

# **TPMT**

**Third Party Monitoring Team  
Sixth Public Report, March 2019 to October 2020**

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## Summary

In line with the terms of reference of the Third Party Monitoring Team (TPMT), this Sixth Public Report is intended to provide an overall assessment of developments in the implementation of the agreements between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). It covers the period from March 2019 to October 2020, continuing from the Fifth Public Report on the period July 2017 to February 2019.

The reporting period witnessed several key milestones in the peace process, including in particular the inaugural session of the Bangsamoro Transition Authority (BTA) and the inauguration of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) on 29 March 2019 in Cotabato City. Under the normalization track, the launch of the second phase of decommissioning MILF combatants took place on 7 September 2019 in Sultan Kudarat, Maguindanao. Both events were attended by President Duterte, signifying that the peace process between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) continues to be a priority of the Duterte administration.

The TPMT notes as positive the significant progress in the establishment of the Bangsamoro as an autonomous political entity, thus laying the foundation for meaningful self-governance under a parliamentary form of government. This was reflected in the appointment of BTA members and a BARMM Cabinet as well as in setting up a ministerial structure. Priority codes which will define the future system of governance in the BARMM are at various stages of preparation, and the all-important Bangsamoro Administrative Code was passed by the BTA Parliament on 28 October 2020. The legislative work continues at steady pace even though restrictions on travel as a result of the Coronavirus disease (COVID-19) in the BARMM have impacted on the timeline of the passage of priority legislations. The BTA was able to respond effectively to the pandemic by distributing relief assistance and providing for testing and isolation facilities, thus demonstrating a high degree of determination and self-reliance.

It is noteworthy that the level of interaction between the National Government and the Bangsamoro Government through the Intergovernmental Relations Body (IGRB) has intensified, with most IGR mechanisms now in place and meetings featuring increasingly full agendas, excepting the Philippine Congress – Bangsamoro Parliament Forum (PCBPF) and the Council of Leaders.

Issues to be addressed under the political component of the transition include the delayed transfer of Cotabato City into BARMM administrative structures, which is in breach of the results of the plebiscite, as well as the circuitous ways in which block grant allocations reach the BARMM. Resolving these questions would go a long way in further building confidence between the parties.

The third round of decommissioning has not yet commenced and is behind schedule. To ensure the success of the third round, and to complete the decommissioning process for the combatants from the 2<sup>nd</sup> phase, expectations of the combatants and their communities need to

be addressed. It is critical to have clear information on what interventions the decommissioned combatants will receive, by when, and through what mechanisms. Although all decommissioned combatants have received some assistance, the bulk of the socioeconomic packages has not yet been provided, and in particular provisions for land and housing assistance for decommissioned combatants remain unclear at this stage.

The provision of a police force for the Bangsamoro is an important part of the Comprehensive Agreement on the Bangsamoro (CAB), particularly in the Annex on Normalization. The CAB provisions were amended in the BOL to ensure consistency with the 1987 Philippine Constitution. It would be important to arrive at solutions on how the policing elements in the BOL could be reconciled with policing provisions in the CAB.

Joint Peace and Security Teams (JPSTs) are a creative solution of the GPH and the MILF to work together to maintain peace and order during this interim period in which the BARMM is being established but former combatants are not yet fully decommissioned. This would help communities that have had historically negative impressions of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to develop trust in the regional and National Government. Ensuring an effective JPST presence on the ground could be one of the most visible assurances of the benefits of peace. JPSTs have the advantage that their members can be assigned in areas where they are familiar with the security situation.

A number of security-related elements under the Normalization sub-track lag behind with little or no progress. The lagging elements include disbandment of Private Armed Groups (PAGs) within BARMM and neighboring areas, transformation of MILF camps, amnesty for MILF members, redeployment of the AFP, and transitional justice and reconciliation measures.

The rehabilitation of Marawi City is proceeding at very slow pace. The most important issue raised during our consultations with internally displaced persons (IDPs) and civil society organizations in Marawi City was the need for the immediate return of the residents of the most affected area. There is a need to catch up on the education and health sector, and basic utilities and infrastructure that would enable their immediate return. Taking up the recommendations in the BTA special committee report (CR No. 35) to respond to these concerns will be important for community healing.

Building a new peaceful Bangsamoro requires coming to terms with legitimate grievances, historical injustices, human rights violations, land dispossession and marginalization in order to have true healing. It is important to reinforce efforts on transitional justice and reconciliation to prevent future conflict and escalation of grievances.

There are only about 18 months left until the elections in May 2022. The Covid pandemic poses a significant challenge for the BARMM and the transition. Against this background, the TPMT is encouraged to note that the peace process remains fundamentally on track and that both parties continue to be fully committed to the implementation of the signed agreements. But it has become clear that many elements of the transition process will require

more time in order to bring the process to a successful conclusion. This relates in particular to the normalization track which should go hand in hand with political achievements.

Looking forward, and in spite of possible delays as a result of the Covid-19 pandemic, the TPMT encourages the parties to continue to demonstrate a spirit of continuity in the implementation of the peace process, in particular by:

- Completing work on the priority legislation for the BTA, to create the foundations of governance for the BARMM;
- Completing the administrative transfer of Cotabato City including offices of the National Government into the BARMM as per the plebiscite results;
- Addressing the issue of socioeconomic support for decommissioned combatants and their families as a necessary condition for their transition to civilian life;
- Putting the Bangsamoro Normalization Trust Fund (BNTF) into operation as quickly as possible, specifically for the provision of socioeconomic development programs and the transformation of MILF camps;
- Reducing the gap in perspectives between the two parties in the field of policing;
- Further expanding the network of Joint Peace and Security Teams (JPSTs) and rendering them fully functional towards ensuring peace and order in communities with a sensitive security environment.

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## 1. TPMT mandate, members and activities

The TPMT was established in July 2013, as foreseen in the respective provisions of the Framework Agreement on the Bangsamoro (FAB) and its Annex on Transitional Arrangements and Modalities, as incorporated into the Comprehensive Agreement on the Bangsamoro (CAB), and in line with the Terms of Reference (TOR) of the TPMT agreed by the Panels on 25 January 2013 (Annex I).

The mandate of the TPMT is to monitor, review and assess the implementation of all signed agreements between the parties, primarily the FAB and its Annexes. The TPMT is required to report:

- to the Panel Chairs, in confidence, quarterly and as deemed necessary, providing our observations and recommendations. The Panels are not bound by our recommendations, but shall provide written responses within one month;
- to the public, on a yearly basis or as the TPMT deems necessary, providing our overall assessment of developments in the implementation of the agreements. These public reports are provided to the Panels and the Facilitator for comment and consultation, but the TPMT has the final say on the content of the report.

Our TOR requires that the TPMT shall convene every two months and as they deem necessary, through until the end of the transition period and the regular operation of the Bangsamoro Government (to occur following the first elections to the Bangsamoro Parliament). At that point, the Panels, together with the Facilitator and the TPMT, shall convene a meeting to review whether “all agreements have been fully implemented”,<sup>1</sup> and shall produce an “Exit Document” officially terminating the peace process between the GPH and the MILF. Our TOR also provides that the TPMT shall work on the basis of consensus, in a spirit of cooperation, confidence-building, and trust; shall have access to all reports and activities connected to the implementation of the agreements; and shall be allowed to observe the meetings of all bodies concerned with the implementation of the agreements. The TPMT’s Internal Rules and Regulations (workplan, code of conduct, security protocols, financial procedures) were submitted to and approved by the Panels between December 2013 and April 2014.

The TPMT has five members – two representatives from Philippine non-governmental organizations (NGOs) and two representatives from international NGOs (one of each being nominated by each Party, all being agreed by the two Parties), and one “eminent international person” (jointly nominated by the Parties) as Chair. The Philippine members are Rebecca “Karen” Tañada (Gaston Z. Ortigas Peace Institute - GZOPI) and Rahib Kudto (United Youth for Peace and Development - UNYPAD); the international members are Huseyin Oruç (IHH Humanitarian Relief Foundation) and Sam Chittick (The Asia Foundation). The Chair until

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<sup>1</sup> See Annex on Transitional Arrangements and Modalities, page 3

April 2019 was Alistair MacDonald (former European Union Ambassador to the Philippines), who sadly passed away on 26 April 2019. On 3 September 2020 the Peace Implementing Panels of the Government of the Philippines and the Moro Islamic Liberation Front designated Mr. Heino Marius as Chair of the TPMT. The brief curricula vitae (CVs) of the TPMT members are given in Annex II.

In total, the TPMT has held 39 monitoring sessions starting from its inaugural meeting in Kuala Lumpur in July 2013 (alongside the 38th Formal Exploratory Talks between the Parties). The TPMT convened in the Philippines on two sessions in 2013, six in 2014, seven in 2015, five in 2016, five in 2017, five in 2018, five in 2019, and three in 2020. In 2019, the TPMT convened on five occasions — in January, March, June, September, and November. And in 2020, the TPMT convened in February, May and October. Due to the Covid-19 pandemic the sessions in May and October 2020 were conducted virtually.

