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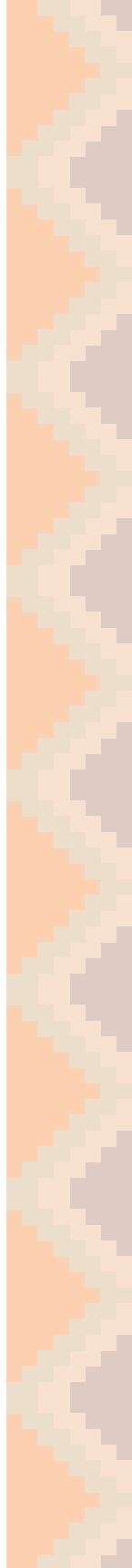
GPH-MILF PEACE PROCESS
2013-2022



TPMT
PUBLIC REPORTS
COMPILATION

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2013-2022**



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GPH-MILF Peace Process, 2013-2022

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*In memory of Alistair, Tengku, and Ghazali,
whose extraordinary commitment and
dedication inspire us daily.
May you continue to guide us in this
journey to peace.*

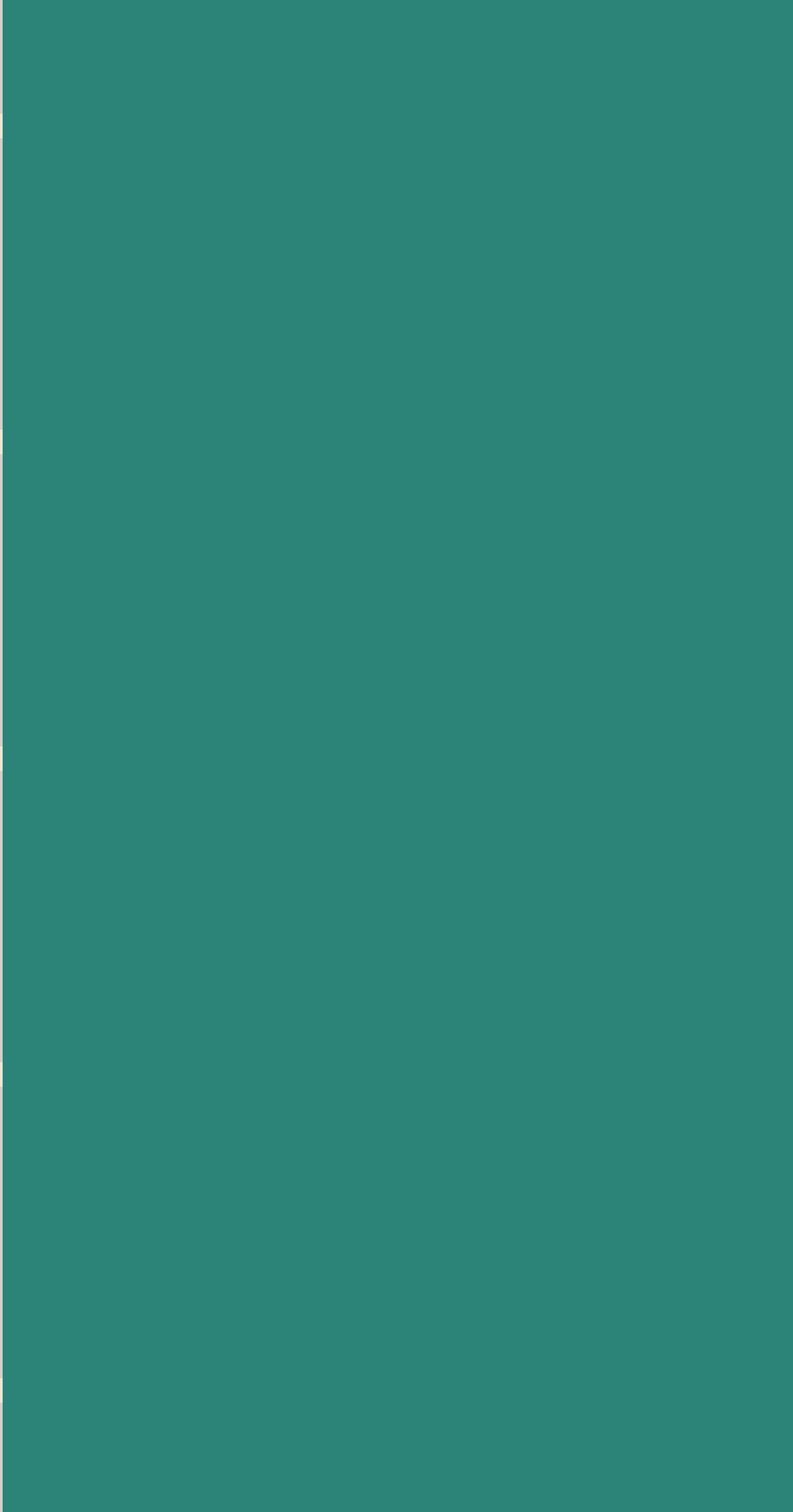
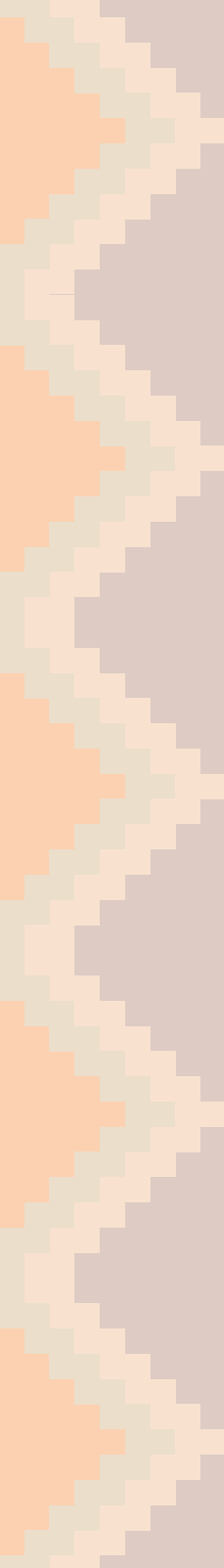
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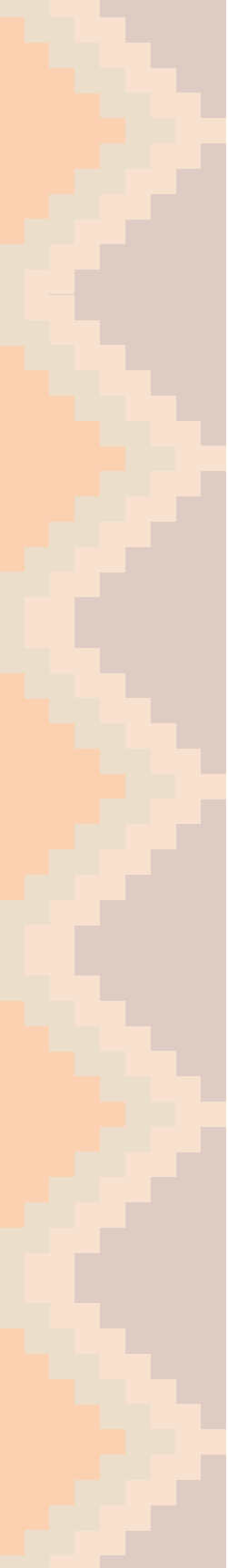
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Public Reports







THIRD-PARTY MONITORING TEAM

First public report, July 2013 to January 2014

1) Background

The independent Third-Party Monitoring Team (TPMT) was set up by the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) to monitor the implementation of the GPH-MILF peace agreement, as provided for in the Framework Agreement on the Bangsamoro (FAB) signed on 15 October 2012. The Terms of Reference (ToR) of the TPMT were agreed between the Parties on 25 January 2013, its members were appointed during the following months, and it had its inaugural meeting in Kuala Lumpur from 08 to 11 July 2013, alongside the 38th Exploratory Talks between the Parties.

The TPMT has five members – two representatives from Philippine NGOs and two representatives from international NGOs (one of each being nominated by each Party, all being agreed by both Parties), and one “eminent international person” (jointly nominated by the two Parties) to act as Chair, convenor and spokesperson of the TPMT. The local members are Karen Tañada (Gaston Z Ortigas Peace Institute) and Zainudin Malang (Mindanao Human Rights Action Centre), the international members are Huseyin Oruç (IHH) and Steven Rood (The Asia Foundation), and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex I.

As set out in its ToR (attached as Annex II), the TPMT is tasked with monitoring, reviewing and assessing the implementation of all signed agreements between the Parties, primarily the FAB and its Annexes. In particular, its basic functions are to :

- monitor and evaluate the implementation of all agreements;
- review and assess the progress of the implementation of commitments by both Parties under the Agreements (submitting comprehensive periodic reports and updates to both Parties for their appropriate action);
- and to communicate to the public the progress and developments in the implementation of the Agreements of the Parties.

It should be noted however that the TPMT is not the only monitoring body associated with the peace process. The International Monitoring Team (IMT) has

since 2004 been charged with monitoring the implementation of the 1997 ceasefire, while certain other bodies are being set up for specific monitoring tasks.¹

The ToR require that the TPMT shall work on the basis of consensus and in a spirit of cooperation, confidence-building and trust. The TPMT shall have access to all reports and activities connected to the implementation of the agreements, and shall be allowed to observe the meetings of the Transition Commission and other bodies concerned with the implementation of the Agreements.

The TPMT shall convene every two months and as they deem necessary, through until the regular operation of the Bangsamoro Government from the second semester of 2016.² At that point, the GPH and MILF Panels, together with the Malaysian Facilitator and the TPMT, shall meet to review 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.

In addition to providing confidential written reports to the Panel chairs and the Malaysian facilitator, quarterly and as necessary, the TPMT is obliged to produce a public written report yearly or as it deems necessary, providing an overall assessment of developments in the implementation of the Agreements.³ The present report is the first such public report produced by the TPMT, covering the period from its inception in July through to January 2014.

2) TPMT activities July 2013 - January 2014

After its launch meeting in Kuala Lumpur in July 2013, the TPMT convened twice in the Philippines, from 23-28 September and 03 to 07 December. These meetings

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- 1 For example, the Annex on Transitional Modalities foresees the establishment of a robust international- domestic monitoring body, accredited by COMELEC, to monitor the administration of the plebiscite, while the Annex on Normalisation foresees the establishment of an Independent Decommissioning Body to oversee the process of decommissioning of MILF forces and weapons.
 - 2 The FAB provides for the appointment of the Bangsamoro Government by the Bangsamoro Assembly to be elected in May 2016. Once the Basic Law has been ratified (and until the entry into office of the Bangsamoro Government), the executive body of the Bangsamoro shall be a Bangsamoro Transition Authority, appointed by the President.
 - 3 While a draft of the public report is presented to the GPH and MILF Panels for comment, the TPMT has the final say on the content of the report as published.

allowed TPMT members to begin consultations with a large number of stakeholders in the peace process.

During the September meeting (coming shortly after the 40th Exploratory Talks in Kuala Lumpur) the TPMT met with Secretary Deles in Manila and Chairman Murad in Camp Darapanan, with the GPH and MILF Panel Chairs, with members of the Transition Commission, with civil society in Manila and Cotabato City, with Archbishop (now Cardinal) Quevedo of the Diocese of Cotabato, with the International Monitoring Team and with International Contact Group members. A short press release was issued at the close of this visit.

The December meeting coincided with the 42nd Exploratory Talks in Kuala Lumpur, but it was nevertheless possible for the TPMT to carry out consultations both in Manila (notably with members of the Independent Commission on Policing and with several Members of Congress interested in the peace process), as well as meeting with Secretary Deles, and in Zamboanga (notably with members from senior leadership positions in the MNLF, with Muslim religious leaders and with civil society). TPMT members were also able to meet with the GPH and MILF Panel Chairs before or after the 42nd Exploratory Talks.

The TPMT has also been able to make progress in establishing its internal rules and regulations. The TPMT Code of Conduct was submitted for the agreement of the Panels on 11 December 2013, together with the TPMT's draft Workplan for 2014. The TPMT's first confidential report was presented to the Panels on 27 December, covering the entire period from July to December 2013, and including a number of observations and recommendations. The present report, the TPMT's first Public Report, was finalised during January 2014.

Financial support for TPMT activities during 2013 was provided by the Governments of Norway and the United Kingdom, as well as by the non-governmental organisations involved. During December 2013, the European Union committed funds to cover the operational costs of the TPMT (via a contract with UNDP) for an initial period from January 2014 to June 2015. It may be noted that all TPMT members are providing their services free of charge, with external finance covering 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).

