such a component of consolidated democracy, it is suggested here that the context and consequences of the law’s application must not be neglected. The application of martial law goes hand in hand with guaranteeing impunity to the security apparatus. On several occasions, President Duterte has promised to protect the police and military from prosecution (see Kuhonta & Truong, [2020](#), p. 174). Indeed, in less than three months of his presidency, about 2,000 persons were killed. It is suggested, therefore, that martial law is understood to be as a means of extending political power, irrespective of liberal-democratic backsliding. The severe damaging of civil rights in Mindanao, thus, has had a crucial side effect: the Duterte administration has made use of the intrastate conflict in order to justify violence against civilians, creating an atmosphere of impunity that diminishes the legitimacy of the rule of law (see Amnesty International, [2018](#), pp. 299–301). In this manner, the Mindanao conflict hinders the realization of the democratic transition’s ultimate goal in the region.



With respect to the *effective power to govern*, the discussion above has shown that the Mindanao conflict has produced more than one veto player, each of which has served in a de facto ruling capacity. In the southern Philippines, the repression of state power by insurgent groups has been recognized (Merkel et al., [2006](#), p. 183). As early as the 1990s, MILF had assumed core government functions. For instance, the group offered basic services, such as issuing birth and marriage certificates (CSIAC, [2019](#); Bale, [n.d.](#)), that are usually ascribed to modern, liberal-democratic states: “Once a democratic government is in power, it must actually govern—that is, it must exercise legitimate authority and provide basic services to the population” (Fukuyama, [2015](#), p. 19). Soon, MILF-controlled zones encompassed whole communities and villages. Within these areas, it sought to create an autonomous Islamic state that enforced Sharia law. Through its armed wing, including the so-called Internal Security Force (ISF), MILF attempted to ensure and enforce the maintenance of Quranic teachings within its areas of control (Bale, [n.d.](#)). According to Bale ([n.d.](#)), the two largest areas under MILF control “were extensive, economically self-sufficient entities that housed entire Muslim communities” and “were intended to serve as exemplars and living models of the ‘Islamic state’ and Islamized society that the MILF eventually hoped to establish throughout Moroland.” Clearly, parallel state structures were promoted, undermining the central government’s effective power to govern—or at least offering an alternative, where existing state structures were weak (CSIAC, [2019](#))—while at the same time exacerbating the cleavage between Christians and Muslims.

Admittedly not without pressure (Ragandang, [2018](#), p. 90), the Philippine state seemingly acknowledges its veto players, granting MILF more authority and autonomy within the BOL framework (HIIK, [2020](#), p. 154). By conceding the application of Islamic law, it acquiesced to an alternative legal system and judiciary for Philippine Muslims. As the laws of God are assumed to be universal in an Islamist perspective, (see Tibi, [2008](#)), it may be argued that this application of Sharia law—where the will of the people is subjugated to inviolable religious rules and principles—is incompatible with democracy. According to Tibi ([2008](#)), the “return of the sacred in the form of the Islamization of law violates the basic rights of minorities and free Muslims alike” (p. 113). Therefore, providing for the implementation of Islamic law in Mindanao could potentially erode the essential components of democracy further while strengthening Islamist insurgent groups.

When faced with scarce or limited resources, insurgent groups must vie for prominence in order to receive the financial support of like-minded groups. Again, it must be noted that several Philippine insurgent groups, including ASG, have aligned with the so-called “Islamic State”, or followed similar patterns as Islamist groups in neighboring Indonesia (Temby, [2019](#), p. 115). It is also for the reason of financial viability that the proliferation of insurgent groups is discernible in the Philippines. Temby ([2019](#)) cautions:

Given the fall of ISIS in the Middle East, and the diminishing opportunities for central funding and recognition that the fall represents, local pro-ISIS groups have much less of an incentive to demonstrate unity under the banner of ISIS than they did prior to the Marawi siege. (p. 116)

Instead, new ways of self-financing must be found, and other groups’ favor gained. ASG, for instance, is experienced in finding new external sponsors; in the mid-1990s, the group was funded by al Qaida, but then cut off by Philippine authorities (Banlaoi, [2010](#), p. 18). The current shift in tactics towards suicide bombings may be an indicator that Philippine insurgent groups are indeed trying to attract and satisfy sponsoring organizations (p. 128). However, such terrorist activities will undermine both the Mindanao and the Philippine central government’s authority: bearing in mind the asymmetrical nature of intrastate conflicts, decisive battles between the military and militant groups will be avoided and terrorist activities will be decentralized (p. 116, 132). In other words, the effective power to govern will potentially be challenged and called into question on both the local and state level.