During these sessions, the TPMT has met regularly with both Panels and with other bodies associated with the peace process, with senior figures of the GPH and of the MILF as well as of the Moro National Liberation Front (MNLF), with members of Congress as well as regional and local government officials, members of the Bangsamoro Transition Authority (BTA) and ministers of the Bangsamoro Government, commanders of the Armed Forces of the Philippines (AFP) and the Bangsamoro Islamic Armed Forces of the MILF (BIAF-MILF), civil society organisations, religious leaders, and with representatives of the diplomatic community, the private sector, and the academe. In addition to meetings in Manila and in Cotabato City, the TPMT has met with key stakeholders in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), as well as in surrounding areas. During its monitoring sessions in 2019 and 2020, for example, the TPMT met with key stakeholders in Sulu, Tawi-Tawi, Marawi City, and Davao City. Some TPMT members also attended as observers in various peace process-related events, such as the inaugural session of the BTA and the inauguration of the BARMM led by President Rodrigo Roa Duterte on 29 March 2019 in Cotabato City; the launch of the second phase of decommissioning of MILF combatants and weapons held on 7 September 2019 in Sultan Kudarat, Maguindanao; and the ceremonial turnover of the 63 barangays in North Cotabato to the BARMM on 25 November 2019 in Cotabato City. A calendar of TPMT sessions from March 2019 up to October 2020 is provided in Annex III.

TPMT reporting from March 2019 to October 2020, in addition to the fifth Public Report released in March 2019, included brief “Exit Letters” transmitted to the Panels at the close of each TPMT session which provided some immediate observations and recommendations gathered during each of these visits. These Exit Letters are confidential to the Panels.

Financial support for TPMT activities continues to be provided by the European Union (EU), through a grant-contract administered by the Nonviolent Peaceforce. It may be noted that all TPMT members are providing their services free of charge, with external finance covering only travel, accommodation, per diem, and other operational costs (including modest

institutional support to the home organisations of the two local members of the TPMT, which also permitted these organisations to carry out further consultations and research activities with key stakeholder groups in Mindanao and in Manila).

In line with our TOR, this Sixth Public Report, covering the period from March 2019 to October 2020, is intended to provide “an overall assessment of developments in the implementation of the Agreements” during this period.

## **2. Developments in the implementation of the agreements between the Parties**

### **i. Process**

This past year and a half, the GPH and MILF Peace Implementing Panels continued to meet regularly both in the Philippines and abroad in order to get updates on the work of the various peace mechanisms as well as discuss and resolve issues related to the implementation of the CAB. Some of the key panel meetings include the following:

- on 9 April 2019 in Davao City, the Panels agreed to adopt the Proposed Transition Plan drafted by the Coordination Team for the Transition to the Bangsamoro Transition Authority (BTA);
- on 29 April 2019 in Kuala Lumpur, Malaysia, the Panels signed the following two documents: (1) revised TOR of the International Monitoring Team (IMT); and (2) the compilation of all signed agreements from August 2016 until 29 April 2019. The compilation includes the certification signed by the Panels renewing the mandates of the IMT and the Ad Hoc Joint Action Group (AHJAG) until March 2020;
- on 16 August 2019, the Panels signed the TOR of the Technical Working Group on Transitional Justice and Reconciliation (TWG-TJR), the body mandated to draft the roadmap that will guide the Panels in the implementation of the recommendations of the Transitional Justice and Reconciliation Commission (TJRC); and
- on 24 February 2020, the Panels renewed the mandate of the IMT (subject to the refinement of its TOR) and the AHJAG until March 2021.
- on 3 September 2020, the Panels renewed the mandate of the Civil Protection Component (CPC) of the International Monitoring Team (IMT) for a period of two years until 14 December 2021, and designated Mr. Heino Marius as Chair of the TPMT.

Two of the key events in the peace process during this period was the inaugural session of the BTA and the inauguration of the BARMM on 29 March 2019 in Cotabato City and the launch of the second phase of decommissioning of MILF combatants and weapons held on 7 September 2019 in Sultan Kudarat, Maguindanao. These were both attended by President



Duterte, signifying that the GPH-MILF peace process, with the establishment of the BARMM and the decommissioning of the MILF, continued to be a priority of the Duterte administration.

Other key milestones in the Normalization process are the training and deployment of a small number of Joint Peace and Security Teams (JPSTs) from the intended total 200 teams, although the parties could not yet find common agreement on the status of MILF combatants and parities of firearms within JPSTs. The reorganization and renaming of the Philippine National Police Regional Office Autonomous Region in Muslim Mindanao (PNP PRO-ARMM) to the PNP PRO-BAR (Bangsamoro Autonomous Region) took effect through Resolution No. 2019-634 issued by the National Police Commission (NAPOLCOM) on 24 September 2019.

During this period, the GPH Peace Implementing Panel was reconstituted twice. The Office of the Presidential Adviser on the Peace Process (OPAPP) Executive Director Gloria Jumamil-Mercado served as Chair from March 2019 to August 2019 and was replaced by Undersecretary David B. Diciano since September 2019. Assistant Secretary Ma. Cecilia D. Papa, former head of the GPH Panel Secretariat, also became a member of the GPH Panel at the same duration as Chair Mercado, until the end of her appointment in September 2019. In September 2019, IDB Board member Retired Lieutenant General Rey C. Ardo and Director Farrah Grace V. Naparan became members of the GPH Panel. The MILF Peace Implementing Panel retained the same membership during this period, chaired by Mohagher Iqbal.

## **ii. Legal creation of the BARMM**

Upon ratification of Republic Act No. 11054 or the Bangsamoro Organic Law (BOL), through a plebiscite on 21 January 2019, the ARMM was deemed abolished and the transition period towards the establishment of the BARMM commenced. A subsequent plebiscite in proposed expansion areas outside of ARMM was completed on 6 February 2019, with Cotabato City and 63 barangays in the province of North Cotabato voting to join the BARMM, while voters in Isabela City elected to remain in their existing arrangement. Six municipalities in Lanao del Norte province, namely Munai, Nunungan, Panter, Tagoloan, Baloi and Tangkal voted yes for inclusion to join the BARMM. These towns were backed by three other neighbouring municipalities (Pantao Ragat, Poona Pingapo and Salvador), whereas 13 other towns in the province voted against them joining the BARMM. Thus the six municipalities failed to be included into the BARMM.

## **iii. Bangsamoro Transition Authority (BTA)**

As provided in the BOL, the BTA serves as the interim government that shall exercise legislative and executive powers in the BARMM during this period. The BTA is also mandated to prepare and create the necessary institutions and mechanisms for the regular operations of the Bangsamoro Government, which shall start upon the first regular election of

the Bangsamoro Parliament and the election and qualification into office of the Chief Minister in 2022.

**BTA Appointees:** The BTA initially had 76 members who took their oath at the Malacañan Palace in Manila on 22 February 2019. Six more members were subsequently appointed by the President to fill the 80-member BTA, with two members to replace Ghazali Jaafar, former Chair of the Bangsamoro Transition Commission (BTC) who passed away on 13 March 2019, and Abdul Dataya Sr., former Chair of the MILF Ad Hoc Joint Action Group (AHJAG) who passed away on 9 July 2019. For the current membership of the BTA, please refer to Annex IV.

On 29 March 2019, the BTA held its inaugural session and President Rodrigo Roa Duterte attended the inauguration of the BARMM at the Shariff Kabunsuan Cultural Complex in Cotabato City. During its inaugural session, the BTA elected MP Ali Pangalian M. Balindong, former Congressman of the second district of Lanao del Sur, as the Speaker of the Bangsamoro Parliament, with MNLF member MP Hatimil E. Hassan as Deputy Speaker. MP Lanang T. Ali Jr. of the MILF was elected as Majority Floor Leader, while MP Laisa M. Alamia, former ARMM Regional Executive Secretary, was elected as Minority Floor Leader.

Also during the inaugural session, the BTA appointed Khalifa U. Nando as the *Wali*, or the ceremonial head of the Bangsamoro Government. MILF Chair Murad Ebrahim assumed the position of the interim Chief Minister, taking office under his birth name Ahod B. Ebrahim, and with Ali B. Solaiman of the MILF and Abdul R. Sahrin of the MNLF as interim Deputy Chief Ministers, representing the sub-regions of north central Mindanao and southwestern Mindanao, respectively. The interim Cabinet is currently composed of the following:

1. Ahod B. Ebrahim, Al Haj (*direct supervision as Chief Minister*) – Minister of Finance, and Budget and Management
2. Atty. Raissa H. Jajurie – Minister of Social Services and Development
3. Mohagher M. Iqbal – Minister of Basic, Higher, and Technical Education
4. Dr. Saffrullah M. Dipatuan – Minister of Health
5. Atty. Naguib G. Sinarimbo – Minister of the Interior and Local Government
6. Abdulraof A. Macacua (*concurrently serving as Bangsamoro Executive Secretary*) – Minister of Environment, Natural Resources, and Energy
7. Ust. Mohammad S. Yacob – Minister of Agriculture, Fisheries, and Agrarian Reform
8. Hussein P. Muñoz – Minister of Public Order and Safety
9. Arch. Eduard U. Guerra – Minister of Public Works
10. Timuay Melanio U. Ulama – Minister of Indigenous Peoples' Affairs
11. Datu Romeo K. Sema – Minister of Labor and Employment
12. Engr. Aida M. Silongan – Minister of Science and Technology
13. Hamid A. Datu Barra, PhD – Minister of Human Settlements and Development
14. Dickson P. Hermoso – Minister of Transportation and Communications
15. Abu Amri Taddik – Minister of Trade, Investments, and Tourism

**Legislation:** As the interim Bangsamoro Parliament, the BTA is mandated by the BOL to enact seven priority legislations, along with the power to draft any other relevant laws: (1)

Bangsamoro Administrative Code; (2) Bangsamoro Revenue Code; (3) Bangsamoro Electoral Code; (4) Bangsamoro Local Government Code; (5) Bangsamoro Education Code; (6) Bangsamoro Civil Service Code; and (7) Bangsamoro law for indigenous peoples. The BTA initially created committees to draft each Code. The process was subsequently adapted so that the draft for each Code would be initiated by a Cabinet member, working with a small group of technical support, and once reviewed by the Chief Minister would be passed to Parliament for committee deliberation and consultation with Ministries and the public, and for coordination with the appropriate agencies of the National Government. The postponement of BTA sessions and restrictions on travel as a result of the Coronavirus disease (COVID-19) in the BARMM has impacted on the timeline of the passage of these priority legislations. The most important function of the BTA is having high-quality legislation that will create the foundations for the next decades of the BARMM. The BTA also needs to manage the expectations of BARMM citizens, including through consultations to ensure an inclusive legislative process.