3) Key developments in the implementation of Agreements

At the time of the TPMT's inaugural meeting in July of 2013, only one of the four Annexes to the FAB had so far been signed – the Annex on Transitional Arrangements and Modalities, signed on 27 February 2013.

Since then, several key steps have been taken towards completing the comprehensive peace agreement :

- the Annex on Revenue Generation and Wealth Sharing was signed on 13 July 2013, at the close of the 38th Exploratory Talks;
- the Annex on Power Sharing was signed on 08 December 2013, at the close of the 42nd Exploratory Talks;
- and the Annex on Normalisation (together with the addendum on Bangsamoro Waters), was signed on 25 January 2014, at the close of the 43rd Exploratory Talks.

Meanwhile, important steps have been taken in implementing agreements already signed :

- following its launch in April of 2013, the Transition Commission (TC) has met on a number of occasions to pursue its basic mandate of drafting the Basic Law, has set up a number of technical committees,⁴ carried out a number of public consultations, and entered into MoAs with a number of local and international NGOs to assist it in these tasks;
- the Independent Commission on Policing (ICP) was launched in September 2013, on the margins of the 40th Exploratory Talks, and commenced its work in the Philippines on 14 October.

In addition, preliminary steps have been taken by GPH in relation to the development aspects of the FAB, with the establishment in February 2013 of a Task Force on Bangsamoro Development, and the launching that same month of the “Sajahatra Bangsamoro” program, providing in coordination with the Transition Commission the government's initial support for identified MILF combatants, families and other affected persons and communities. As of December 2013 this programme had already undertaken a number of actions in the fields of health,

4 Seven technical committees have been foreseen at this point, covering fiscal autonomy, justice and security, political autonomy, basic rights, transitory provisions, and constitutional amendments, together with a coordinating committee.

education and livelihood in 10 municipalities, while community-based assessment and planning activities are underway.

4) Other observations

With the last of the four annexes to the FAB completed only in late January 2014, there is not a great deal that can be said at this stage about the implementation of the agreements. Nevertheless, there were several key observations which the TPMT was able to draw from the consultations which it undertook during September and December.

Notwithstanding the delay in completing the comprehensive peace agreement (originally foreseen to be completed by end-2012), it was evident that both Parties continued throughout to share the strongest **commitment to peace**, and are absolutely determined to bring the process to a successful conclusion. The successful completion of the four Annexes to the FAB confirms this, and the stage is now set for full implementation of the signed agreements and for an intensification in the momentum of the process.

That said, there was a strong recognition among all to whom the TPMT spoke of the **“need for speed”**, and for the drafting of the Basic Law to be completed as soon as possible. This point was underlined in particular by the Members of the House of Representatives whom we met, who were concerned to commence consideration of the Basic Law at the earliest opportunity. But the same point was made by all those we met in Manila, Cotabato and Zamboanga, many of whom had emphasised the importance for public opinion and awareness of being able to see the comprehensive agreement in its entirety. The signature in January of the Annex on Normalisation (and of the addendum on Bangsamoro Waters) was thus of crucial importance.

Many stakeholders underlined the need for **deeper public information** about the FAB and its implications. This desire was evident in Manila and in Cotabato, but was even stronger in Zamboanga and among stakeholders from Basilan, Sulu and Tawi-Tawi. It was encouraging that both civil society and religious leaders (whether Christian or Muslim) were keen to help support information efforts, but they recognised themselves that they needed to have a better understanding of what the implementation of the agreement will mean for the Bangsamoro

as a whole. It was also suggested that it would be important for the Parties to strengthen their outreach and public messaging to a wider audience, including for example local government units, the ulama and the Catholic Bishops' Conference of the Philippines, civil society more generally, and the private sector and chambers of commerce.

Perhaps linked to this expressed need for greater information, it was evident that some interlocutors were concerned about the **inclusiveness of the process**. Indeed, it seemed that there may be a significant scope for misunderstanding about the implications of the FAB, its relationship with the 1996 Final Peace Agreement with the MNLF, and the likely tenor of the future Bangsamoro assembly and government. There was also a clear desire among many of our interlocutors to see the FAB as something which would be beneficial for all Bangsamoro, and not only for one or other Bangsamoro group. It will be important therefore for both Parties to do more to underline the inclusiveness of the process, no less for Western Mindanao than for Central Mindanao

5) Concluding remarks

The TPMT's consultations in September and December with stakeholders in Cotabato City, in Zamboanga and in Manila confirmed the tremendous importance which all attached to achieving a comprehensive, inclusive and sustainable peace in Mindanao, a peace which would bring an end to cycles of violence and displacement, and which would allow the tremendous economic, social and cultural potential of Mindanao to come to the fore. The tragic events of September 2013 in Zamboanga only underscored the importance of achieving this.

The two Panels are to be congratulated on completing all four Annexes to the FAB. Looking forward – to the signature of the comprehensive peace agreement, the drafting and adoption of the Basic Law, and the full implementation of the agreements reached – one can clearly see the construction of a lasting peace.

The members of the TPMT are honoured to have been given the opportunity to play a small part in contributing to this process.

Zainudin Malang

Huseyin Oruç

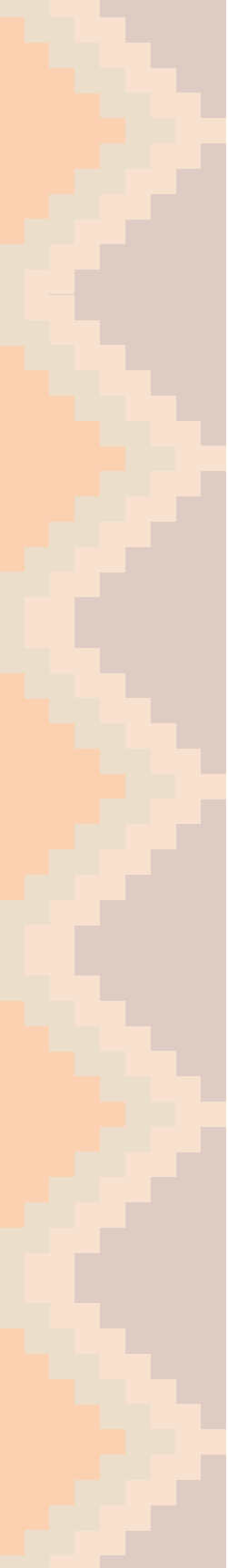
Steve Rood

Karen Tañada

Alistair MacDonald







THIRD-PARTY MONITORING TEAM

Second Public Report, January 2014 to January 2015

Preface

This report was drafted in mid-January 2015, with some factual updating thereafter. As a result, it does not address the tragic events at Mamasapano on 25 January – and indeed it would be inappropriate to make any substantive comment on these events before the facts of the matter have been satisfactorily established, including through the several investigations now being carried out – by the Government and the PNP Board of Inquiry, by the MILF, and by the International Monitoring Team.

We understand that this incident led to the deaths of 44 Special Action Force personnel, 18 MILF combatants, and 4 civilians, and as TPMT we would join all those who have expressed their condolences to the families of the victims.

There is no doubt that this has been the greatest challenge which the peace process has faced in recent years (certainly since the signature of the Framework Agreement on the Bangsamoro in October of 2012). It is inevitable that emotions run high, and that trust in the process has been reduced. This will certainly have an impact also on the time-table for the remaining stages of the process, tightening further what was already a very demanding schedule.

Nevertheless, we have been encouraged by the reiterated commitment to achieving a lasting peace which has been expressed by both Parties. In President Aquino's addresses to the nation on 28 January and 6 February he had noted the importance of pursuing peace with greater determination, and underlined the primary goal of a widespread and lasting peace, creating a better future for coming generations, and attaining justice through solidarity and partnership. MILF Chair Al Haj Murad Ebrahim reiterated in his own statement of 27 January the MILF's full commitment to the primary objective of an enduring peace and justice.

Many other political figures and opinion-leaders in Manila and in Mindanao have also called for sobriety and partnership in learning the lessons of this sad event, working even harder to create an environment of peace and security in which such an incident could not be repeated. And as TPMT we would join our voice

in support of that critical objective. Our criterion is the full implementation of all signed agreements, particularly the Framework Agreement on the Bangsamoro and its Annexes, and we continue to focus on that.

Summary

In line with the terms of reference of the Third-Party Monitoring Team, this second 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, and primarily of the implementation of the Framework Agreement on the Bangsamoro (FAB) and its Annexes.

2014 saw several key milestones in the peace process, including in particular the **signature of the Comprehensive Agreement on the Bangsamoro (CAB)** on 27 March, the joint **submission of the draft of the Bangsamoro Basic Law (BBL)** to Congress on 10 September, and the launching immediately thereafter of the **extensive Congressional consultations and deliberations** on the BBL.

Based on our review of the draft BBL, it would appear that **the draft fully respects the terms of the CAB** (with one trivial exception), and indeed clarifies a number of issues – addressing certain areas which had not been so clearly expressed in the CAB (for example in relation to consonance with the Constitution, to the general supervision of the President, to human rights, or to the Bangsamoro Police being clearly part of the PNP) – and adding some new elements which the Parties believed could improve on the arrangements proposed in the CAB (for example the establishment of the office of the Wali, or the provision for creating an office or ministry for indigenous peoples within the Bangsamoro Government).

In addition to these major events, **work has continued on all the other dimensions** of the agreements :

- initial progress has been made in the **normalisation** track, with the establishment of the three major normalisation bodies - the Joint Normalisation Committee (JNC), the Transitional Justice and Reconciliation Committee (TJRC), and most recently the Independent Decommissioning Board (IDB) – and with the submission in April of the report of the Independent Commission on Policing (ICP). This key element of the peace process is difficult and sensitive, and has been carried forward more slowly than expected.
- preparations continue for the first ceremonial turnover of crew-served weapons and high-powered firearms by the BIAF to the IDB – the first of four phases of decommissioning of MILF forces – and it is to be hoped that this will be carried forward without further serious delay;

- regarding **socio-economic development**, a substantial range of activities under the Sajahatra Bangsamoro program have been carried out (though progress has been slower than initially expected, and program implementation has been extended). In a longer- term perspective, a detailed Bangsamoro Development Plan was presented to the President, to the MILF and to the international community in November, already leading to a pledge of substantial development funding from the Government to allow the Bangsamoro to begin the process of catching up with the rest of the country;
- **preparations for the transition** from ARMM to BTA have also been carried forward, for example with respect to initial preparations for the plebiscite, and with the establishment of a coordination team for the transition bringing together GPH, ARMM and the MILF. In addition, the MILF have established the United Bangsamoro Justice Party (UBJP), marking a significant transition from armed struggle to full engagement with the political process.

Against that background, we believe that **considerable progress was achieved in 2014** – whether in the process as a whole, in the normalisation track, or in relation to socio-economic development planning.

Of course progress was not as rapid as either Party would have wished, and **delays have been encountered in a number of areas** – with respect to the completion of the draft BBL, to certain aspects of the normalisation track, or to the implementation of socio-economic programs (particularly in relation to infrastructure). It has always been clear that 45 years of armed conflict can not be ended quickly or easily. The devil will always be in the details, and the best guarantee of success will always be the strongest underlying commitment to peace by both Parties, amply demonstrated during 2014.

The biggest test of this commitment, certainly since the Framework Agreement was signed in October 2012, came with the **tragic events of 25 January at Mamasapano**. As noted above, it would be inappropriate to make any substantive comment on these events before the facts of the matter have been satisfactorily established, including through the several investigations now being carried out – by the Government and the PNP Board of Inquiry, by the MILF, and by the International Monitoring Team.

Looking forward, **multiple challenges had already existed**, for example with regard to :

- the **timely adoption of the BBL** (in a form compliant with the agreements and not subject to major challenges in the Supreme Court);
- the **successful conduct of the plebiscite to determine the effectivity and geographic coverage of the Bangsamoro** (which will call for a massive communications effort by both Parties);
- ensuring a **smooth transition from ARMM to BTA**, and addressing the challenges arising from the much shorter-than-expected transition period now foreseen before the regular elections in May 2016;
- moving forward with comprehensive and timely efforts in relation to all dimensions of normalisation, as contained in the matrix attached to the Annex on Normalization.
- ensuring the necessary **support for socio-economic development**, from the Government and the international community, in order to permit “catch-up” (and ensuring rapid and effective delivery, drawing on the lessons from the past);
- and achieving the **greatest possible sense of inclusivity**, among all the inhabitants of the Bangsamoro, whether Muslim, Lumad or Christian, MILF or MNLF, or from mainland or island communities.