Similarly, the illegal economy established by the conflict parties has fueled the intrastate conflict while simultaneously empowering the insurgents. The drug trade seems especially lucrative: Mindanao's porous borders are being used to bring illegal goods into the country, while their efficient flow is being facilitated by criminal syndicates (Vellema et al., [2011](#), p. 304). Accordingly, "several municipalities in the region are now notorious as sites of production facilities" for drugs, and these sites are "earning substantial amounts of protection money for local and regional security forces." Moreover, piracy increasingly disrupts the legal economy and respective international partnerships (Hutchison, [2009](#); East, [2018](#)). In other words, the illegal economy destabilizes the political system by undermining essential state functions. It shall be noted that ASG's strategy of piracy includes kidnapping and execution, further expanding international implications and concerns (East, [2018](#)). Indeed, kidnapping-for-ransom activities and extortion have proven lucrative for ASG (Banlaoi, [2010](#), p. 18). Newspaper articles displaying young ASG prisoners may be interpreted as an attempt by the national government to deter young men from entering piracy.

Some authors, however, offer another perspective on the manifestation of illegal economic structures not directly attributed to the conflict parties' financing. According to Verbrugge ([2015](#)), small-scale illegal gold mining in eastern Mindanao is not detrimental to state power. Rather, their informal economy has gone hand-in-hand with the consolidation of state rule. While "local miner-politicians use the sector as a source of fiscal revenues and as a platform to assert their authority", landowners benefit from politicians' support through, for instance, the provision of protection services and "the legitimation and arguably even formalization of otherwise informal land- and mineral-tenure arrangements" (p. 196). By concluding that these local politicians are "agents of democratic state rule", the author underestimates the threats that may arise from this informal economy and politics, potentially fueling the Mindanao conflict. Within the framework of illegal economic structures, long-established political elites control commerce and trade in Mindanao (Capuno, [2019](#), p. 46). Informal economic branches generate dependencies within society and create social injustice while granting political prerogatives to a small group of people. Moreover, this informal politics de-functionalizes democratic structures by annulling regulation and sanction mechanisms.

5 Conclusion

This paper aimed to investigate the impact of intrastate conflict on democratic transition, with reference to a case of transition arising independently from the intrastate conflict, namely the Mindanao conflict. Initially, an understanding of democratic transition was presented, highlighting its teleological character and goal of achieving a consolidated democracy following a liberal understanding. Such a consolidated democracy must include normative demands, but still remain achievable in reality. A concept satisfying these criteria was found in “embedded democracy” (see Merkel, [2007](#)), which consists of five components: electoral regime, political rights, civil rights, horizontal accountability, and effective power to govern. It was shown that, while civil rights form the pillar of a consolidated democracy (in accord with the liberal democratic approach), components are highly interconnected. This dense interconnection was reaffirmed through discussion of the definition of intrastate conflict. Referring to the Mindanao conflict, it was shown that intrastate conflicts’ key characteristics are contained within four domains: actors, goals, means, and financing. Theoretical considerations revealed that intrastate conflicts’ characteristics mainly violate two components of democracy: civil rights and effective power to govern.