The TPMT notes that the Bangsamoro Administrative Code (BAC), which defines the structural, functional and procedural principles and rules of governance for the region, was passed by Parliament on 28 October 2020. The BAC is the most critical Code which needs to be enacted to serve as legal basis for the new offices provided in the BOL and for the allocation of budget for these offices. Education Minister Mohagher Iqbal filed the proposed Bangsamoro Education Code (BEC) in Parliament during a special session on 28 October 2020. The BEC highlights the Education Ministry's advocacy of "No Bangsamoro Child Shall Be Left Behind." Public consultations on the draft Civil Service Code are underway and the draft Revenue Code is under discussion at the Intergovernmental Fiscal Policy Board (IFPB). A draft Electoral Code has been prepared, formal discussions are expected to commence by early 2021.

Furthermore, the BTA enacted 12 Bangsamoro Autonomy Acts, including adoption of official flag, official emblem and official hymn of the BARMM as well as the creation of new offices, in particular the Bangsamoro Human Rights Commission (BHRC-BARMM), the Bangsamoro Attorney General's Office (BAGO-BARMM), the Bangsamoro Women Commission (BWC-BARMM), the Bangsamoro Youth Commission (BYC-BARMM) and the Bangsamoro Sports Commission (BSC-BARMM).

The overall impression from the BTA is of a great deal of good will and dedicated approach to establish a functional representative parliament. Much of the future success for the region rests in the character of parliamentary democracy which will be laid down during this transition period.

To facilitate the transition process from the ARMM to BARMM, the GPH and the MILF Panels created the Coordination Team for the Transition to the BTA (CT4T). The CT4T submitted its proposed transition plan to the GPH and MILF Peace Implementing Panels on 25 March 2019. The Panels then turned it over to interim Chief Minister Ebrahim on 20 May

2019 for his consideration. The BTA formally approved the proposed transition plan in a special session on 17 June 2019, even while noting a number of elements of the plan requiring further clarification.

During the consultations conducted by the TPMT, a number of issues with respect to the functioning of the BTA were raised, including the salaries of employees, release of funds for the BARMM, and the timeline of the formal separation of ARMM personnel.

The release of the initial block grant for the BARMM, along with the passage of the B.A.A. No. 3 or the F.Y. 2020 Bangsamoro Appropriations Act on 29 November 2019, is a notable positive step. It is important that there is clear, written agreement on the regularity of the release of funds. We note that the constitution of the Intergovernmental Fiscal Policy Board (IFPB) at its first meeting on 29 May 2020 is a step towards that. Fiscal autonomy is one of the key components of the BOL, and that can only be achieved if there is regularity and transparency. The Bangsamoro Government should also clearly communicate to the public the funds it is receiving. The transfer of the block grant still follows a circuitous route before it reaches the BARMM, this is not in line with the BOL which stipulates that funds should be appropriated automatically, directly and comprehensively.

The separation of all the ARMM personnel was a high-risk approach, given that it left the Bangsamoro Government with only skeletal staff at the end of 2019. However, the process of recruitment of BARMM employees appears to have been transparent and well-organized, with the introduction of the [Bangsamoro Jobs Portal](#). Success for the BARMM in 2020 and beyond will depend to a large degree on the speed with which the recruitment process can be completed, and the quality of the employees who are selected from that recruitment process.

### ***Turnover of Cotabato City and the 63 barangays of North Cotabato to the BARMM***

As a result of the plebiscite for the BOL conducted on 21 January 2019 and 6 February 2019, Cotabato City and the 63 barangays of North Cotabato are effectively included in the BARMM.

On 20 November 2019, the North Cotabato Provincial Local Government Unit (LGU) formally turned over the 63 barangays to the BARMM in an event at the Shariff Kabunsuan Cultural Complex in Cotabato City. The BTA is yet to enact legislation on how the 63 barangays will be administered, as the process of reconstituting these barangays is unclear: whether these will be under a special administrative zone or through the formation of new municipalities. Meanwhile, the Bangsamoro Government already made the temporary administrative structure for the 63 barangays through the establishment of a Development Coordination Office.

Cotabato City, however, is not yet formally turned over to the BARMM, and effectively not within the administrative authority of the BARMM, despite the seat of regional government, the Bangsamoro Government Center, being located therein. This would be a violation of the

results of the plebiscite, and even a delayed turnover would have implications on the implementation of programs and projects of the Bangsamoro Government in the city. In January 2020, the Cotabato City LGU issued Resolution No. 6619 “Maintaining the status quo pending the decision of the Supreme Court with regard to the inclusion of Cotabato City in BARMM”, in relation to its petition to the Supreme Court for its non-inclusion in the BARMM despite the result of the plebiscite. Civil society organizations also filed a counter-petition to the Supreme Court on the matter. However, there is at present no conclusion to that process. On 21 February 2020, the BTA passed Resolution No. 67 “Calling for the immediate turn-over of Cotabato City to the Bangsamoro Government pursuant to the provisions of R.A. No. 11054”.

The TPMT notes that high-level meetings at the national level have been conducted to resolve the issue. Clear communication to the constituents of Cotabato City and the BARMM on the timing of the transition would help.

The COVID-19 pandemic seems to amplify the challenges in the pending turnover of Cotabato City, particularly in the provision of relief assistance and the authority over the issuance of work passes.

Offices of the National Government in Cotabato City were also supposed to be turned over within three months. While some offices were already turned over, others remain under the supervision of the City Government.

The reconstitution of the 63 barangays of North Cotabato and the legal challenges to the BOL should be addressed proactively, especially before the regular elections for the Bangsamoro Parliament in 2022, so that the boundaries of the BARMM are clear, and the space for legal disputes is diminished.

### **3. Intergovernmental Relations (IGR)**

Article VI of the BOL provides for the creation of intergovernmental relations (IGR) mechanisms between the National Government and the Bangsamoro Government. The National Government – Bangsamoro Government Intergovernmental Relations Body (IGRB) is mandated to coordinate and resolve issues on IGR through regular consultation and continuing negotiation in a non-adversarial manner.

In the third quarter of 2019, the Bangsamoro Government issued Executive Order No. 005, constituting the members of the IGRB from the Bangsamoro Government. On 14 October 2019, the Office of the Executive Secretary issued a memorandum designating the members of the IGRB from the National Government. The following are the members of the IGRB:

National Government members:

1. Sec. Carlos G. Dominguez (*Co-Chair*) – Secretary of Finance

2. Sec. Eduardo M. Año – Secretary of the Interior and Local Government
3. Sec. Delfin N. Lorenzana – Secretary of National Defense
4. Sec. Mark A. Villar – Secretary of Public Works and Highways
5. Sec. Karlo A.B. Nograles – Cabinet Secretary
6. Sec. Alfonso G. Cusi – Secretary of Energy
7. Sec. William D. Dar – Secretary of Agriculture
8. Sec. Arthur P. Tugade – Secretary of Transportation
9. Acting Sec. Karl Kendrick T. Chua – Acting Secretary of Socioeconomic Planning
10. Sec. Carlito G. Galvez Jr. – Presidential Adviser on Peace, Reconciliation, and Unity

Bangsamoro Government members:

1. Min. Mohagher M. Iqbal (*Co-Chair*) – Minister of Basic, Higher, and Technical Education
2. MP Ali Pangalian M. Balindong – Speaker of the Bangsamoro Parliament
3. Exec. Sec. Abdulraof A. Macacua – Bangsamoro Executive Secretary and Minister of Environment, Natural Resources, and Agrarian Reform
4. Cab. Sec. Mohammad Asnin K. Pendatun – Bangsamoro Cabinet Secretary
5. Min. Naguib G. Sinarimbo – Minister of the Interior and Local Government
6. Min. Eduard U. Guerra – Minister of Public Works
7. Min. Raissa H. Jajurie – Minister of Social Services and Development
8. Min. Mohammad S. Yacob – Minister of Agriculture, Fisheries, and Agrarian Reform
9. Min. Dickson P. Hermoso – Minister of Transportation and Communications

The IGRB held its first consultative meeting on 16 December 2019 at the Marco Polo Davao in Davao City, where it signed its TOR. Based on its TOR, the IGRB shall meet every three months. It has met four times during the reference period of this report, with the last meeting on 9 October 2020.

The IGRB is supported by a Joint Secretariat, whose TOR was also signed during the 1<sup>st</sup> consultative meeting of the IGRB. The Joint Secretariat is composed of representatives from the OPAPP for the National Government and representatives of various ministries and offices of the Bangsamoro Government.