And now, **since 25 January, most of these pre-existing challenges will become even more acute**. Emotions run high, and confidence in the process (on both sides) has taken a knock. Both houses of Congress have suspended action on the draft Bangsamoro Basic Law until investigations have clarified the events of that day. This will certainly have an impact on the time-table for the remaining stages of the process, and may also colour the final discussions on the BBL in Congress, as well as influencing the climate of opinion in the run-up to the plebiscite. After a previous incident, in October 2011 in Al Barka, Basilan, the peace panels of both parties continued to meet while investigations were on-going; however the fact that the draft BBL has been filed in Congress has opened the entire process to public and sometimes emotional debate.

But while the **challenges are great, the prizes to be gained are even greater**. There is a real prospect that the peace process will allow the region to achieve the full potential offered by its human and natural resources and to contribute more effectively to the prosperity and security of the nation as a whole, and that the vision of autonomy set out in the 1987 Constitution will be implemented in a

manner consistent with the aspirations of the Bangsamoro people while respecting the rights of all of the region's inhabitants.

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 for a peaceful and prosperous future for their children.

1) **TPMT mandate, members and activities**

The Third-Party Monitoring Team (TPMT) was established in July 2013, as foreseen in the respective provisions of the Framework Agreement on the Bangsamoro and its Annex on Transitional Arrangements and Modalities, and in line with the Terms of Reference of the TPMT agreed by the Panels on 25 January 2013¹ (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 Annexes². The TPMT is required to report :

- to the Panel Chairs, in confidence, on a quarterly basis, 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 require that the TPMT shall convene every two months, 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, expected to take place in May 2016). At that point, the two Panels, together with the

1 The TPMT ToR established in January 2013 were slightly augmented in January 2014, when the Annex on Normalization provided that "consistent with its functions, the TPMT shall monitor the aspects of the redeployment of AFP units and troops".

2 It should be noted that the TPMT is not the only monitoring body associated with the peace process. The International Monitoring Team (IMT) has since 2004 been charged with monitoring the implementation of the 1997 ceasefire, and the Independent Decommissioning Body was established in 2014 to oversee the process of decommissioning of MILF forces and weapons. In addition, it is foreseen that a separate domestic-international monitoring body shall be established to monitor the administration of the plebiscite on the BBL.

Facilitator and the TPMT, shall convene a meeting to review the implementation of all agreements and the progress of the transition, and produce an “Exit Document” officially terminating the process. The ToR also note 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 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 two Parties). The local members are Karen Tañada (Gaston Z. Ortigas Peace Institute) and Rahib Kudto (UNYPAD), the international members are Huseyin Oruç (IHH) and Steven Rood (The Asia Foundation), and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex II.

Following its inaugural meeting in Kuala Lumpur in July 2013, alongside the 38th Exploratory Talks between the Parties, the **TPMT convened twice during 2013**, in September and in December, and **on seven occasions since then**, in February, April, June, September, October and December 2014, and most recently in February 2015³.

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 Government and of the MILF, with members of Congress and local government executives, AFP, PNP and BIAF commanders, civil society organisations, religious leaders, and with representatives of the private sector and academe. In addition to meetings in Manila and in Darapanan, the TPMT has met with key stakeholders in all of the areas of the Core Territory of the Bangsamoro (Maguindanao, Lanao del Sur, Basilan, Sulu, Tawi Tawi, Cotabato and Isabela Cities), as well as in areas neighbouring the Bangsamoro (Alabel, Davao, General Santos City, Iligan City, Kidapawan, Koronadal, and Zamboanga City). A calendar of TPMT sessions is given in Annex III.

3 TPMT members also attended as observers the Panel meetings in Davao on 01 to 10 August 2014, and in Kuala Lumpur on 27-29 September.

Financial support for TPMT activities during 2014 (and the first semester of 2015) has been provided by the European Union, through a grant-contract administered by UNDP. 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 Manila -- summary details are given in Annex IV).

In line with our ToR, this second **TPMT Public Report**, covering the period from January 2013 to January 2014, is intended to provide “an overall assessment of developments in the implementation of the Agreements” during this period. (Our first Public Report, covering the period from July 2013 to January 2014, was presented on 28 February 2013, and is attached as Annex V.)

2) Developments in the implementation of the agreements between the Parties

a) Process

This past year saw several milestone events in the peace process. One of these was of course the **signature of the Comprehensive Agreement on the Bangsamoro (CAB)** on 27 March at the Malacañan. The CAB was signed by Panel Chairs Miriam Coronel-Ferrer and Mohagher Iqbal, in the presence of President Benigno S. Aquino, MILF Central Committee Chair Al Haj Murad Ebrahim, OPAPP Secretary Teresita Q. Deles, Malaysian Prime Minister Najib Abdul Razak, other senior visitors and members of the diplomatic community, and of course many representatives of Congress, local government and civil society.

This historic event followed on the completion in January of the Normalisation Annex and the Addendum on Bangsamoro Waters, the final documents completing the Framework Agreement on the Bangsamoro of October 2012.⁴

⁴ The Framework Agreement on the Bangsamoro (FAB) was signed by the Panel Chairs on 15 October 2012, followed by the Annexes on Transitional Arrangements and Modalities (27 February 2013), on Wealth-Sharing (13 July 2013), and on Power-Sharing (08 August 2013). The Annex on Normalisation (and its associated “Normalisation Matrix”), together with the Addendum on Bangsamoro Waters, were signed on 25 January 2014. The Comprehensive Agreement on the Bangsamoro thus includes the FAB and its annexes, as well as six preparatory agreements between the two Parties, starting with the original agreement on cessation of hostilities of 18 July 1997.

Already since its launching in April 2013, the Bangsamoro Transition Commission (BTC) had been working to prepare the draft Bangsamoro Basic Law (BBL), which once adopted by Congress would transform the agreements between the Parties into the legal basis for the establishment of the Bangsamoro. At the request of President Aquino, the BTC accelerated its work following the signature of the CAB, and a first (partial) draft of the BBL was presented to the Office of the President on 14 April, followed by the complete draft on 22 April.

This draft BBL was then reviewed in detail by the Office of the President, with a view to ensuring the draft would be fully in line with the Constitution. This process took longer than expected, and discussions on the draft continued through till September. Throughout these discussions, however difficult, it was clear that both Parties remained fully committed, at the highest level, to the successful completion of the process. This was confirmed by the engagement of Executive Secretary Ochoa during August, and indeed by the final high-level discussions between President Aquino and Central Committee Chair Al Haj Murad Ebrahim in early September.

The result was that **the final draft of the BBL was submitted to Congress by the BTC on 10 September**, in a ceremony at the Malacañan with the presence of President Aquino, Senate President Drilon and House Speaker Belmonte.

The lengthy discussions between BTC and the Office of the President, running from late April through till early September, undoubtedly caused concern – and also impacted on the time-line of the process, from Congressional deliberation through to the plebiscite and the launching of the Bangsamoro Transition Authority. We believe however that the outcome of these discussions, in terms of a Bill to which both Parties are fully committed, and which the Government and the BTC firmly believe is entirely in line with the Constitution, was extremely important for the longterm success of the process.

We have reviewed the final text of the draft BBL in detail, and believe that **the Bill as submitted to Congress is fully in line with the CAB, and indeed in certain respects improves on the CAB** (for example by clarifying certain points which might otherwise have led to questions of constitutionality) :

- all elements of the agreements set out in the CAB are fully reflected in the draft BBL as submitted to Congress – with one very minor exception, agreed upon by both Parties. This exception arises in connection with the provision relating to the delineation of the coordinates of the Zones of Joint

Cooperation, which in the CAB were to be established in the BBL, but which in the draft BBL will be established by a joint body to be convened within 30 days of the ratification of the BBL. This minor point apart, we could identify no other instance in which something agreed in the CAB was not fully reflected in the draft BBL;

- in addition, there are a number of areas in which the draft BBL has addressed certain issues which had not been so clearly expressed in the CAB. For example, the draft BBL as submitted to Congress includes references to the BBL being “in consonance with the Constitution” (Preamble), to the President’s “exercise of general supervision over the Bangsamoro Government to ensure that laws are faithfully executed” (Art. VI.3), to criminal laws enacted by the Bangsamoro Parliament being “in accordance with the universally accepted principles and standards of human rights” (Art. X.3, dealing with Shari’ah law, which as set out in the CAB and in the BBL shall be applicable only to Muslims), and to the Bangsamoro Police being “part of the Philippine National Police” (Art. XI.2);
- finally, one might note that there are also a few elements appearing in the draft BBL which had not been foreseen in the CAB, but which both Parties believed could improve on the arrangements proposed in the CAB. One example is the establishment of the office of the Wali, as titular and ceremonial head of the Bangsamoro, under the general supervision of the President, and responsible inter alia for administering the oath of office of Members of the Bangsamoro Parliament, and for dissolving the Parliament, on the advice of the Chief Minister, in the case of a vote of no confidence (Art. VIII). Another example is the requirement for the creation of an office or ministry for indigenous peoples within the Bangsamoro Government (Art. V.3.30).

Following on the submission of the draft BBL to Congress on 10 September, the **Congress commenced its deliberations almost immediately, and demonstrated a tremendous engagement with the issues concerned.** This was already illustrated in the large number of members of Congress who sponsored the House and Senate bills – for HB 4994, 17 Members led by House Speaker Belmonte, and for SB 2408, 13 Senators led by Senate President Drilon.

In the House, an ad hoc committee was established to expedite deliberations on the BBL. Chaired by Rep. Rufus Rodriguez (Cagayan de Oro, 2nd District), the Committee has 75 members (including all Congressional Representatives from Mindanao, as well as representatives from Luzon and the Visayas). In the Senate,

the BBL is being addressed by the Committee on Local Government (chaired by Senator Marcos), the Committee on Peace, Unification and Reconciliation (chaired by Senator Guingona), and the Committee on Constitutional Amendments (chaired by Senator Defensor Santiago).

The House Committee has held a large number of public hearings in the Batasan, commencing on 24 September, and bringing together Government representatives from all concerned departments, expert witnesses (including former justices of the Supreme Court and other legal experts), civil society groups and other interested parties. In addition, the Committee has carried out an extensive program of public hearings across Mindanao from October through January (including a few hearings in Luzon and the Visayas).⁵

The two Senate Committees held their first (joint) public hearing in Manila on 23 September, and have also held a number of public hearings in Mindanao.⁶ In addition, the Senate Committee on Constitutional Amendments held two hearings on the BBL in Manila in January and early February.

It is apparent that these Congressional hearings have had a considerable impact both on public awareness of the process and public confidence in it, being widely reported in the press as well as reaching out to large audiences both in Manila and in the field.⁷

This extensive program of public hearings by the House and Senate Committees has on occasion touched on some difficult issues, and both supporters and critics of the BBL have been able to express their hopes and concerns in detail.

5 During October and November 2014, for example, House Committee hearings in the field were held in Upi (Maguindanao), Cotabato City, Isulan (Sultan Kudarat), Koronadal (South Cotabato), Tawi-Tawi, Zamboanga City, Jolo, Isabela City (Basilan), Ipil (Zamboanga Sibugay), Marawi City, Iligan City, Tubod (Lanao del Norte), Pagadian (Zamboanga del Sur) and Cagayan de Oro.

6 Senate Committee hearings in the field were held during October and November in Cotabato City, Marawi City, and Tawi-Tawi.

7 MindaNews, the specialised Mindanao news service (www.mindanews.org) has long carried consistent coverage of issues regarding peace and development in Mindanao, and has commented substantively on the Congressional discussions. The Institute for Autonomy and Governance (www.iag.org.ph), in partnership with the Philippine Center for Islam and Democracy, has online reports of the Congressional hearings as well as various consultations on the BBL.