Based on these findings, the Mindanao conflict was then analyzed with a focus on civil rights and effective power to govern, revealing its negative impact on democratic transition’s ultimate objective within the region. Analysis of the Mindanao conflict’s impact has emphasized the primary conflict parties’ potential to erode the core of the liberal-democratic ideal. A dominant patronage system penetrates political decisions in the Philippines and prevents reform and change, while simultaneously exacerbating conflict lines between Christians and Muslims. Meanwhile, insurgent groups’ means of combat are characterized by violence against civilians. The emergence of new splinter insurgent groups and/or strategic and ideological reorientation sustains conflict and leads to the continuation of violence. Similarly, the central government’s reaction has not aligned with the liberal principle of upholding and valuing civil rights. Bearing in mind the threat towards the central government’s effective power to govern posed by veto players’ application of identity politics (as well as the means through which said claims are implemented), the establishment of illegal economic structures has not eased tensions. As Merkel ([2007](#)) highlights, for consolidated democracy it is crucial “that the effective power to govern lies in the hands of democratically elected representatives” (p. 39). However, in the Mindanao region, illegal economic structures and militant veto players challenge this component of democracy. Howe ([2018](#)) emphasizes that, aside from non-state



actors, the military may be an obstacle to human-centered governance (p. 2). Bearing in mind President Duterte's harsh military actions against alleged insurgents, as well as the military's engagement in illegal economic activities, this assumption is not to be underestimated. Consequently, the possibility of intrastate conflict developing further, or even emerging within democratic transition, must not be underestimated. The Mindanao conflict contributes to the widening of the gap between liberal-democratic ideals and the political reality, potentially even beyond the conflict region itself. The Philippine national government itself has arguably curtailed peoples' civil rights by using intrastate conflict as a pretext for harsh military actions. Referring to Linz and Stepan (1996), a consolidated democracy requires that "even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas" (p. 5). Such a habituation of democracy, however, has not yet been achieved, not even within the government. In that regard, according to some authors, President Duterte is not exceptional: "Despite the fact that Duterte's violent regime attracts such shocking and lurid headlines, the strongman from Davao arguably fits right into the mold of Philippine defective democracy" (Kuhonta & Truong, 2020, p. 174). The only newness would be an increased level of impunity within the country, for the President himself has "weaponized the legal system" (Dressel & Bonoan, 2019, p. 134)—the imposition of martial law on Mindanao being only one example. Clearly, the president has tried to extend his political power, irrespective of democratic backsliding. More abstractly speaking, political conflicts are not solved according to established rules and norms—i.e. within the framework of the constitution—but through the violation of civil rights and undermining of the rule of law.

While this analysis of the Mindanao conflict provides rich insight into intrastate conflict's impact on democratic transition, both in the conflict region and potentially beyond, it remains a single case study. An expansion to other cases where democratic transitions have arisen independently from intrastate conflict is therefore recommended. In that regard, future research might explore the Aceh conflict in Indonesia or current violent conflicts over regional autonomy in Myanmar.

Many of the democratic transitions initiated by the third wave of democracy have failed to “penetrate the resilient institutions that often remain the safe harbor of authoritarian thought, actors and legacies” (Derdzinski, [2009](#), p. 10). However, such transitions also offer the opportunity for political, social, and economic improvement. The question, then, is how intrastate conflicts can be addressed. On the one hand, the characteristics of intrastate conflicts must be recognized and their importance for the process of democratic transition acknowledged. In this context, illegal economic structures have to be addressed. They not only help reignite and sustain conflict, but also empower the conflict parties. Without financial resources, veto players would not be able to maintain their position and influence, and thus would not rise to being an established veto player. However, the underlying concept of consolidated democracy treats the socioeconomic context only as secondary influence (Merkel, [2007](#), p. 41). This exclusion of economic factors from the core of democracy, therefore, may be considered a conceptual weakness. On the other hand, the goal of democratic transition—consolidated democracy—must be focused throughout the process. Admittedly, democracy requires habituation and must be routinised (Linz & Stepan, [1996](#), p. 5). Therefore, state authorities can support progress by respecting civil rights, acting according to the rule of law, and protecting political rights themselves. Society will be able to recognize the benefits of democracy and resolve any political, economic, or social conflict within the framework of the established set of rules. Finally, conflict—as a form of democratic dispute—will always be part of every society and political system. They are even a necessity, for only disputes can lead to change and thereby strengthen the consolidation of democracy.



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