The BOL also mandates the creation of seven other IGR mechanisms, namely:

- (1) Philippine Congress – Bangsamoro Parliament Forum (PCBPF);
- (2) Intergovernmental Fiscal Policy Board (IFPB);
- (3) Joint Body for the Zones of Joint Cooperation (JBZJC);
- (4) Intergovernmental Infrastructure Development Board (IIDB);
- (5) Intergovernmental Energy Board (IEB);
- (6) Bangsamoro Sustainable Development Board (BSDB); and
- (7) Council of Leaders.

Both the National Government and the Bangsamoro Government are firming up the composition of these mechanisms, and the IFPB, the JBZJC and the IEB started convening in May, June and September 2020 respectively. The Philippine Congress-Bangsamoro Parliament Forum has not yet formally convened, and will be an important forum for coordination and cooperation in relation to legislation. The Bangsamoro Parliament is yet to enact a law creating the BSDB, including the allocation of funds for its operations. The TPMT notes that the operationalization of these IGR mechanisms are vital to ensure harmonization between the National Government and the Bangsamoro Government especially during the transition period. While bilateral relationships between agencies of the National Government and ministries of the Bangsamoro Government appear to be functional, there are many issues that will require resolution through IGR.

#### **4. Normalization**

The Normalization Process includes (i) security aspects (which includes transitional components, decommissioning of MILF forces, redeployment of the Armed Forces of the Philippines (AFP), policing, and disbandment of private armed groups (PAGs),) ii) socio-economic development programs, (iii) confidence-building measures, and (iv) transitional justice and reconciliation. Its implementation is closely tied to the progress in the political track of the implementation of the CAB. With the ratification of the BOL and the transition period in effect, progress in normalization has been catching up. To prepare for the intensified implementation of normalization, GPH-MILF normalization mechanisms met together in June 2019.

On 24 April 2019, Executive Order No. 79 “Implementing the Annex on Normalization under the Comprehensive Agreement on the Bangsamoro” was issued. It provides for the creation of the Inter-Cabinet Cluster Mechanism on Normalization (ICCMN) on the side of the GPH, which shall coordinate and mobilize government agencies in the implementation of the Program for Normalization for the Bangsamoro. Its member-agencies are grouped into four sub-clusters according to the aspects of normalization. The ICCMN is co-chaired by Cabinet Secretary Karlo A.B. Nograles and Presidential Adviser on Peace, Reconciliation, and Unity Sec. Carlito G. Galvez Jr.

The ICCMN already held four meetings since it first convened on 17 June 2019. It has resolved issues that are vital to the implementation of the Program for Normalization. However, the ICCMN does not offer a mechanism by which the MILF or the Bangsamoro Government can contribute to the Normalization Process, despite the joint nature of all elements in Normalization. It will be important for the GPH to clarify how the ICCMN will connect to the joint mechanisms.

##### **i. Security Aspect**

The security aspect of normalization covers the decommissioning of MILF combatants and weapons, disbandment of PAGs, program for small arms and light weapons management,

redeployment of the AFP, policing, and clearing of unexploded ordnance (UXO) and landmines.

### *Transitional Components of Normalization*

With the change in administration in OPAPP in December 2019, the GPH Joint Normalization Committee (JNC) was reconstituted with Ariel C. Hernandez as JNC-GPH Co-Chair and with Usec. David B. Diciano and Asec. Agripino Javier as members.

The GPH Joint Peace and Security Committee (JPSC) was also reconstituted: Minister Dickson P. Hermoso served as Co-Chair until January 2020 when he was replaced by Brigadier General Francisco Ariel A. Felicidadario III, who also serves as the Chair of the GPH Coordinating Committee on the Cessation of Hostilities (CCCH). Police Bgen. Walter Castillejos (who replaced PBGen. Gerardo M. Rosales in May 2020) and Colonel Galileo Goyena are members of the JPSC-GPH.

As a prerequisite for their participation to the Joint Peace and Security Teams (JPSTs), 219 BIAF-MILF members underwent Basic Military Training conducted by the AFP from 1-26 August 2019 at Camp Lucero in Carmen, North Cotabato. The OPAPP and the AFP entered into a Memorandum of Agreement (MOA) on 22 August 2019 to conduct this activity.

Currently 6 out of the planned number of 200 JPSTs have been deployed, out of which 5 trained from November to December 2018 have been tasked to secure the 2<sup>nd</sup> phase of the decommissioning process and the Secured Arms Storage Area (SASA), which is a very positive development. On 16 October 2019, the OPAPP, the PNP, and the Philippine Public Safety College (PPSC) signed a MOA to provide the partnership framework on the conduct of the next JPST training. The 2<sup>nd</sup> batch of JPSTs, composed of ten teams, underwent training from 21 October to 22 November 2019 at the PPSC Training Center in Parang, Maguindanao. The JPST stations for this batch have not yet been constructed, and it seems that there is no clear timeline on the completion.

The JPSTs are a creative solution of the GPH and the MILF to work together to maintain peace and order during this interim period in which the BARMM is being established but the BIAF-MILF is not yet fully decommissioned, and communities that have had historically negative impressions of the AFP and the PNP are gradually transitioning to develop trust in the regional and National Government. Thus, it would be best if the JPSTs are fully functional. The success of the JPSTs will require compromise from the AFP and the PNP and the BIAF-MILF, for the long-term benefit of all stakeholders of the peace process. The provision of salaries, status and parities of firearms for the BIAF-MILF contingent in the JPSTs should also be resolved to ensure equity of the JPST members and for the full functionality of the JPSTs towards ensuring peace and order.

### *Policing in BARMM*

Section 2, Art. XI of the BOL provides that the PNP shall create a PRO in the Bangsamoro Autonomous Region to replace the existing PNP PRO ARMM. On 24 September 2019, the



NAPOLCOM issued Resolution No. 2019-634 approving the reorganization and renaming of PNP PRO ARMM to PNP PRO BAR.

The provision of a police force for the Bangsamoro was a very important part of the CAB, particularly in the Annex on Normalization. This was subjected to intense negotiations, but these provisions were amended in the BOL to ensure consistency with the 1987 Philippine Constitution. The TPMT recommends that the GPH and the MILF form a special technical working group to discuss the concerns of all stakeholders with respect to peace and order, and to discuss how the policing elements in the CAB could be addressed and reconciled with the policing provisions in the BOL. Policing is one of the very important potential issues between the GPH and the MILF, and is one the crucial points to move forward to the third phase of decommissioning.

### ***Disbandment of Private Armed Groups***

The member-agencies of the National Task Force for the Disbandment of Private Armed Groups (NTF-DPAGs) held a coordination meeting on 22 April 2019 to thresh out its Implementing Rules and Operational Guidelines (IR&OP). The IR&OP of the NTF-DPAGs was approved by Exec. Sec. Salvador S. Medialdea in February 2020.

This is a critical step in normalization, as the BIAF-MILF is undergoing decommissioning. The willingness of individual commanders and their forces to put their weapons beyond use will be extremely limited if other actors in the same areas maintain their weapons, and thus dealing with the PAGs will be a critical element in ensuring just and lasting peace in the Bangsamoro.

There is very slow progress for preparation, and nothing has been implemented yet.

### ***Redeployment of the AFP***

There appears to be no planning to date for the redeployment of the AFP within BARMM. This is an important component in the transition to a new level of community security that needs to be addressed, especially with the escalation of *rido* and while the JPSTs are not yet deployed to their designated stations.

### ***Decommissioning Process and the Socioeconomic Development Program for Decommissioned Combatants***

The decommissioning of MILF combatants and weapons is one of the major programs under the Normalization Process. The ratification of the BOL triggered the second phase of decommissioning, involving 30% of BIAF-MILF and its weapons. In preparation for this, the Independent Decommissioning Body (IDB), currently chaired by Turkish Ambassador Fatih Ulusoy, and the Task Force for Decommissioned Combatants and their Communities (TFDCC), co-chaired by Usec. Arnulfo R. Pajarillo for the GPH and H. Abdullah M. Pacasem for the MILF, held a simulation exercise on 24 April 2019 at the Old Maguindanao Provincial Capitol Gymnasium in Sultan Kudarat, Maguindanao. This was followed by other preparatory activities for both bodies.

The second phase of the decommissioning process began on 26 August 2019 at the Old Maguindanao Provincial Capitol Gymnasium, which served as the Assembly and Processing Area (APA). Instead of conducting the process in eight APAs in different areas of Mindanao, the combatants and weapons from eight clusters were transported to the APA at the Old Maguindanao Provincial Capitol Gymnasium to undergo the decommissioning process. The launch event on 7 September 2019 with President Rodrigo Roa Duterte sent positive signals to the whole country. On 10 March 2020, a total of 12,000 combatants and 2,100 weapons were decommissioned for the second phase, including 205 women (1.71%) from the Bangsamoro Islamic Women's Auxiliary Brigade of the MILF (BIWAB-MILF). Decommissioned weapons are only those that are owned by the MILF and do not include those of individuals.

During the second phase of decommissioning, the TFDCC together with the Department of Social Welfare and Development (DSWD) oversaw Station 5, where the decommissioned combatants each received immediate cash assistance amounting to One Hundred Thousand Pesos (PhP100,000.00) and underwent DSWD social welfare intake or profiling. The decommissioned combatants also received identification cards (IDs) to aid them in accessing government programs and services. After decommissioning, some of the decommissioned combatants underwent cash-for-work support through the Department of Labor and Employment (DOLE) and 1,000 decommissioned combatants will be tapped as forest guards across the BARMM.