In general, stakeholders will be keen to see that the law as adopted is compliant with the agreements and not likely to be subject to major challenge in the Supreme Court. In pursuit of these dual objectives, a number of legislators have been quoted in the press with respect to issues such as :

- perhaps amending the provisions in the draft BBL relating to devolution of certain functions of Constitutional bodies such as the Commission on Audit (COA), the Commission on Elections (COMELEC), and the Civil Service Commission (CSC), or the Commission on Human Rights (CHR). In this context, it should be borne in mind that the draft BBL provides that such devolved functions shall be “without prejudice to the power, authority and duty ...” of COA and CSC, that the Bangsamoro Electoral Office “shall be a part of the COMELEC ...”, and that the Bangsamoro Human Rights Commission “shall have a coordinative and complementary relationship with the national CHR in carrying out its mandate;⁸
- perhaps amending the provisions relating to the initial plebiscite in 6 municipalities in Lanao del Norte and 39 barangay in North Cotabato (which involve a geographic expansion of the current ARMM), or with respect to possible future petitionary plebiscites in LGUs or geographic areas outside but contiguous to the Bangsamoro which wish to join the Bangsamoro. In this context, commentators have pointed to the potentially different implications of different provisions in the Constitution relating to local government.⁹

Another concern raised in Congressional hearings and in the media relates to the inclusiveness of the Bangsamoro, particularly with regard to indigenous peoples. Some IP advocates wish to see a reference to multiple “ancestral domains” (as opposed to the singular “ancestral domain” foreseen in the CAB and the draft BBL) and to have an explicit reference to the Indigenous Peoples Rights Act (RA 8371). Other commentators have suggested that the draft BBL contains full assurances on the rights of indigenous peoples, and indeed that the provision for establishing a

8 See Articles V.2.7, V.2.8, VII.9 and IX.7 of the draft BBL.

9 Article X of the Constitution addresses local government, and sections 10 and 15 are of particular relevance here. Section 10 requires that any boundary change for provinces, cities, municipalities or barangay shall be subject to approval in a plebiscite in the political units directly affected, while section 15 (addressing specifically the creation of autonomous regions), notes that such regions shall consist of provinces, cities, municipalities and “geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures and other relevant characteristics ...” According to some interpretations, this could imply that the procedures to be followed in the initial plebiscite and in any subsequent plebiscites could be different.

dedicated ministry for indigenous peoples affairs in the Bangsamoro Government marks an improvement on IPRA.

Initial expectations had been that the Bill might be adopted by Congress in December 2014 (House) or during the first quarter of 2015 (Senate). By mid-January, it still seemed that the Bill might be adopted before Congress will adjourn on 20 March, but the tragic events at Mamasapano have made this unlikely, as both houses of Congress have suspended consideration of the draft BBL until investigations have shed light on that event. It may be therefore that the Bill could only be adopted in the next session, commencing on 4 May. But whatever the final time-line might be, there is no doubt that all the discussions in Congress have underlined **the strongest possible engagement of Congress with the peace process**, and the will of Congress to facilitate a sustainable peace in Mindanao.

After the draft BBL had been submitted to the Office of the President, **the two Panels continued to meet** on several occasions - in July in Kuala Lumpur and then in Manila, in August in Davao, in September, November and in January in Kuala Lumpur. In addition, the BTC met with President Aquino in Manila in July and again at the beginning of September.

At their November meeting, the Panels agreed on two technical documents. One established the Terms of Reference for a “Coordination Team for the Transition” (CT4T), to facilitate the transition from the ARMM to the BTA following on ratification of the BBL. The other set out a number of confidence-building measures for acknowledged MILF camps to be implemented through the Department of Agriculture. At their January meeting (coming only a few days after the tragic events at Mamasapano), the Parties reaffirmed their commitment to the attainment of peace and agreed to strengthen their cooperation and coordination in addressing security concerns in the most effective and appropriate manner. In addition, the organisational Protocol on the work of the Independent Decommissioning Body was finalised and signed.

b) Normalisation

While most public attention has been focused on the signature of the CAB and the discussions on the BBL, **initial progress has also been made in implementing the “normalisation” track**. The normalisation commitments of the two Parties, in relation to issues such as socio-economic programs, confidence-building

measures, decommissioning of MILF forces, redeployment of AFP, policing, the disbandment of private armed groups (PAGS), and the question of transitional justice and reconciliation, figure prominently in the CAB, and their dimensions are spelled out in detail in the FAB, in the Normalisation Annex and its attached Matrix.

Much of this does not however appear in the draft BBL, except in the articles related to Policing (Art. XI) and to Rehabilitation and Development (Art. XIV). As the Parties have said, the normalisation process reflects the political commitments of the President and Executive and of the MILF, while the BBL is concerned with setting the legal foundation for the establishment of the Bangsamoro Parliament and Government, and its institutions, powers and responsibilities. The normalisation process, so important for the success of the peace process as a whole, will thus continue to be managed directly between the two Parties, in line with their respective commitments.

In carrying this forward, the Panels agreed on 22 March on the Terms of Reference for three of the four main bodies involved with the normalisation process – the **Joint Normalisation Committee (JNC)**, the **Independent Decommissioning Body (IDB)**, and the **Transitional Justice and Reconciliation Committee (TJRC)**. Of these :

- the JNC was launched at the Special Meeting of the Panels in Kuala Lumpur on 24 April, and had its first meeting (in General Santos City) on 6 May;
- the IDB was launched at the Special Meeting of the Panels in Kuala Lumpur on September 26-29, and first convened in the Philippines in early November;
- the TJRC also was launched at the September meeting of the Panels, and first convened in the Philippines in early October.

The **JNC**, co-chaired by GPH and MILF representatives, with a total of three members from each side¹⁰ and co-chaired by Under-Secretary Zenonida Brosas (NSC) and by Muhammad Nasif (MILF), has the primary function of coordinating the process of normalisation, and reports periodically to the Panels on the progress of its work. The JNC met four times during 2014 (in May, September, October and December), and already in May had set up the Joint Peace and Security Committee

10 The members of the JNC are Under-Secretary Zenonida Brosas, MGen Ariel Bernardo (ret) and MGen Leo Ferrer (ret) for the GPH, and Muhammad Nasif, Atty. Naguib Sinarimbo and Said Sheik for the MILF.

(JPSC), which reports to the JNC and is responsible for coordinating the security component of the normalisation process.¹¹

The **IDB** comprises three international members and four local members,¹² is chaired by Ambassador Haydar Berk of Turkey, and is tasked with overseeing the process of decommissioning of MILF forces and weapons. While the start-up of the IDB took rather longer than had been foreseen in January 2014, when the Normalisation Annex was signed, it is evident that this is a very sensitive process which requires the most careful preparation. Following agreement in March on the ToR of the IDB, and invitations sent in April to the three states who would provide members of the IDB, initial discussions continued through until September, when the IDB first met in Kuala Lumpur. Preparatory work on the organisation, working methods and funding of the IDB continued through November and December, leading to the signature in Kuala Lumpur on 29 January of the IDB's organisational Protocol.

The **TJRC** comprises one international and two local members,¹³ and is chaired by Ms Mò Bleeker of Switzerland. The mandate of the TJRC requires that they undertake a study and recommend to the Panels “appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalisation through land dispossession”. In addition, the TJRC is tasked to recommend programs and measures that will bring about the reconciliation of the different communities that have been affected by the conflict”. The TJRC shall submit an initial report to the Panels within six months and their final report within one year (from the date of their first meeting in September 2014), but shall be consulted on transitional justice issues through until the signing of the Exit Agreement.

11 The members of the JPSC are Police Director Edgardo Ingking, Col. Glenn Macasero and Maj. Carlos Sol Jr for the GPH, and Hussein Muñoz, Musa Aspalan and Yasser Calandada for the MILF.

12 The three international members of the IDB are Ambassador Haydar Berk (Turkey), General Jan-Erik Wilhelmsen (recently retired from the Royal Norwegian Army), and Major Muhammad Rahim (Brunei). The four local members of the IDB are LtGen Rey Ardo (Ret) and Prof. Mario Aguja (appointed by the GPH) and Von Al Haq and Isah Bato (appointed by the MILF).

13 The TJRC is chaired by Ms Mò Bleeker, Special Envoy and Head of the Task Force for dealing with the past and prevention of atrocities, of Switzerland's Federal Department of Foreign Affairs, joined by Atty. Cecilia Jimenez (appointed by the GPH) and Atty. Ishak Mastura (appointed by the MILF).

The fourth normalisation body, the **Independent Commission on Policing** (ICP), was launched in October 2013. In line with terms of reference adopted by the Panels in February of that year, its mandate was to produce recommendations to the Panels for a police force for the Bangsamoro which would be “civilian in character, professional and free from partisan political control, effective, efficient, fair, impartial, accountable and responsible to the Central Government, the Bangsamoro Government, and the communities it serves”.

The ICP, chaired by Randall Beck of Canada and comprising in total three international and four national experts,¹⁴ submitted its final report on 14 April 2014. This allowed their principal recommendations to be incorporated in the draft BBL as submitted to Congress.

Regarding the other dimensions of the normalisation process set out in the Matrix attached to the Normalisation Annex and included in the CAB, the JNC has since its first meeting in May 2014 been working to address these various matters, referring also to the Panels as and when necessary. Progress has not always been as rapid as either Party would like, The issues here are both complex and sensitive, and it is not easy to build peace after decades of conflict, but the events of January 25 in Mamasapano underline the vital necessity for using these processes to build trust between the parties.

In this context, preparations continue for one of the most visible aspects of normalisation, namely the first ceremonial turnover of crew-served weapons and high-powered firearms by the BIAF to the IDB. Originally scheduled for November 2014, it is to be hoped that these ceremonies might take place without further serious delay.

In line with the four-phase timeline set out in the CAB,¹⁵ normalisation requires synchronised action in a parallel and commensurate manner in several different

14 The ICP was chaired by Assistant Commissioner Randall Beck of the Royal Canadian Mounted Police, and comprised international experts from Australia (Cedric Netto) and Japan (Yuji Uesugi), together with four national experts – Lina Sarmiento and Ricardo de Leon, nominated by the GPH, and Von Al Haq and Amerodin Hamdag, nominated by the MILF.

15 Phase I of normalisation runs from signature of the Normalisation annex up to the completion of the verification and validation conducted by the IDB; Phase 2 from completion of validation of MILF forces up to ratification of the BBL; Phase 3 from ratification of the BBL up to the establishment and operationalisation of the Bangsamoro Police; Phase 4 from operationalisation of the Bangsamoro Police up to two months prior to signature of the Exit Agreement.

dimensions - transitional components, socio-economic programs, confidence-building measures, decommissioning of MILF forces, redeployment of AFP, policing, disbandment of PAGs, and transitional justice and reconciliation. In this context :

- efforts continue to identify, organise and train the Joint Peace and Security Teams (JPSTs), which will bring together contingents from the AFP, PNP and BIAF to work for the maintenance of peace and order and stability in areas mutually identified by GPH and MILF;
- the 2015 General Appropriations Act includes provision of some PHP 2.5 bn for socio- economic programmes related to normalisation during this year, though discussions are still underway on the establishment of the Bangsamoro Normalisation Fund foreseen in the Normalisation Matrix. Work began in October on the needs and skills assessment of MILF forces and communities, through a study conducted by the Institute of Bangsamoro Studies and funded through the Fastrac program;¹⁶
- the Joint Task Forces working on the disposition of previously-acknowledged MILF camps, co-chaired by GPH and MILF Panel members Senen Bacani and Abu Syed Lingga, first met on 17 October 2014. A special meeting of the Panels in Kuala Lumpur on 22-23 November agreed on support measures to be carried out by the Department of Agriculture in relation to these camps, implemented through the Joint Task Forces. That same meeting also had an initial discussion on parameters for amnesty and pardon;
- and preparatory work continues on addressing the issue of private armed groups.

Meantime, it is worth noting that the International Monitoring Team had recorded **only five, relatively minor, ceasefire incidents during the twelve months of 2014**, in line with the average number of such incidents from 2010 onwards.¹⁷ That picture sadly changed in January of 2015, with the tragic events at Mamasapano.

16 The Fastrac program was established in April 2013, and is implemented jointly by the United Nations and the World Bank, with funding support from bilateral partners including Australia, New Zealand and the UK.

17 IMT records show an average of 634 ceasefire incidents per year in 2002 and 2003 (prior to the IMT's establishment), then 12 per year between 2004 and 2007, rising to 167 per year in 2008 and 2009 (following on the MoA-AD crisis), and falling quickly to only 5 such incidents per year, on average, between 2010 and 2014.

c) Socio-economic development

Given the disastrous effects of decades of conflict, in a part of the country whose natural and human resources nevertheless have a tremendous and unfulfilled potential, the CAB amply acknowledged the essential importance of reducing social, economic and political inequalities, aimed at **allowing the Bangsamoro to catch up with the rest of the Philippines**. One particular aspect of this is addressed in the context of normalisation, where the Parties agreed to intensify development efforts for rehabilitation, reconstruction and development of the Bangsamoro, addressing the needs of former combatants, internally- displaced persons (“bakwit”) and poverty-stricken communities. More broadly, the agreement also foresees that the Bangsamoro shall formulate its development plans, consistent with national development goals but recognising their unique needs and aspirations, and addressing the need for post-conflict rehabilitation, reconstruction and development in the region.

One initial contribution to these efforts came with the launch of the “**Sajahatra Bangsamoro**” program in February 2013, aiming to uplift and develop the health, education and livelihood conditions of Bangsamoro communities. Jointly implemented by GPH and MILF task forces, in accordance with terms of reference agreed by the Panels on 11 April 2013, the Sajahatra Bangsamoro program has brought together inputs from a number of national agencies.¹⁸

With a total government funding allocation of some PHP 564.4m (2013-14) provided under the President’s Contingency Funds, the program has operated in ten sites (in the five provinces of the ARMM and in Lanao del Norte, North and South Cotabato, Davao Oriental and Zamboanga Sibugay). The program was to be implemented over a period of 18 months (February 2013 to October 2014), and aimed to provide PhilHealth membership for 11,000 people, construct ten barangay health stations, cover some 16,000 children under DSWD’s supplemental feeding program, provide some 600 college study grants, establish 10 day-care centres, provide vocational training for some 1,000 persons, provide Cash-for-

18 Agencies involved in the Sajahatra Bangsamoro programme include the Department of Health (DoH) and PhilHealth, the Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR), and the Department of Social Welfare and Development (DSWD).

Work support for 11,000 persons, and promote agricultural development through small-scale infrastructure projects and livelihood development.

As of December 2014, it was clear that program implementation had been significantly slower than foreseen, and only some 17% of the total budget (some PHP 93.3m) had been obligated / utilised by year-end. Elements such as PhilHealth membership and scholarships have already been almost fully implemented, but the infrastructure-related components have been slower to implement. Problems encountered in implementation included the adoption of a more scattered geographical coverage than initially foreseen, the need for extensive social-preparation in the target communities, issues related to land title, and delays in the approval of agency budgets. Other issues included a limited involvement of regional government and LGUs (at the request of the MILF), and the need for agency field offices to apply a “peace lens” in program implementation (as opposed to a “business as usual” approach).

As a result, the implementation schedule of the Sajahatra Bangsamoro program has been extended by eight months, to run till June 2015. It will be important of course to draw the lessons from this experience in ensuring faster implementation of socio-economic aspects of the peace process in the years ahead.

From a longer-term perspective, development planning in preparation for the future Bangsamoro has been carried forward by the Bangsamoro Development Agency (the development arm of the MILF), with financial support from the Mindanao Trust Fund.¹⁹ The resulting “**Bangsamoro Development Plan**” (BDP) was presented to President Aquino at the Malacanan in late October 2014, and formally launched at Camp Darapanan on 02 November 2014 (in the presence of MILF Central Committee chairman Al Haj Murad Ebrahim and OPAPP Secretary Teresita Q. Deles). The BDP was then presented to the international community at the annual meeting of the Philippine Development Forum in Davao on 5-6 November.

The BDP covers two phases – a transitional phase (2015-16) focused on jump-starting a sustainable “just economy”, and a medium-term plan (2016-2022),

19 The Mindanao Trust Fund (MTF) was established in 2006, with financial support from the European Union and the governments of Australia, Canada, New Zealand, Sweden and the US, and is managed by the World Bank.

focused on building strong foundations for the Bangsamoro. The overall goal of the BDP is to strengthen institutions, promote equal access to job and livelihood opportunities, and establish security, justice and the rule of law. Six main sectors are addressed – economy and livelihood, social development, environment and natural resources, governance, security, and culture – with strategic goals, targets and activities set out for each of these sectors.

Total funding needs for the transitional phase (2015-16) are said to amount to some PHP 220 bn (approx. US\$ 4.9 bn), of which the Philippine Government aims to provide half, seeking support from the international community for the remainder. For the medium-term phase (2016-22), funding needs are likely to be much greater again.

While the BDP, strictly speaking, is a development plan prepared for the MILF, it is certain that the analytical foundation provided by the BDP will be a tremendous asset to the future Bangsamoro government, offering a clear path towards the Bangsamoro catching up with the rest of the country, providing for sustainable development and growing prosperity for the inhabitants of the region, and allowing the Bangsamoro to make its full contribution to the economy of Mindanao and indeed of the Philippines as a whole. This was fully acknowledged by all participants at the Philippine Development Forum, including private-sector representatives as well as the international community.

d) Preparation for transition

While deliberations on the BBL continue in Congress (and work on normalisation gathers pace), it has been important for all concerned to look forward to the point at which the BBL would be ratified, the ARMM abolished and the Bangsamoro Transition Authority appointed to take its place.

One practical aspect of this has been **preparation for the plebiscite** to be held after adoption of the BBL. We understand that COMELEC has been making the necessary arrangements for this, including through the strengthening of voter-registration as well as through initial discussions on logistical preparations. This is most important, given that the time-frame for holding the plebiscite is short (not later than 120 days from the legislative enactment, according to the CAB).

Another important step was taken by the Panels on 23 November 2014, with agreement on the terms of reference of the “**Coordination Team for the Transition**” (CT4T). The CT4T, bringing together representatives of the central Government, the ARMM and the MILF, shall be the primary mechanism to ensure that all necessary and appropriate steps are taken to facilitate a smooth transition leading to the installation of the BTA.

The work of the CT4T will be of great importance in helping ensure that services such as education and health are not disrupted during the transition, and that the gains registered by the ARMM in recent years are sustained. In this connection, the TPMT was encouraged by the positive comments made by ARMM Regional Governor Mujiv Hataman in his State of the Region Address on 1 December 2014. The TPMT has also been assured by senior MILF leaders that they fully acknowledge the essential importance of ensuring a smooth transition and uninterrupted public services.

A third key development in preparing for the future Bangsamoro has been initial steps towards **the formation of regional political parties**. The MILF in particular has now established the United Bangsamoro Justice Party (UBJP), and is in the process of registering this with the SEC and with COMELEC as required by law. The UBJP is chaired by Al Haj Murad Ebrahim, assisted by five vice-chairs and a deputy chair for women, and with Sammy Al-Mansoor as Secretary-General. The party’s first general assembly was held at Camp Darapanan on 23-25 December 2014, with press reports suggesting that around 100,000 people participated. Speeches by key figures at this event underlined that the creation of the UBJP is intended to facilitate the transition of the MILF from armed struggle into the mainstream of Philippine politics – it will be a principled political party, run and managed by the Bangsamoro for the Bangsamoro people, pro-people and inclusive, with its own standards of discipline, with human resources as its main asset, and with a service orientation. It was also announced that the party will only contest seats for the Bangsamoro Parliament, and not run candidates for local elections to provincial, city, or municipal offices.

Finally, and in relation to **capacity-building for the transition**, significant and focused support continues to be given, through the Fastrac programme in particular, on key policy and human-resource issues for the BTC and for possible future cadres of the BTA.

e) Other developments

While outside the scope of the agreements between the GPH and the MILF (and thus equally outside the mandate of the TPMT), it is important to note the progress which was made in 2014 in promoting discussions between the MILF and the MNLF. The Organisation of Islamic Cooperation (OIC) has played an important role here, facilitating an agreement on 14 October 2014 on the setting-up of the **Bangsamoro Coordination Forum (BCF)**.

The BCF, by providing a venue in which the MILF and MNLF can discuss how to harmonise their two peace tracks, find common ground and consolidate their efforts towards a just political solution, lasting peace and inclusive development, has a considerable potential to widen the consensus for peace in Mindanao, enhancing inclusivity both politically and geographically.

3) Comment

It has been evident since the process began in 1997 that **the challenges are great**. Bringing an end to decades of conflict, which have had a devastating effect on the lives and welfare of the inhabitants of the Bangsamoro, have often spilled over into surrounding regions, and indeed have certainly impacted on the Philippines as a nation, could never be easy. **But the prizes are also great**. Silencing the guns, achieving a sustained peace, and allowing the region's full potential to be unlocked, will clearly benefit all inhabitants of the region, of Mindanao, and of the Philippines as a whole.

In that context, **considerable progress was achieved in 2014** :

- **in the process as a whole**, with agreement on the last annexes to the FAB in January, signature of the CAB in March, submission of the draft BBL to Congress in September, and the massive engagement of Congress since then in reviewing the draft and holding wide-ranging public hearings;
- **in the normalisation track**, with the establishment of bodies such as the JNC, IDB, TJRC, the report of the ICP, and with ongoing preparations for the ceremonial turnover to the IDB of 20 crew-served weapons and 55 high-powered firearms, and the decommissioning of 145 BIAF combatants;
- and **in relation to socio-economic development**, with the ongoing implementation of the Sajahatra Bangsamoro program and with the presentation of the Bangsamoro Development Plan to the President, to the MILF and to the international community in November 2014.

Of course **progress during 2014 was not as rapid as either Party would have wished**, and delays were encountered in a number of areas :

- this was particularly the case **with respect to the completion of the draft BBL**, where negotiations between the BTC and the Office of the President lasted from late April till early September – but resulted in a text submitted to Congress which had the joint support of both Parties, where in our view the draft fully complies with the terms of the CAB, and where the President could say with confidence that his instructions that the BBL should be fully in line with the Constitution had been respected;
- it was also the case **with respect to certain aspects of the normalisation track**, where it took a good deal longer than expected to mobilise the IDB, and where delays were still being encountered at year-end in preparing for certain other aspects of normalisation, such as the identification of former combatants to take part in the JPSTs or in the needs assessment, or in the implementation of certain confidence-building measures, including establishing the parameters for amnesty;
- there have also been significant **delays in the implementation of socio-economic programs**, particularly in relation to the infrastructure components of the Sajahatra Bangsamoro program.

It has always been clear that 45 years of armed conflict can not be ended quickly or easily. The devil will always be in the details, and the best guarantee of success will always be the **strongest underlying commitment to peace by both Parties**, including at the highest level, to build peace in Mindanao. This was amply demonstrated during this past year, both at the time of finalisation of the draft BBL (with the final details being discussed between President Aquino and MILF Chair Al Haj Murad Ebrahim), and in the massive engagement of Congress in its deliberations on the BBL.

However, the biggest test of this commitment, certainly since the Framework Agreement was signed in October 2012, came with the **tragic events of 25 January at Mamasapano**. As noted above, it would be inappropriate to make any substantive comment on these events before the facts of the matter have been satisfactorily established, including through the several investigations now being carried out – by the Government and the PNP Board of Inquiry, by the MILF, and by the International Monitoring Team.

Nevertheless, we have been encouraged by the reiterated commitment to achieving a lasting peace which has been expressed by both Parties. In President Aquino's addresses to the nation on 28 January and 6 February he had noted the importance of pursuing peace with greater determination, and underlined the primary goal of a widespread and lasting peace, creating a better future for coming generations, and attaining justice through solidarity and partnership. MILF Chair Al Haj Murad Ebrahim reiterated in his own statement of 27 January the MILF's full commitment to the primary objective of an enduring peace and justice.

Looking forward, multiple challenges had already been visible, even before Mamasapano :

- **the BBL** is now in the final stages of discussion in Congress, and the Parties will be keen to see that the law as adopted is compliant with the agreements and will not be subject to major challenge in the Supreme Court;
- **the plebiscite** to be held after enactment of the BBL by Congress will show if the results are accepted by the inhabitants of the Bangsamoro, and it will be essential that a massive information and communications effort is mounted by both Parties, with compatible messages to demonstrate a shared vision for the Bangsamoro, to ensure that the plebiscite is based on a real understanding of the issues involved;
- **the transition from ARMM to BTA** now seems likely to be considerably compressed in time, and this will pose particular challenges in terms of ensuring continued effective service-provision (including through clarification of the status of current employees of the ARMM) at the same time as preparations are made for effective governance in the years ahead (through adoption of necessary administrative and electoral codes);
- **the normalisation track** has to address many complex and difficult issues, not only in relation to decommissioning and redeployment, but also in relation to building a capable police service responsive to the communities which it serves, to dealing with private armed groups, to supporting the process of rehabilitation and development, and to addressing the issues of transitional justice and reconciliation. Particular attention must be paid to re-building trust by both sides in the wake of the Mamasapano incident;
- **socio-economic development**, whether in relation to support for former combatants or to a wider "catch-up" of the Bangsamoro with the rest of the country, will require massive support from the national government and the international community – and it will be essential also to ensure rapid and effective delivery (drawing on the lessons learnt during implementation of the Sajahatra Bangsamoro program), with attention also to achieving "quick

- wins” (the tangible fruits of peace) as well as sustainability in the longer-term;
- and it will be imperative that all concerned work to ensure **the greatest possible sense of inclusivity** – among all inhabitants of the Bangsamoro, whether Muslim, Lumad or Christian, MILF or MNLF, or from mainland or island communities.

And now, **since 25 January, most of these pre-existing challenges will be even more** acute. Emotions run high, and confidence in the process (on both sides) must be restored before progress can be made on the time-table for the remaining stages of the process. The disrupted trust may also colour the final discussions on the BBL in Congress, as well as influencing the climate of opinion in the run-up to the plebiscite.