The TFDCC is currently rolling out the enhanced program of interventions and implementation mechanisms for decommissioned combatants and their families, including the 145 decommissioned combatants from the ceremonial decommissioning on 16 June 2015. This comprises of interventions on social protection, capacity development, livelihood assistance, and infrastructure. The provision of socioeconomic development packages is primarily a responsibility of the National Government. To implement these interventions, the ICCMN Socioeconomic Development Programs Cluster conducted inter-agency scoping activities in July and August 2019 in order for implementing government agencies to formulate more sustainable socioeconomic interventions. The GPH TFDCC, through OPAPP, formally engaged government agencies to seal partnerships:

1. MOA between the OPAPP and the DSWD signed on 9 August 2019 to ensure the institutional arrangement on partnership and collaboration on the delivery of transitional cash assistance for the decommissioned combatants upon actual decommissioning;
2. MOA between the OPAPP and the Technical Education and Skills Development Authority (TESDA) signed on 6 September 2019 for the implementation of skills training for decommissioned combatants;
3. MOA between the OPAPP and the DOLE signed on 21 October 2019 for the implementation of integrated livelihood and emergency employment programs for the decommissioned combatants, their communities, and the communities in the 6 previously acknowledged MILF camps; and

4. Memorandum of Understanding (MOU) between the OPAPP, the Commission of Higher Education (CHED), and the BARMM Ministry of Basic, Higher, and Technical Education (MBHTE-BARMM) signed on 30 October 2019 for the 10 agreements in the implementation of the Higher Education in the Context of the Bangsamoro Organic Law (HECBOL) Project.
5. Memoranda of Agreement between OPAPP with the National Irrigation Administration (NIA) and the Department of Trade and Industry (DTI) with the aim to provide income opportunities in agriculture and entrepreneurship concluded on 11 September 2020.

The third phase of decommissioning for 35% of MILF combatants and weapons is under preparation, at the time of drafting this report the IDB had not yet received the list of combatants and weapons to be decommissioned, which had originally been anticipated for July. To ensure the success of the third phase, and even for the combatants decommissioned during the 2<sup>nd</sup> phase, expectations of the combatants and their communities should be managed and it is critical to have clear information on what interventions the decommissioned combatants will receive, by when, and through what mechanisms. Most of the socioeconomic packages have not yet been provided, and provisions for land and housing assistance for decommissioned combatants also remain unclear. The TPMT also reiterates the jointness of the Normalization Process, and that the MILF should be involved in decisions relating to the socioeconomic development packages, as the packages should be responsive to and influenced by the actual needs of the BIAF-MILF combatants to ensure their proper transition to civilian life. It is expected that the necessity to follow health rules linked to the Covid-19 pandemic will have an impact on the timing required to complete the third phase.

### ***Bangsamoro Normalization Trust Fund (BNTF)***

Despite the developments in the Normalization Process, the BNTF has not been operationalized. The BNTF could have already been utilized for the socioeconomic assistance for the decommissioned combatants in the second phase of decommissioning, and for a range of important elements in the normalization process. The TPMT urges the GPH and the MILF to operationalize the BNTF as quickly as possible, as further delays to the operationalization of the BNTF may also cause delays in the substantial implementation of the Program for Normalization, specifically for the provision of socioeconomic development programs and the transformation of MILF camps.

The Panels selected World Bank to be the fund manager of the BNTF. In order to formalize this partnership, the GPH is still processing the approval of the Special Presidential Authority for the MOU between the GPH and the World Bank. A number of bilateral donors have already pledged to provide funding support to the BNTF, which is a good opportunity amid the developments in normalization.

### **ii. Confidence-building Measures**

Under the Annex on Normalization, confidence-building measures include the transformation of the 6 previously acknowledged MILF camps, namely: (1) Camp Abubakar as-Siddique;

(2) Camp Busrah Somiorang; (3) Camp Bilal; (4) Camp Rajamuda; (5) Camp Omar ibn al-Khattab; and (6) Camp Badre. Confidence-building measures also include the resolution of cases and persons charged with or convicted of crimes and offenses connected to the armed conflict in Mindanao. These measures are important to signal to the affected communities that the process is on track, and to build trust between citizens and the Philippine government agencies.

### ***Camps Transformation***

The leadership of the GPH Joint Task Forces on Camps Transformation (JTFCTs) was reconstituted, with Bgen. Cesar D. De Mesa and MP Baintain A. Ampatuan serving as GPH Co-Chairs and Main Camp Coordinators. The JTFCTs engaged the Bangsamoro Planning and Development Authority (BPDA-BARMM) for the development of the Camps Transformation Plan (CTP), which signifies that the Bangsamoro Government will also play an important role in the transformation of MILF camps that are within its territorial jurisdiction. Workshops for the drafting of the CTP were held in February and March 2020. The interventions that the CTP will lay out will be symbolically important for the MILF, and firm deadlines should be set to fast-track this process. However, the BIAF-MILF should be actively participating in the formulation process to provide them a sense of ownership in the implementation. Indigenous peoples should also take an active role in the process, as some of the camps are located in areas claimed as ancestral domain.

The JTFCTs carried out a series of camp core area assessment and resettlement area validation in March 2020 in Camps Badre, Abubakar and Rajamuda in March 2020 followed by community profiling. Pending the formulation of the CTP, the JTFCTs are also strengthening the capacities of people's organizations on project management and participatory area development. Members of the MILF Political Committee and BIAF-MILF Front and Base Commanders underwent a series of exposure programs and capacity development activities. First was on agricultural technology and farming innovations, held from 24 June to 4 July 2019 in Manolo Fortich, Bukidnon, and second was on good governance and leadership enhancement from 24-28 February 2020 in Sarangani Province.

### ***Amnesty***

There appears to have slow progress on the provisions on amnesty under the CAB. The MILF already submitted to the GPH its initial list of members to be processed.

The Department of Justice (DOJ) and the OPAPP are currently conducting initial coordination and evaluation on the amnesty and pardon for MILF members charged and convicted of crimes and offenses connected to the armed conflict. A draft presidential proclamation was prepared by OPAPP in coordination with DOJ and the Department of National Defense (DND) for review by the Office of the Executive President (OES).

At present, safe conduct passes have been issued by the PNP to some MILF leaders to allow their participation in the BTA and in the Bangsamoro Government. Safe conduct passes for

MILF members who are working for the GPH-MILF peace process mechanisms are also being processed.

The TPMT notes that some cases against individual MILF members have been resolved through their own funds to follow up and push for the dismissal of cases. However, there are a number of pending cases against key BIAF-MILF commanders that remain untouched, which may become serious obstacles to the decommissioning process. The safe conduct passes granted for select MILF members is only a temporary solution.

### **iii. Transitional Justice and Reconciliation**

On 16 August 2019, the Panels signed the TOR of the Technical Working Group on Transitional Justice and Reconciliation (TWG-TJR), which is tasked to draft the roadmap for the implementation of the recommendations of the Transitional Justice and Reconciliation Commission (TJRC). The TWG – TWR met for the first time on 30 September 2020. The ICCMN Transitional Justice and Reconciliation Cluster has prepared a draft roadmap which was presented to the MILF during the meeting on 30 September. However, it seems that both Parties are separately working for the implementation of the TJRC recommendations.

The ICCMN TJR Cluster formed four thematic working groups based on the pillars of the Dealing with the Past framework, namely: (1) Truth/Education; (2) Justice and Reparations; (3) Land Issues; and (4) Guarantee of Non-Recurrence. The roadmap being drafted by the ICCMN TJR Cluster, however, is only for the implementation of the second set of TJRC recommendations, intended for various government agencies and institutions. The TPMT notes that the ICCMN TJR Cluster Working Group on Land Issues is a welcome development, as land issues involving indigenous peoples in the Bangsamoro also have to be addressed as soon as possible.

The first set of TJRC recommendations pertains to the creation of a National Transitional Justice and Reconciliation Commission for the Bangsamoro (NTJRCB). There is still no law or policy providing for the establishment of the NTJRCB, despite the non-passage of House Bill (HB) No. 5669 during the 17<sup>th</sup> Congress and which was refiled as HB No. 4003 by Representative John Christopher Y. Belmonte in the 18<sup>th</sup> Congress but with slow progress and apparently without the engagement of either the GPH nor the MILF. A first deliberation on HB 4003 took place on 7 September 2020. Congress is soliciting and reviewing position papers from concerned agencies and stakeholders.

On 24 January 2020, the BTA passed two resolutions on transitional justice and reconciliation: Resolution No. 56 “Calling for the creation of the NTJRCB and the formulation and national implementation of a transitional justice and reconciliation program for the Bangsamoro”, and Resolution No. 58 “Calling for the creation of the Transitional Justice and Reconciliation Commission in the BARMM”. The BOL mandates the Bangsamoro Government to come up with a regional mechanism for transitional justice and reconciliation.

Building a new peaceful Bangsamoro requires coming to terms with legitimate grievances, historical injustices, human rights violations, land dispossession and marginalization in order

to have true healing and reconciliation. We note the continued commitment of the Swiss Government to continue the work of the TJRC, and that of the Independent Working Group of civil society actors and academe. It is important that these efforts on transitional justice and reconciliation continue to prevent future conflict and escalation of grievances.