But these great challenges must be seen in the context of **the enormous opportunities which peace can bring**, in terms of achieving a sustainable peace, of improving governance and the delivery of essential services to all inhabitants of the Bangsamoro, of increasing economic opportunities and allowing the region to achieve the full potential offered by its human and natural resources and contribute more effectively to the prosperity and security of the nation as a whole – and of implementing the vision of autonomy set out in the 1987 Constitution, in a manner consistent with the aspirations of the Bangsamoro people and respecting the rights of all of the region’s inhabitants.

And **the best guarantees of success** in this endeavour are offered by the continuing commitment of both Parties, at the highest level, to achieving a sustained peace, by the massive engagement shown by Congress in deliberating on the BBL, and by the underlying hopes of the people of Mindanao that their children should be able to grow and prosper in a peaceful society. As members of the TPMT, we are confident that these guarantees offer every opportunity to achieve success.

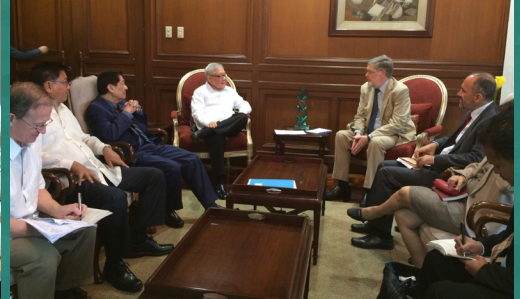
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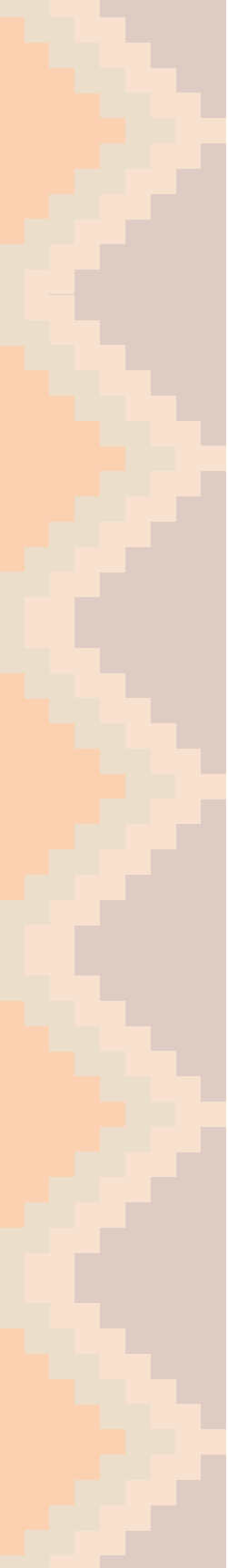
Steve Rood

Karen Tañada

Alistair MacDonald







THIRD-PARTY MONITORING TEAM

Third Public Report, January 2015 to February 2016

Summary

In line with the terms of reference of the Third-Party Monitoring Team, this third 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 is clear that **2015 has been a difficult year** :

- the **tragic events at Mamasapano** on 25 January cast a dark shadow over the peace process throughout the year, impacted negatively on public and political attitudes towards the process, and significantly delayed (and coloured) Congressional deliberations on the draft Bangsamoro Basic Law (BBL);
- in that climate, **Congress was not able to complete its deliberations on the BBL**, so the torch of peace will have to be taken up by a new Administration and Congress, from July;
- and even if more progress had been made in **Congress**, the substitute bills produced by the House and Senate committees considering the BBL were in a number of respects **non-compliant with the Comprehensive Agreement on the Bangsamoro (CAB)**. This is an issue which will need to be taken up in the next Congress.

There has of course been **significant progress in a number of areas** related to the peace process during the year :

- **discussions in Congress**, even if not completed during this administration, allowed all stakeholders to have their say, ventilated all the issues, and can provide a solid foundation on which the next Congress can build;
- the **first, ceremonial, stage of decommissioning** of MILF weapons and forces on 16 June underlined the MILF's determination to fully comply with its commitments under the CAB;
- there were also significant if less visible developments in **other aspects of normalisation**, in preparing support for former combatants and their communities, in strengthening the footprint of the Independent Decommissioning Body (IDB), in initial preparations for acting against

- private armed groups, and in the timely submission of the report of the Transitional Justice and Reconciliation Commission (TJRC), on 9 December;
- the **ceasefire mechanisms** continued to work smoothly throughout the rest of the year (notwithstanding the fact that these mechanisms had been ignored and put at risk in Mamasapano);
 - efforts to build a greater **inclusivity** continued, both between the MILF and the different groups within the MNLF, and with many of the Sultanates;
 - there was a significant upwelling of both **domestic and international support** for the peace process, for example through the work of the Citizens' Peace Council and many other civil society efforts, or through the statement of resident Ambassadors in October.

In this difficult context, it was encouraging that **both Parties remained fully engaged** with the process, and fully committed to building the sustained peace foreseen in the CAB. This was confirmed at the most recent meeting of the Panels, in Kuala Lumpur on 10-11 February, reaffirming the Parties' commitment to stay the course of peace, and agreeing to sustain the existing peace infrastructure and to work for the early passage of a BBL in the next Congress. It was confirmed also in the MILF statement of 18 February, expressing disappointment at the non-passage of the BBL, but underlining that the MILF would continue to uphold the peace process and preserve its gains, and calling on the Bangsamoro people to remain patient and to rally behind the full implementation of the CAB.

There were also many **technical difficulties and challenges** arising throughout the year. For example, support for the 145 former combatants decommissioned in June was delayed, when this could otherwise have served as an encouragement to those who would follow in the next phase. The normalisation fund / trust fund foreseen in the CAB has not yet been established. No decisions have yet been taken on deploying the Joint Peace and Security Teams, which could have offered a potent example of AFP-PNP-MILF cooperation in supporting peace and order. No progress has yet been made on determining the parameters for amnesty.

While Mamasapano had a considerable negative impact on public confidence in the peace process across the nation, the failure of Congress to complete its deliberations on the BBL (and the tenor of some of these discussions) has also meant that **confidence in the peace process among the wider Moro community has taken a knock**. It is encouraging that there has been no violent reaction by the

MILF to the non-passage of the BBL (comparable to that which followed the failure of the MoA-AD in 2008). However, it is possible that this setback in achieving the long-held aspirations of the Bangsamoro could increase the risk that some young people could become more attracted to violent extremism – against which risk the most effective vaccination is a successful conclusion to the peace process.

Looking forward, it will be essential to **build a path forward**, a “Plan B”, so that the next Administration can hit the ground running, to work to **sustain public confidence** in the process during this period of uncertainty, and to **reaffirm the commitment of all stakeholders** to winning the prize of peace.

That said, the TPMT remains confident that this prize of peace can be attained, no matter which administration takes office on 30 June. **No administration can afford to ignore the costs of conflict in Mindanao** – not the human costs of conflict, the costs of development delayed or foregone, the budgetary and security costs of conflict, nor the risk of worsening a climate conducive to the spread of violent extremism. Given this, the **CAB will necessarily remain the cornerstone of peace**. And the **best guarantee of success lies in the continued commitment of both Parties** (evident at the highest levels throughout this past year) to addressing the Bangsamoro question and building the peaceful future in Mindanao which future generations deserve.

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1) **TPMT mandate, members and activities**

The Third-Party Monitoring Team (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 of the TPMT agreed by the Panels on 25 January 2013¹ (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.² The TPMT is required to report :

- to the Panel Chairs, in confidence, on a quarterly basis, 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 require that the TPMT shall convene every two months, 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 two Panels, together with the Facilitator and the TPMT, shall convene a meeting to review the implementation of all agreements and the progress of the transition, and produce an “Exit Document” officially terminating the process. Our ToR also provide 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

1 The TPMT ToR established in January 2013 were slightly augmented in January 2014, when the Annex on Normalisation provided that “consistent with its functions, the TPMT shall monitor the aspects of the redeployment of AFP units and troops”.

2 It should be noted that the TPMT is not the only monitoring body associated with the peace process. The International Monitoring Team (IMT) has since 2004 been charged with monitoring the implementation of the 1997 ceasefire, and the Independent Decommissioning Body (IDB) was established in 2014 to oversee the process of decommissioning of MILF forces and weapons. In addition, it is foreseen that a separate domestic-international monitoring body shall be established to monitor the administration of the plebiscite on the BBL.

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 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 two Parties) as Chair. The local members are Karen Tañada (Gaston Z. Ortigas Peace Institute) and Rahib Kudto (UNYPAD), the international members are Huseyin Oruc (IHH) and Steven Rood (The Asia Foundation), and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex II.

After its inaugural meeting in Kuala Lumpur in July 2013 (alongside the 38th Exploratory Talks between the Parties), and following on two sessions in the Philippines in 2013 and six in 2014, the **TPMT convened in the Philippines on seven occasions in 2015** – in February, March, May, June, August, October and December – and now most recently in February of 2016.

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 Government and of the MILF, with members of Congress and local government executives, AFP, PNP and BIAF commanders, civil society organisations, religious leaders, and with representatives of the private sector and of academe. In addition to meetings in Manila and in Darapanan, the TPMT has met with key stakeholders in all of the areas of the Core Territory of the Bangsamoro, as well as in areas surrounding the Bangsamoro. During its eight sessions in 2015/16, for example, the TPMT met with key stakeholders in the Bangsamoro core area (particularly in Maguindanao, but also in Lanao del Sur and in Basilan), as well as in Cagayan de Oro, Davao, Kidapawan and Zamboanga. Some TPMT members also attended as observers at the Panels meeting in Kuala Lumpur on 10-11 February 2016. A calendar of TPMT sessions is given in Annex III.

TPMT reporting during 2015, in addition to the second Public Report released in February, included three Quarterly Reports submitted to the Panels in January, June and November, detailing our principal observations and recommendations, as

well as shorter “Exit Letters” transmitted to the Panels at the close of each TPMT session, providing some immediate impressions gathered during each of these visits. In line with our ToR, these Quarterly Reports (and the Exit Letters) are confidential to the Panels, though in January of 2016 the two Panels suggested that it would be helpful to make our December Exit Letter public, and they released this to the press on 3 January.³ The TPMT also issued two public statements during 2015 – one on 19 June (following the first step in decommissioning), and one on 1 November (joining all those who have expressed their support for the timely adoption of an acceptable and meaningful Basic Law); these statements are attached as Annex V.

Financial support for TPMT activities continues to be provided by the European Union, through a grant-contract administered by UNDP. 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 – summary details of these activities are given in Annex IV).

In line with our ToR, this **third TPMT Public Report**, covering the period from January 2015 to January 2016, is intended to provide “an overall assessment of developments in the implementation of the Agreements” during this period.⁴

2) Developments in the implementation of the agreements between the Parties

The year 2014 had seen some major achievements in the peace process, for example with the signature of the CAB on 27 March 2014, the submission of the draft of the Bangsamoro Basic Law to Congress on 10 September, and the launch of the Bangsamoro Development Plan in early November.

3 The text of our December Exit Letter is available on the OPAPP and Luwaran websites, at <http://opapp.gov.ph/features/third-party-monitoring-team-tpmt-exit-letter> <http://www.luwaran.com/images/letter/TPMT%2015-17%20December%20exit%20letter.pdf>

4 Our first Public Report, covering the period from July 2013 to January 2014, was presented on 28 February 2014, and the second Public Report, covering the period January 2014 to January 2015, on 13 February 2015. Both reports are available on the OPAPP and Luwaran websites.

In contrast, the year **2015 saw much less occasion for celebration**. The tragic events at Mamasapano on 25 January 2015 (see below, under section 2.g) cast a dark shadow over the whole peace process throughout the year, had a substantial negative impact on public and political attitudes towards the process, and significantly delayed Congressional deliberations on the Bangsamoro Basic Law. The slow progress (and sometimes negative tenor) of these discussions in House and Senate have led also to increasing concerns among civil society and the wider Moro community as to the likelihood of a successful conclusion to the process.

Of course there were certain very positive developments – for example the high-profile first- phase ceremonial decommissioning of MILF combatants and weapons on 16 June, or the increasing support for the process being shown by civil society, by the private sector, and by the international community. Nevertheless, the past twelve months have seen only slow progress in the peace process as a whole. And with Congress having recessed on 5 February, there is no prospect now of a BBL being adopted before the change of administration. The continuation of the peace process, and the full implementation of the peace agreements, will thus become a responsibility of the next Administration.

a) The legislative process

Deliberations on the draft BBL in Congress had commenced rapidly in the final quarter of 2014, following the ceremonial transmission of the draft BBL to Congress by the Bangsamoro Transmission Commission at the Malacañan on 10 September 2014. This BTC draft, agreed with the Office of the President, was taken up as House Bill 4994 (sponsored by 17 Members, including the House Speaker), and as Senate Bill 2408 (sponsored by 13 Senators, including the Senate President).