## **5. Other developments**

### ***Covid-19 pandemic***

The confluence of a very critical phase of the transition period and the Covid 19 pandemic has confronted the BTA with significant challenges. The BTA was able to respond effectively and swiftly to the crisis by demonstrating a high degree of determination and self-reliance. Actions taken include financial support to frontline workers, provision of food packs and relief goods to needy communities, allocation of augmentation funds for Local Government Units (LGUs) and construction of isolation / testing centers. As a result a very significant share of the block grant allocation had to be spent on fighting the pandemic, thus diverting funds from other tasks. Considerable donor support has also been forthcoming.

With several areas in the BARMM in varying states of community quarantine, the pandemic has imposed significant restrictions on the functioning of an effective administration, including travel between regions.

The situation of internally displaced persons (IDPs) in Marawi and elsewhere is particularly challenging as sanitary conditions make it more difficult to control the pandemic in transitory sites.

The Bangsamoro Youth Commission (BYC) is carrying out exemplary work by fielding volunteers for public information and house-to-house campaigns to educate families on Covid prevention measures. The BYC has also contributed to the distribution of relief goods.

### ***Ceasefire Mechanisms***

The ceasefire agreement between the Parties remains intact as both the GPH and the MILF remain committed in preserving the gains of the peace process. The ceasefire violations in this period on the GPH side were mainly due to uncoordinated law enforcement operations by the AFP or PNP, while the MILF violations were due to *rido* and display of firearms during movements.

During the special meeting of the GPH and MILF Peace Implementing Panels in Kuala Lumpur, Malaysia on 29 April 2019, the Panels signed the revised TOR of the IMT. Its components were reduced into two: (1) Security Component; and (2) Humanitarian, Rehabilitation, and Development Component. The Civilian Protection Component (CPC) was transferred directly under the Panels. IMT Team Site 4 in General Santos City was also closed, transferring its area of coverage to Team Site 1 in Cotabato City. This is in light of the

winding down of the ceasefire mechanisms and the transition of their functions to the appropriate mechanisms in normalization.

On 24 February 2020, the Panels renewed the mandate of the IMT until March 2021, subject to the refinement of its TOR. The Panels also renewed the mandate of the AHJAG.

### ***Convergence with the Moro National Liberation Front (MNLF) Peace Process***

Based on the consultations conducted by the TPMT with a number of stakeholders, there is as yet no clarity on the process for MNLF forces to be addressed through the Normalization Process. The 1996 Final Peace Agreement between the GPH and the MNLF did not include specific provisions beyond the integration of MNLF combatants into the AFP or PNP. The Normalization Process is an opportunity to help transition the remaining MNLF forces into civilian life. There would be multiple benefits if this process is synchronized in some form.

It is also important that the MNLF-Misuari Faction is continuously engaged by the GPH, as has been the case.

### ***Conclusion of responsibilities of the Bangsamoro Transition Commission (BTC)***

The TPMT notes that the BTC was superseded by the BTA, as Executive Order No. 120, s. 2012 states that the BTC would “cease to operate upon the enactment by Congress of the Bangsamoro Basic Law”. In addition, almost all members of the BTC were also appointed to the BTA. However, there is one important remaining task from Executive Order No. 8, s. 2016 which mandates the BTC to “recommend to Congress or the people proposed amendments to the 1987 Philippine Constitution”. We understand that the BTC formed a working group on this task and a report was already drafted but it has not yet been submitted to Congress. It may be a final step in recognizing the legacy of the late BTC Chair and MILF Vice-Chair Ghazali Jaafar for this to be completed.

### ***Recovery and Rehabilitation of Marawi City***

There is still frustration and a lack of information among constituents on the recovery and rehabilitation of the most affected area in Marawi City led by the Task Force Bangon Marawi (TFBM), which is becoming more of a stumbling block rather than a facilitator of transformation in the city. The plans for rehabilitation have been prepared almost completely without the participation of residents. The recent resolutions and hearings by the BTA with respect to Marawi City are helpful, and the ‘Committee Report No. 35’ of the BTA Special Committee on Marawi issued on 29 August 2020 documented in forensic detail the status, updates, issues, concerns and recommendations for Marawi. The report stressed the need for BTA-led organizational interventions through a Coordinating Board or Program Management Office (PMO); it also called for addressing data gaps including on household profiles and property ownership and advocated continued assistance to IDPs, in particular to ensure food security. Follow through on those recommendations will be important for all.

A number of stakeholders also raised concerns about the announcement of a new AFP base in Marawi City, apparently without consultation with the Bangsamoro Government. This is against the spirit of the redeployment of the AFP as a dimension of the Program for Normalization.

The most important issue raised during our consultations with internally displaced persons (IDPs) and civil society organizations in Marawi City was the need for the immediate return of the residents of the most affected area. There is a need to catch up on the education and health sector, and basic utilities and infrastructure that will enable their immediate return. They also raised the human rights violations that have occurred, particularly during the siege, including the disappearances of people. Taking up the recommendations in the BTA special committee report to respond to these concerns will be important for community healing.

### ***Indigenous Peoples and the BARMM***

In the past year there have been several incidents of violence, in particular the killings of some indigenous persons and the displacement of more than 100 families who fled to safer areas. The conflicts included long-standing land disputes in areas considered as ancestral domain by IPs but had also been occupied for a certain period by Moro families based on a Marcos era decree. Relief support was provided to the internally displaced persons and eventually the conflicts were resolved or temporarily paused with the negotiation efforts of the LGUs, the GPH -MILF CCCH and other intervenors.

There continues to be discontent among the non-Moro IPs, particularly the Teduray, Lambangian and Dulangen-Manobo ethnic groups who seek the implementation of the IPRA (Indigenous Peoples Rights Act – R.A. 8371) as guaranteed by the Bangsamoro Organic Law. The Indigenous Peoples’ Code that proposes to provide a better IPRA is still undergoing consultation and will need to respond to the concerns and assertions of the IP constituency.

One of the topical issues that would warrant focus in future meetings of the IGRB is to clarify the authority of various agencies of the National Government and of the Bangsamoro Government with respect to issues of indigenous peoples (IPs). There is an ongoing dispute between the National Commission on Indigenous Peoples (NCIP) and the Ministry of Indigenous Peoples Affairs (MIPA-BARMM). Based on our consultations with IPs in the BARMM, particularly in South Upi, Maguindanao, there seems to be no clear indication which agency will respond to their concerns, and there is also no clear arbitration or mediation mechanism.

### ***Rido and internal displacement***

The escalation of *rido* in Maguindanao may have a lasting effect in the peace process if not addressed as soon as possible, especially that most incidents involve Moro and non-Moro indigenous peoples. Communities are not just faced with internal displacement but with the threat of COVID-19 as well, as it is difficult to follow health protocols inside cramped



evacuation centers. The immediate deployment of JPSTs in conflict-vulnerable areas is important to mitigate the situation.

### *Engagement across the BARMM*

A major issue arising from our consultation with stakeholders in Sulu is the importance of having an increased presence of the Bangsamoro Government in south western Mindanao, or the island provinces in the BARMM, namely: Basilan, Sulu, and Tawi-Tawi. The TPMT suggests that an engagement strategy bringing together all Ministries would be useful, and could incorporate steps such as holding future Cabinet meetings of the Bangsamoro Government in those provinces, sending the signal of relevance of these provinces for the BARMM. The distance of offices of the Bangsamoro Government in Cotabato City to these provinces is also a real problem. The TPMT recommends considering the establishment of satellite offices for major ministries in these provinces.

The TPMT notes that there should be a mechanism that will involve the civil society in governance in the BARMM, as it is an important partner in ensuring transparency and accountability.

### *Chairmanship of the TPMT*

The members of the TPMT would like to note with thanks the recognition the Panels extended to our late Chair Alistair MacDonald. He was a good man, truly committed to peace, and he contributed a lot to the peace efforts in the Bangsamoro through his various roles in the Delegation of the European Union in the Philippines and with us in the TPMT.

## **6. Comment**

The path towards peace in the Bangsamoro has taken significant steps forward over the period covered in this report. The endorsement of the BOL by a clear majority of BARMM citizens in early 2019 led rapidly to the peaceful transfer of power from the ARMM to the new BTA appointed officials. The appointment of the BTA members, the creation of a BARMM Cabinet, the passage of the Transition Plan, the establishment of the Ministry structures, the passage of the first budget in late 2019, the incorporation of the 63 barangays of North Cotabato into BARMM, the passage of the Administrative Code – all these steps should not be taken for granted. Political transitions such as these require commitment from a wide range of actors, and in this case the first 20 months of the transition have been remarkably smooth.

In parallel to the orderly process of establishment of a new regional government the normalization process has also continued peacefully. Completing the first steps of decommissioning 12,000 BIAF combatants and 2,100 weapons is a major success. The Government and the MILF need to work together to follow through on the remaining commitments to those combatants who have entered into this process in good faith, and they can do so with great hope based on the success of Phase 2 of decommissioning.

However there are also a number of continuing challenges which should guard against complacency with respect to the fulfilment of the CAB, and against complacency with respect to the prospects for long-term peace in BARMM.

- Incomplete institutional structures: The advent of the Coronavirus pandemic in early 2020 came at a very inopportune time for the BARMM. With the decision to request for the separation of all ARMM employees the region was caught short-staffed when the quarantine restrictions caused recruitment processes to go on hold in March 2020. The BARMM has established a transparent, open and public recruiting process for all employees of the region, a first. However the delays in recruitment will have flow-through implications for the institutionalization of key changes, delays in the passage of key legislation, and ultimately delays in delivery of BARMM programs across the region.
- BTA full exercise of powers: the creation of a fully-functioning, robust parliament will take time. It also requires all parties to accept that public debate, criticism and disagreement on matters of policy and process will occur. This can appear to be confusing, especially if the public are used to a centralized policy-making process. However in order to sow the long-term foundations for healthy parliamentary democracy in the Bangsamoro the BTA needs to exercise its full powers, and not be restricted to approval of legislation drafted by the Executive or in Cabinet.
- Financing and funding: fiscal autonomy for the region is a core building block of the CAB and BOL. The early steps towards this have been positive – the Block Grant is released each month, and the amounts are sufficient to establish and run the BARMM. However there are many elements of the fiscal arrangements which need to change to reflect the provisions of the BOL. If those are not updated there is a risk that a ‘spoke-in-the-wheel’ at some future point could cause serious damage to trajectory of the peace process.
- Collaboration: completing the journey to full implementation of the CAB requires both the GPH and the MILF to continue to work together, hand-in-hand. There are many concrete examples of this at present. However there are also some examples of the national government implementing solutions and initiatives unilaterally. Establishment of an effective BARMM government will require both parties to collaborate, and acknowledge that neither can succeed without the full participation of the other. Central to this will be the full functioning of the IGRB.
- Marawi: for three years a large portion of the citizens of Marawi have been removed from their homes and their history. Despite many promises the rehabilitation of the city and return of citizens to the most-affected area has no clear end date.
- Normalization: the architecture for normalizing the situation for 40,000 MILF combatants was designed and negotiated over many years. Convincing 12,145 members of the BIAF to lay down their arms and decommission in the completed Phase 2 is a fantastic achievement. It is vitally important that both the GPH and MILF continue to commit to the steps agreed in the normalization process, including

completing the packages of support for the 12,145, in order to signal to the remaining BIAF forces that they can continue to trust the decommissioning process.

- Violence continues: although Covid-19 restrictions appear to have lessened the prevalence of local conflict, there are still regular clashes between the AFP and elements of the BIFF in central Mindanao, occasional outbreaks of local conflict in Lanao del Sur, and continuing clashes with ASG elements in Sulu, including high-profile suicide bombings. Any scaling up of these can trigger serious consequences. The AFP and PNP need to continue to reach out to the BIAF, and to build more effective responses to the BIFF, ASG and other groups together.

The first steps of this transition period began two years ago with the passage of the BOL by Congress. There are less than two years remaining up until the conduct of the first BARMM elections in 2022 and the election of the first Bangsamoro parliament. The challenges outlined above illustrate that much remains to be done and that the remaining timeframe to complete the transition is rather tight. The ongoing Covid-19 pandemic has considerably complicated this picture. Everything considered, we as members of the TPMT believe that at this point in the transition there is much for all Filipinos to be proud of – a peace which is holding, institutions which are growing, and partners who have weathered all the storms through 2019 and most of 2020. There is an opportunity for all Filipinos to continue to build on what has been achieved and to further define a favourable context under which the transition can be brought to a successful conclusion.

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Rebecca “Karen” Tañada

Huseyin Oruç

Sam Chittick

Rahib Kudto

Heino Marius

## In Memoriam

### Alistair MacDonald †

(Chair)

Alistair MacDonald passed away on the 26<sup>th</sup> April 2019. He served as Chair of the TPMT from its inception in 2013 until 2019.

Alistair was born in Glasgow, Scotland, trained as an economist and economic historian, and had a distinguished diplomatic career of 35 years in the external service of the European Union. His assignments included two postings in the Philippines (including as EU Ambassador, from November 2006 to January 2011), as well as postings in Myanmar, Fiji, Libya and Thailand, and headquarters assignments in Brussels covering SE Asia or Eastern Europe. Alistair was awarded the Order of Sikatuna with a rank of Datu by the Philippine Government for his contributions.

The TPMT Chairperson is jointly nominated by the Philippine Government and the MILF, and it was not difficult for the negotiating parties to mutually agree on Alistair MacDonald based on confidence built during his term as EU Ambassador. Alistair brought into the TPMT work his relationships of trust and good will with Mindanao peacebuilders from all sectors, as well as his experience with international development contexts. He directed the course of the TPMT, that has valued direct discussions with the major actors and diverse stakeholders in assessing the implementation of the CAB, aside from the gathering of reports and data. He had a system for retaining excellent memory of the many details relayed by various interlocutors. At the same time, Alistair was constantly looking at the larger picture of peace in the Bangsamoro. He often referred to the “prize of peace”:

*“But while the challenges are great, the prizes to be gained are even greater – creating a sustainable peace, allowing the region to achieve its full potential and to contribute more effectively to the prosperity and security of the nation as a whole. And the best guarantees of success are the continuing commitment to peace of both Parties, at the highest level, the massive engagement of Congress and the public in deliberating on the BBL, and the underlying hopes of the people of Mindanao that their children should be able to grow and prosper in a peaceful and just society.”*

He is sorely missed, especially by his friends in the Bangsamoro peace process.

**Annexes**

- I. Terms of Reference of the TPMT**
- II. TPMT Members**
- III. Calendar of TPMT sessions, March 2019 to October 2020**
- IV. Members of the Bangsamoro Transition Authority**

## THE THIRD PARTY MONITORING TEAM (TPMT) AND ITS TERMS OF REFERENCE

### 1. MANDATE

The mandate of the Third Party Monitoring Team (TPMT) is to monitor, review and assess the implementation of all signed agreements, primarily the Framework Agreement on the Bangsamoro and its Annexes.

### 2. COMPOSITION

The TPMT is an independent body composed of the following:

- A chair, who shall be an eminent international person and shall act as convenor and spokesperson for the TPMT;
- A representative from a local non-government organization registered with the Securities and Exchange Commission, to be nominated by the GPH;
- A representative from a local non-government organization registered with the Securities and Exchange Commission, to be nominated by the MILF;
- a representative from an international non-government organization to be nominated by the GPH;
- a representative from an international non-government organization to be nominated by the MILF.

One or two eminent international persons may be added to the membership of the TPMT as mutually agreed by the Parties. All members shall be mutually acceptable to and agreed upon by the Parties.

Unethical behaviour may be a ground for removal from the TPMT of an individual member upon the recommendation of the body through the Chair and/or the Panels by mutual agreement., In any case, the final decision rests upon the Panels.

### 3. FUNCTIONS

- 3.1 The basic functions of the TPMT are to:
  - a. Monitor and evaluate the implementation of all Agreements.
  - b. Review and assess the progress of the implementation of commitments by both Parties under the Agreements. Towards this end, it shall submit comprehensive periodic reports and updates to both Parties for their appropriate action.

c. Communicate to the public the progress and developments in the implementation of the Agreements of the Parties.

3.2 At the end of the transition period, upon the regular operation of the Bangsamoro Government, the GPH and MILF Peace Panels, together with the Malaysian Facilitator and the TPMT, shall convene a meeting to review, assess or evaluate the implementation of all agreements and the progress of the transition. An 'Exit Document' officially terminating the peace negotiations may be crafted and signed by both Parties if and only when all agreements have been fully implemented.

3.3 The TPMT shall have the power to organize its work in the manner it deems most appropriate. It shall, under the direction of the Chair, devise its own tasking, work plans, security and confidentiality protocols, and financial systems in order to comply with requirements imposed by funding sources. It shall also define a code of conduct particularly with respect to the relationship between its members and their organizational affiliations. These shall be contained in the TPMT's Internal Rules and Regulations which shall be submitted to the Panels for their approval.

3.4 The TPMT shall work on the basis of consensus. In reporting, any disagreements must be noted. The TPMT shall commit to work in the spirit of cooperation, confidence-building and trust among themselves and with their external relations.

3.5 Access to meetings, activities, informants, documents and data

The members of the TPMT shall have access to all reports and activities connected to the implementation of the Agreements. It shall directly coordinate with the concerned bodies and individuals in order to accomplish its functions and achieve its objectives.

The TPMT shall be allowed to observe the meetings of the Transition Commission and other bodies concerned with the implementation of the Agreements, subject to guidelines that the respective bodies may set.

#### 4. REGULAR MEETINGS

The TPMT shall convene every two months and as they deem necessary.

#### 5. REPORTING

The TPMT shall submit confidential written reports to the chairpersons of the two Peace Panels and to the facilitator, quarterly and as deemed necessary. The reports shall contain the TPMT's observations and recommendations. The Parties are not bound by the

recommendations but shall submit written responses to the TPMT, furnishing a copy to the facilitator, within one month from receipt.

The TPMT shall produce a public written report yearly or as it deems necessary, providing an overall assessment of developments in the implementation of the Agreements. Before issuing a public report, the TPMT shall submit it to the Parties and to the Facilitator for comment and consultation. The TPMT may consider the comments of the Parties but without prejudice to its independent discretion on what to publish.

## 6. CONFIDENTIALITY

All information, data or opinions gathered, generated or exchanged in connection with the work of the TPMT shall be treated with utmost consideration for the safety and security of the source and the integrity of the peace process. Critical and/or confidential information as defined by the TPMT may not be divulged to their respective organizations and other entities.