In the House, an ad hoc Committee was set up to consider the BBL, this committee having 75 members (including all Congressional Representatives from Mindanao) and being chaired by Rep. Rufus Rodriguez (Cagayan de Oro City, 2nd District). Inputs were also obtained from the Committee on Ways and Means (chaired by Rep. Romero Quimbo, Marikina City, 2nd District) and the Committee on Appropriations (chaired by Rep. Isidro Ungab, Davao City, 3rd District). From October 2014 through January 2015 the ad hoc Committee held many public hearings across Mindanao, as well as a number of hearings in Luzon and the Visayas.

In the Senate, the Bill was taken up by the Committee on Local Government (chaired by Senator Marcos), the Committee on Peace, Unification and Reconciliation (chaired by Senator Guingona), and the Committee on Constitutional Amendments (chaired by Senator Defensor Santiago). A small number of public hearings were held in Mindanao and in Manila from October 2014 through early February 2015.

Following Mamasapano, however, both the House and Senate Committees suspended their deliberations on the BBL in early February 2015, resuming only on 13 April (in the Senate Committee), and 20 April (in the House Committee). Thereafter, the House Committee was able to complete its work and report, presenting the substitute bill HB.5811 on 20 May (shortly after President Aquino met with a number of Committee members at the Malacañan on 15 and 17 May). The title of the bill was amended in HB.5811, to refer to the “Basic Law for the Bangsamoro Autonomous Region” (BLBAR), in place of the “Bangsamoro Basic Law” (BBL).

The Senate Committee took rather longer to complete its work, continuing with further public hearings in May and early June,⁵ and reporting (with substitute bill SB.2894) only on 10 August.⁶ SB.2894 also referred in its title to “BLBAR” rather than “BBL.”

Since then, both House and Senate proceeded with the period of interpellation (commencing in the House on 1 June, and in the Senate on 24 August). In the House, however, these deliberations were frequently cut short due to the absence of a quorum and what some have described as “chronic absenteeism”, and it was only on 16 December that the House voted to close the period of interpellation. This followed a meeting with President Aquino at the Malacañan on 8 December, attended by almost 150 Members of the House, at which the President had underlined the importance of the peace process for future generations, and had urged Congress to take action now to move this process forward.⁷

In the Senate, on the other hand, the period of interpellation was not completed. Indeed certain Senators had suggested that the BBL should be seen as a “bill of local

5 The Senate Committee held public hearings in Manila on 13-14 May (with LGUs), on 18 May (with a number of MNLF factions), on 25 May (with sultanates and indigenous groups), on 2 June (with women's and youth groups), and on 3 June (again with LGU officials).

6 The Senate Committee on Constitutional Amendments had produced its own report on 21 May.

7 The Panel Chairs had also written jointly to members of Congress on 26 November, calling for urgent action on the BBL.

application”, which would require that the House should complete its work first, before the Senate could consider it.

Throughout this period, the GPH Panel and legal team were able to provide briefings and technical assistance to the legislators in both Chambers. Members of the MILF Panel were also present in a number of hearings, and in addition the BTC had written to both the House Speaker and the Senate President (on 29 July, 19 August, and 21 September), expressing their concerns about specific amendments proposed by the Committees (see below). In addition, we understand that the MILF Panel also engaged directly with the Office of the President on certain aspects of the proposed amendments to the BTC draft.

There had still been some hope that Congress might have been able to complete the legislative process in the first weeks of 2016, completing second and third readings in both Houses and preparing for the bicameral conference to reconcile the two versions. However, Congress recessed on 3 February without reaching that point. Some had also suggested that it might still have been possible to complete this work in the final session of the 16th Congress, from 23 May to 10 June. However, this appears to have been ruled out now, for example in the House where only those bills already having a bicameral conference report might be considered during this final session. It is thus certain now that a BBL can not be adopted by the present Congress, leaving the process to be carried forward by the next Administration and the next Congress.

Regarding **the substance of the deliberations in Congress**, it is of course premature to attempt to reach any judgement on the extent to which a final BBL might be compliant with the CAB. This can only be attempted as and when a final text is adopted by Congress. Nevertheless it may be instructive to compare the texts of the two substitute bills (HB. 5811 of May 2015 and SB.2894 of August 2015) with the original bill as submitted by the BTC on 10 September 2014 (HB.4994 / SB.2408).

We had already suggested in our Second Public Report on 13 February that the original BBL of 10 September was fully compliant with the CAB, with the exception of one very minor technicality relating to the boundaries of the Zones of Joint Cooperation in the Sulu Sea and the Moro Gulf.⁸

8 The CAB had foreseen, in its Annex on Bangsamoro Waters, that the specific coordinates delineating the Bangsamoro Waters and the Zones of Joint Cooperation should be determined in the BBL. The draft BBL submitted to Congress in September 2014 however foresaw that these coordinates should be established by a joint body to be convened within 30 days of the ratification of the BBL.

In both of the **substitute bills**, however, there would appear to be a significant number of departures from what had been agreed in the CAB. In reflection of this, the BTC wrote to the House Speaker and Senate President on 29 July transmitting a BTC Resolution calling on Congress to pass the BBL in its original form (i.e., HB.4994 / SB.2408). This was followed by letters from the BTC to the House Speaker on 19 August 2015, and to the Senate President on 21 September 2015, detailing and explaining the BTC's "partial lists" of 29 issues (in relation to HB.5811) and 87 issues (in relation to SB.2894), in respect of which the BTC believed that these substitute bills departed significantly from their original draft and indeed from the provisions of the CAB.

With regard to HB.5811, for example :

- a number of issues raised by the BTC could be argued to be points of terminology rather than of substance – for example, in the use of the term “Bangsamoro Autonomous Region” in HB.5811, rather than “Bangsamoro” in the BTC version, in referring to the “area” rather than the “territory” of the Bangsamoro, or to “national government” rather than “central government”,⁹ or in making the Bangsamoro Police “an integral part” (rather than “a part”) of the PNP;
- at the other extreme, there are a number of issues where HB.5811 clearly departs in a substantive fashion from what was agreed in the CAB. One example is where HB.5811 introduced, as exceptions to the exclusive powers of the Bangsamoro Government over natural resources, the ill-defined concept of “strategic minerals ... including all other potential sources of energy” in place of the CAB’s more specific concept of “fossil fuels (petroleum, natural gas, oil) and uranium.” A second example is in relation to the opt-in provision, where two significant changes were made in HB.5811 limiting the applicability of this provision.¹⁰ Other examples can be seen in relation to the insertion of “subject to national laws” in respect to policy-areas within the exclusive powers granted to the Bangsamoro, in transferring powers over ancestral domain from “exclusive powers” (of the Bangsamoro) to

9 The term “central government” is that which is used throughout the CAB.

10 The first change regarding the opt-in provision limits the possibility of areas outside the core area petitioning to take part in the initial plebiscite to contiguous “cities and provinces” (removing the possibility of contiguous barangay or geographic areas taking part). The second limits the possibility of future petitionary plebiscites to only two occasions (5 years and 10 years after the initial plebiscite), and provides also that this must be approved by a majority in the political units directly affected (ie the “mother” unit).

“concurrent powers” (shared by the Bangsamoro government and Manila), or transferring internal security from a “concurrent power” to a “reserved power” (of the central government), or in making public order and safety a joint responsibility of the Bangsamoro and central governments rather than a primary responsibility of the Bangsamoro government;

- a third category of amendments introduced in HB.5811 may have a special significance, since these would appear to remove powers already granted to the ARMM under RA.9054 of 2001. For example, payment of corporation tax to the Bangsamoro government would now be limited under HB.5811 to cases where the majority of a corporation’s business is carried out in the autonomous region (rather than covering that part of business carried out in the autonomous region, even if this is not the majority of their business, as was the case with RA.9054). And the power to grant tax-incentives is limited to those that are within the taxing-powers of the Bangsamoro government (a limitation which did not apply in RA.9054). In addition, amendments introduced in HB.5811 in relation to the regional audit body and regional human rights body may also detract from the powers given under RA.9054.

That said, there are certain key elements in the draft BBL and the CAB which were retained in HB.5811 – for example in relation to the parliamentary form of government, the Block Grant and its automatic appropriation, the enhanced (compared with RA.9054) degree of revenue-sharing with central government, the provisions relating to inland waters, the Special Development Fund, or the provisions relating to the shari’a justice system.

With regard to SB.2894, the number of amendments proposed in relation to the original BBL (SB.2408) is significantly greater than is the case with HB.5811. Some of these would certainly appear to be non-compliant with the CAB, or to provide for lesser powers for the autonomous region than were granted to ARMM under RA.9054. For example :

- some amendments introduced in HB.5811 figure also in SB.2894, though in certain cases are made even more restrictive. – one example is in relation to the opt-in provision, where the 6 municipalities in Lanao del Norte and 39 barangays in North Cotabato were removed from the initial plebiscite, and where the possibility of future opt-in plebiscites was removed entirely;
- a number of additional amendments (not foreseen in HB.5811) clearly deleted or substantially altered provisions foreseen in the CAB – for example in

- deleting the Preamble (referring inter alia to the historical identity and right of self-determination of the Bangsamoro people), in changing substantially the distribution of seats in the Bangsamoro Parliament,¹¹ in deleting the provisions relating to internal waters and the Zones of Joint Cooperation in the Sulu Sea and Moro Gulf, in limiting the shari'a justice system to personal and family relations and deleting the Shari'a High Court, in deleting powers of the Chief Minister over the Bangsamoro Police (powers already made available to the Regional Governor under RA.9054), in deleting the ten-year suspension of the remittance of national taxes collected in the Bangsamoro to central government, or in deleting the Special Development Fund intended to help the autonomous region recover from decades of conflict;
- other new amendments converted certain "exclusive powers" of the Bangsamoro government, as foreseen under the CAB, into "concurrent powers" shared between the autonomous government and Manila (for example in relation to health, science & technology, research, or cultural sites), or removed powers already granted to the ARMM under RA.9054 (for example in relation to inland waters, police powers, free ports, land management, or in relation to Shari'a law).

Among the reasons cited by both houses of the legislature for changing the draft bill were concerns about whether the provisions were in compliance with the 1987 Constitution. In this context, it might be noted that before the draft BBL was submitted to Congress, the Administration's legal services had spent a considerable time reviewing the wording carefully with a view to avoiding any possible challenges to constitutionality. However, members of both Houses insisted that they would not include provisions that in their judgement were unconstitutional. On the other hand, a number of respected commentators have expressed the view that the BBL is compliant with the essence of the Constitution – for example in the statement of former members of the Constitutional Commission of 9 January 2015. There are other experts who have commented positively (or negatively) on the constitutionality of the BBL (or the CAB), but also some who have suggested that the only judge of constitutionality is the Supreme Court itself. Currently there are several petitions before the Court regarding the constitutionality of the FAB and CAB, but the Court has not yet taken position on any of these.

11 SB.2894 increases the proportion of district seats (within the 60-member Parliament) from 40% to 67%, and that of reserved seats from 10% to 20%, while reducing the proportion of party-list seats from 50% to 13%.

The above comments on HB.5811 and SB.2894 are by way of example only, and do not attempt to provide any exhaustive assessment of the extent to which these Bills are compliant with the CAB. As mentioned earlier, it would be premature to make any such assessment before a final version of the BBL can be reviewed and assessed. It was evident also that various amendments to the House and Senate versions of the Bill could have been introduced during 2nd or 3rd reading, or perhaps in the bicameral conference. But it is clear that as it stood, **HB.5811** (and even more so SB.2894), **was not compliant with the CAB** in a number of significant respects.

That said, however, it was evident that 100% compliance with the original BTC draft (or even with the CAB itself) was always an aspiration rather than a certainty, and that some amendments would evidently be less significant than others. It would therefore have been essential that the two Parties should have made **an informed assessment of whether or not any final BBL would be sufficient to give the autonomous region a real and sustainable autonomy**, to be an improvement on the existing ARMM, to fulfil the ambitions set out in the 1987 Constitution, and to meet the aspirations of the Bangsamoro people.

Looking forward, it will be **necessary for the legislative process to be taken up again in the next Congress**, whether through re-filing the original BBL or the current HB.5811, or perhaps by filing a new BBL (which the BTC might draft to take account of some of the issues raised in the Congressional deliberations while remaining fully compliant with the CAB). This will be a matter for the two Parties to discuss once the new Administration is in place.