## 7. ADMINISTRATIVE AND SUPPORT ARRANGEMENTS

The TPMT shall have an office and support staff / secretariat commensurate to its technical, operational and administrative requirements. It may engage the assistance of experts in the exercise of its monitoring and assessment functions.

## 8. FUNDING

Funding for the operations of the TPMT shall be independently sourced as jointly decided by the Parties in coordination with the TPMT. This may take the form of several funding streams or one funding source.

To address the problem of a possible gap between the formal establishment of the TPMT and its longer-term funding support, the Parties undertake to find modalities for short-term bridge funding for the initial activities of the TPMT. Potential organizational members of the TPMT may indicate how they would cover any “bridge” period.

## 9. DURATION

The TPMT shall be formed by the Parties not later than one month after the signing of these Terms of Reference. It shall continue to exist until an Exit Agreement is reached.

Done this 25th day of January 2013 in Kuala Lumpur, Malaysia.

FOR THE GPH:

FOR THE MILF:



MIRIAM CORONEL-FERRER  
GPH Panel Chair

MOHAGHER IQBAL  
MILF Panel Chair

SIGNED IN THE PRESENCE OF:

TENGGU DATO' AB GHAFAR TENGGU MOHAMED  
Malaysian Facilitator

## TPMT Members

### **Heino Marius**

[tpmt.marius@gmail.com](mailto:tpmt.marius@gmail.com)

(Chair)

Heino Marius, a German national, earned a master's degree in economics from Hamburg University and a post-graduate degree in development economics from the German Development Institute Berlin. He started his career in Indonesia working on management and small enterprise development with the International Labour Organization. He joined the European Commission in 1993 and served in European Union (EU) Delegations in Ethiopia and India. Since 2000 he held various positions at EU headquarters in Brussels, covering external relations with Afghanistan, Pakistan, and Southeast Asia. Mr. Marius retired from the services of the EU in February 2020.

### **Rahib Kudto**

[tpmt.kudto@gmail.com](mailto:tpmt.kudto@gmail.com)

(United Youth for Peace and Development, Inc.)

Rahib Kudto was born in Pagalungan, Maguindanao. He was National President of the United Youth of the Philippines (UNYPHIL) from 1998 to 2004, Deputy Secretary-General of the Mindanao Peoples Caucus (MPC) from 2007 to 2010, and Chairman of the Kutawato Regional Management Committee of the Consortium of Bangsamoro Civil Society (CBCS) from 1998 to 2011. He has been President of the United Youth for Peace and Development, Inc. (UNYPAD) since 2004, and is currently Chairman of the Cotabato City Coalition for Change (4C's) and visiting lecturer in the Graduate School of the Cotabato Foundation College of Science and Technology (CFCST).

### **Huseyin Oruç**

[tpmt.oruc@gmail.com](mailto:tpmt.oruc@gmail.com)

(IHH)

Huseyin Oruç was born in Malatya, Turkey, 1969. He gained diplomas in Tourism Management and Public Management. He is one of the founders of The Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH), a Turkish NGO based in Istanbul, and has managed various international projects of IHH. He is a founding Trustee of The Humanitarian Forum (UK), and founding member of UNIW (the Union of NGOs of the Islamic World) on behalf of IHH. He was head of the Preparation Committee of Code of Conduct for Islamic NGOs for OIC, and is a delegate of IHH for UN and OIC. He is Deputy President of IHH Board of Trustees, responsible for Humanitarian Diplomacy and Mediation project. He is married and has three children.

### **Karen N. Tanada**

[tpmt.tanada@gmail.com](mailto:tpmt.tanada@gmail.com)

(Gaston Z Ortigas Peace Institute)

Rebecca “Karen” N. Tanada, is Executive Director of Gaston Z. Ortigas Peace Institute, a service base and resource centre for peace and conflict resolutions in the Philippines, supporting citizen’s participation in peace processes. From 2001-4, she served as member of the Reciprocal Working Committee on Social and Economic Reforms of the government peace panel negotiating with the National Democratic Front. She is also Co-coordinator for Southeast Asia of Peace Women Across the Globe, and a member of the Global Partnership for the Prevention of Armed Conflict (GPPAC) Working Group on Enabling Collaboration and GPPAC Gender Core Group.

**Sam Chittick**

[tpmt.chittick@gmail.com](mailto:tpmt.chittick@gmail.com)

(The Asia Foundation)

Sam Chittick is an Australian based in the Philippines, and currently the Philippines Country Representative of the Asia Foundation. He has fourteen years’ experience working in the Philippines, and more than twenty years’ experience on issues of governance and decentralization; peace, security, and conflict; local economic development; and human rights and the rule of law. He began his international career working in conflict-affected communities and with decommissioned combatants in Mozambique, and has since worked within NGOs, the World Bank, Australian Aid, the United Nations in 14 countries across Asia and Africa.

## Calendar of TPMT sessions

During 2019, the TPMT convened 5 times in the Philippines (including 1 in January 2019), and in 2020, the TPMT convened thrice (see schedule below). In addition, some TPMT members attended as observers at a range of peace process-related meetings and events.

In addition to regular meetings in Metro Manila and in Cotabato City, the TPMT has also travelled to Maguindanao, North Cotabato, Sulu, Tawi-Tawi, Marawi City, Zamboanga City, and Davao City.

18 to 30 March 2019

Meetings in Metro Manila and Cotabato City

18 to 28 June 2019

Meetings in Metro Manila and Cotabato City

2 to 13 September 2019

Meetings in Metro Manila, Cotabato City, Sulu, and Zamboanga City

19 to 28 November 2019

Meetings in Metro Manila, Cotabato City, Maguindanao, Davao City, and Tawi-Tawi

6 to 14 February 2020

Meetings in Metro Manila, Cotabato City, Maguindanao, North Cotabato, and Marawi City

21 May to 8 June 2020

Via video teleconference with various stakeholders in Metro Manila and Mindanao

5 to 16 October 2020

Via video teleconference with various stakeholders in Metro Manila and Mindanao

**Members of the Bangsamoro Transition Authority**

- 1) Ahod B. Ebrahim
- 2) Ali B. Solaiman
- 3) Mohagher M. Iqbal
- 4) Abdulaof A. Macacua
- 5) Ibrahim D. Ali
- 6) Haron M. Abas
- 7) Mohammad Zainoden P. Bato
- 8) Said Z. Salendab
- 9) Ust. Mohammad S. Yacob
- 10) Malik A. Mantawil
- 11) Alik O. Salik
- 12) Abdulwahab M. Pak
- 13) Said M. Shiek
- 14) Ubaida C. Pacasem
- 15) Hussein P. Muñoz
- 16) Ust. Abdullah E. Gayak
- 17) Arch. Eduard U. Guerra
- 18) Engr. Aida M. Silongan
- 19) Atty. Raissa H. Jajurie
- 20) Datu Tucao O. Mastura
- 21) Datu Midpantao M. Midtimbang
- 22) Al-Sayed A. Sali
- 23) Dr. Saffrullah M. Dipatuan
- 24) Abdullah A. Ahang
- 25) Bai Maleiha B. Candao
- 26) Narciso C. Yu Ekey
- 27) Hadja Bainon G. Karon
- 28) Basit S. Abbas
- 29) Suwaiiranonb L. Oranon
- 30) Akmad I. Abas
- 31) Abdullah G. Macapaar
- 32) Faiz S. Alauddin
- 33) Hadji Abuladzis M. Esmael
- 34) Marjanie S. Macasalong
- 35) Atty. Lanang T. Ali Jr.
- 36) Atty. Ali Pangalian M. Balindong
- 37) Zasar H. Ali
- 38) Melanio U. Ulama
- 39) Muslima A. Asmawil
- 40) Muslimin A. Jakilan
- 41) Sahie S. Udjah
- 42) Adzfar H. Usman
- 43) Atty. Omar Yasser C. Sema
- 44) Romeo K. Sema
- 45) Punduma B. Sani
- 46) Abdul R. Sahrin
- 47) Hatimil E. Hassan
- 48) Md Zul Qarneyn M. Abas
- 49) Musa Kadola-Sultan Diamla
- 50) Rasul E. Ismael
- 51) Sittie Shahara I. Mastura
- 52) Amilbahar S. Mawallil
- 53) Eddie M. Alih
- 54) Khadafeh G. Mangudadatu
- 55) Jamel D. Macaraya
- 56) Modayao M. Sacar
- 57) Abraham T. Burahan
- 58) Sultan Edrieza Nasser H. Rimbang
- 59) Paisalin P. Tago
- 60) Nabila Margarita P. Pangandaman
- 61) Atty. Laisa M. Alamia
- 62) Suharto M. Ambolodto
- 63) Susana S. Anayatin, PhD
- 64) Atty. Maisara C. Dandamun-Latiph
- 65) Datu Mussolini S. Lidasan
- 66) Engr. Don Mustapha A. Loong
- 67) Atty. Jose I. Lorena
- 68) Ust. Abdulmuhmin A. Mujahid
- 69) Romeo C. Saliga
- 70) Prof. Alzad T. Sattar
- 71) Atty. Nabil A. Tan
- 72) Hamid A. Datu Barra, PhD
- 73) Atty. Anna Tarhata S. Basman
- 74) Engr. Baintan Adil Ampatuan
- 75) Mudjib C. Abu
- 76) Ziaurrahman Alonto-Adiong
- 77) Rasol Mitmug, Jr.
- 78) Diamila D. Ramos
- 79) Ali B. Sangki
- 80) Abdullah B. Hashim