Certainly the legislative process is not dead, and it remains essential for a BBL to be adopted by Congress in order to give legal standing to many of the provisions of the CAB. But **valuable time has already been lost**, and it will doubtless take more time before the legislative process can be resumed.

In this context, it is worth noting the MILF statement of 18 February 2016, expressing their “deep disappointment and grave dismay” over the non-passage of the BBL by Congress. Nevertheless the statement underlined that the MILF will continue to uphold the peace process and preserve its gains, tasked all MILF and BIAF members to uphold the primacy of the peace process, and called on all the Bangsamoro to remain patient, to pursue the full implementation of the CAB, and to avoid being swayed by radical elements.

b) Other process-related developments

The **GPH and MILF Peace Panels** of course continued their work throughout 2015. The Panels met in Kuala Lumpur on 29 January (just a few days after the Mamasapano incident), and issued a joint statement expressing their deep sympathy and grief for the loss of lives at Mamasapano, reaffirming their commitment to the peace process, and resolving to strengthen their cooperation and coordination in addressing security concerns and in rebuilding public confidence in the process. The Panels supported the conduct of investigations by the PNP Board of Inquiry and the MILF's Special Investigative Commission, and commended the International Monitoring Team (IMT) and Joint Coordinating Committee on the Cessation of Hostilities (JCCCH) for their determination in reinstating the ceasefire in the affected areas. Also at this meeting, the Panels renewed the mandate of the IMT (till March 2016), and adopted a first Protocol on the Implementation of the Terms of Reference of the Independent Decommissioning Body (IDB).

At an informal meeting in Manila on 12 May, the Panels approved the distribution of 12,000 PhilHealth memberships for Bangsamoro communities,¹² as well as increasing by 445 the number of CHED study grants available under the Sajahatra programme.

A further meeting of the Panels in Kuala Lumpur on 29-31 May agreed to establish the Task Force for Decommissioned Combatants and their Communities (TFDCC),¹³ which would implement and coordinate the socio-economic programmes to be extended to the former combatants and their communities. It was also agreed at that meeting to extend the mandate of the Ad Hoc Joint Action Group (AHJAG) till March 2016, and that of the Civilian Protection Component of the IMT till March of 2017. The meeting also discussed options for setting up the Normalisation Trust Fund (NTF), following a presentation by UNDP and the World Bank, and asked these two agencies to prepare possible terms of reference for the NTF.

The Panels met again in Cotabato City on 17 June (immediately after the first-phase ceremonial decommissioning of MILF combatants and weapons), adopting

12 The Panels also agreed that 9,000 additional PhilHealth memberships would be reserved for former BIAF combatants under the second phase of the normalisation process.

13 The TFDCC is co-chaired by Under-Secretary Luis Montalbo of OPAPP and Sammy al Mansoor for the MILF. The other members are Assistant Secretary Vilma Cabrera (DSWD), Dir. Wendell Orbeso (OPAPP), and Abbas Salung and Abdul Tomawis from the MILF.

the second Protocol to the terms of reference of the IDB, elaborating its mission arrangements, functions and other operational obligations.

Also during 2015, the Panels came together for a number of workshops, to consider socio- economic assistance and other aspects of normalisation :

- on 11-14 September, the Panels met in Davao City, in a workshop sponsored by the World Bank, to consider possible models for implementing a community-based approach to normalisation. Also taking part in this meeting were the various normalisation bodies¹⁴ and the Bangsamoro Development Agency;
- on 25 October, the Panels met in Davao City, together with members of the JNC and TFDCC, to consider JPST training, IDB matters, activities of the TFDCC and TFCT, and issues arising from the Mamasapano incident in January;
- and on 9 November, the Panels met in Manila, together with representatives of the World Bank and the BDA, to consider the utilisation of the balance of the Mindanao Trust Fund during 2016, its final year (see section 2.d below).

The Panels met again in Kuala Lumpur on 10-11 February 2016, expressing their disappointment over the non-passage of the BBL, but reaffirming their commitment to the peace process and to preserving the gains of more than 17 years of negotiations, and to implementing the CAB as a viable roadmap towards resolving armed conflict in Mindanao. They agreed that early passage of a BBL in the next Congress is a requirement for implementation of significant aspects of the CAB including the decommissioning of MILF weapons and combatants. The Panels agreed to sustain the existing peace infrastructure, and renewed the mandates of the IMT and AHJAG till March 2017. They formally received the report of the TJRC, and continued the discussion on its operationalisation. The meeting also approved the ToR for the TFCT, and discussed updates provided by the IDB and the TPMT.

In addition to these various meetings and workshops, the two Panels of course remain in close contact at all times, and indeed Panel members frequently appear together at various public engagements, giving ample opportunity for informal contacts.

In addition, the two Panels (and the BTC) have carried out a significant number of public- information exercises intended to raise public awareness and enhance

14 The Task Force on Camp Transformation (TFCT), the Task Force on Decommissioned Combatants and their Communities (TFDCC), the Joint Normalisation Committee (JNC) and Joint Peace and Security Committee (JPSC), and the Independent Decommissioning Body (IDB).

understanding of the proposed BBL, including through public consultations,¹⁵ publications in print and electronic format and in social media, photo exhibitions and presentations in schools and colleges in Manila and in Mindanao. The GPH Panel created a “Speakers’ Bureau” to increase the number of resource persons for these outreach activities, and drew also on inputs from the National Commission on Muslim Filipinos (NCMF), the National Youth Commission (NYC), and the Philippine Commission on Women (PCW), as well as a number of CSO partners.¹⁶ There has also been outreach in the security sector, with joint GPH-MILF JNC workshops in December for BIAF personnel in Lanao del Sur, and for PNP, AFP and LGU officials in Marawi City.

Meanwhile, the **Bangsamoro Transition Commission** (BTC) also continued its work, maintaining close contact with the Office of the President regarding the ongoing deliberations in Congress, handling the various tasks entrusted to it by EO.120 of 17 December 2012, and carrying out a wide range of public awareness activities. Some uncertainty regarding the transition between the Transition Commission and the Transition Authority was removed in EO.187 of 20 August, extending the life of the BTC till “ratification of the BBL”.¹⁷ This same Executive Order also added to the responsibilities of the BTC, giving it the task of preparing a draft code of parliamentary procedures for the Bangsamoro Parliament and an administrative code for the Bangsamoro Transition Authority (BTA).

One of the oldest peace process bodies, the **International Monitoring Team** (IMT)¹⁸ continued its operations throughout this period, and indeed was instrumental in helping to broker a ceasefire at the height of the Mamasapano incident. The IMT

15 For example, the GPH Panel and its staff had as of December 2015 taken part in 835 public consultations since 2010, bringing together a wide range of stakeholders including national government agencies and LGUs, indigenous communities, the royal houses, civil society groups, and academic institutions.

16 CSO partners in the GPH Panel’s information activities included Mangunguya, Kalilintad, Pakigdait, and the Basulta Contact Group

17 The original EO.120 of 17 December 2012, establishing the BTC, had provided for its operation through until “enactment by Congress of the BBL”; it was realised later that this would have left a gap between the abolition of the BTC (with the enactment of the BBL by Congress) and the establishment of the BTA (with the ratification of the BBL following the plebiscite).

18 The IMT, chaired by Malaysia and with personnel coming from Brunei, the European Union, Indonesia, Japan, Malaysia and Norway, was established in 2004 to monitor the implementation of the ceasefire between the two Parties. Based in Cotabato City, with team-sites also in General Santos, Iligan and Zamboanga, the IMT currently has 38 personnel (25 military, 2 police, and 11 civilians).

had recorded zero ceasefire violations (involving both GPH and MILF forces) from 2012 to 2014, and in 2015 recorded only two such violations (one of which was Mamasapano).¹⁹ The IMT's annual mandate, due to expire in March 2016, has now been extended till March 2017. The **Ad Hoc Joint Action Group** (AHJAG), established in 2005 to strengthen cooperation between GPH and MILF in dealing with criminal syndicates, kidnap-for-ransom groups and other criminal groups operating in Mindanao, likewise had its mandate extended till March 2017.

Outside the formal process, there were also a number of **major initiatives involving civil society** and other concerned groups. Already on 9 January, fourteen of the surviving members of the 1987 Constitutional Commission issued a statement supporting the BBL. In addition, a “Congressional Study Group” drew together a number of Administration allies in Congress to help sharpen deliberations on the draft BBL.

On 27 March President Aquino announced the formation of the **Peace Council**. Convened by former Chief Justice Hilario Davide Jr, Cardinal Luis Antonio Tagle, Jaime Augusto Zobel de Ayala, Ambassador Howard Dee and Bai Rohaniza Sumndad-Usman, the Council drew on a large number of co-convenors and resource persons (including for example former Education Secretary Edilberto de Jesus, former Constitutional Commission member Christian Monsod, retired General Alexander Aguirre, and Cardinal Orlando Quevedo). For its deliberations, the Council formed four main clusters – addressing respectively constitutionality and forms and powers of government (chaired by Justice Davide), economy and patrimony (chaired by Mr Zobel de Ayala), social justice and human development (co-chaired by Ambassador Dee and Ms Sumndad-Usman), and human security / peace and order (chaired by General Aguirre and Secretary de Jesus).

The Council report concluded that the draft BBL was indeed constitutional (or could easily be made so by the clarification of a small number of specific points), and that it was “overwhelmingly acceptable and deserves the support of all Filipinos”. Their report²⁰ was made public on 27 April, presented in public hearings in the House

19 To be noted that the Joint Coordinating Committee on the Cessation of Hostilities considers that there was only one “armed skirmish” involving GPH and MILF forces during 2015 (the Mamasapano incident). However they did record a larger number of minor ceasefire violations, mainly in relation to uncoordinated movement of forces. A total of 22 ceasefire protests were filed with the JCCCH during 2015 (20 protests filed by GPH, 2 by the MILF).

20 “Paving the path for peace : The Peace Council Report on the Bangsamoro Basic Law”

(27 April) and Senate (5 May), and was given wide attention both in the press and in Congress.

In October / November, as Congress was about to commence its final session of the year, a number of concerned groups released **statements in support of the peace process**. This included a statement from a number of foreign Ambassadors resident in the Philippines (signed by more than 20 Ambassadors),²¹ a statement from the Presidents of the five Ateneo universities and one from the Catholic Educators Association of the Philippines, a statement from the business community (coordinated by the Makati Business Club),²² and a statement from a large number of Mayors and other local government officials from Maguindanao. The TPMT issued its own statement (titled “Seize the Moment” on 1 November (see Annex IV).

In addition, the Secretary-General of the Organisation of Islamic Cooperation, Mr. Ameen Madani, issued a statement in December expressing the OIC’s full support for the Philippines in its efforts to achieve a just and lasting peace in Mindanao, and urging all concerned “not to let this historical moment become another lost opportunity”.

These voices in support of the peace process added to the statements being made by many domestic civil society organisations.²³ In addition, several thousand civil-society members marched to the House of Representatives on May 18, calling on legislators to pass a BBL reflective of the visions of the CAB and the peace process, which would bring lasting peace to conflict areas in Mindanao.

Looking forward, it is encouraging also that a number of dialogues with Presidential aspirants are commencing, including for example public “conversations” being organised by Cardinal Quevedo with each of the Presidential candidates.

21 Signatories included the Ambassadors of nine EU Member-States and of the EU Delegation, of Norway and Switzerland, of Australia, Canada, Colombia, Japan, Korea, New Zealand, Palau, Panama, South Africa and the USA.

22 Signatories of the business community statement included the ARMM Business Council, Alyansa Agrikultura, the Bangsamoro Business Club, the Employers Confederation of the Philippines, the Makati Business Club, the Management Association of the Philippines, the Mindanao Business Council, Philippine Business for Social Progress, the American Chamber of Commerce, the Canadian Chamber of Commerce, the European Chamber of Commerce in the Philippines, the Japanese Chamber of Commerce and Industry, and the Philippine Association of Multinational Companies Regional Headquarters.

23 For example, the Caucus of Development NGO Networks, the Consortium of Bangsamoro Civil Society, the Mindanao Peoples Caucus, Women Engaged in Action on 1325.

c) Normalisation

While, understandably, it has been the legislative process which has attracted most public attention during 2015, there are of course other key aspects of the peace process which have been carried forward throughout the year. In particular, this includes the “normalisation” aspects, intended to bring an end to conflict, ensure human security, and allow communities to return to normal and peaceful life.

The Normalisation Annex of the CAB (and the detailed Normalisation Matrix attached to this) provide for a number of step-by-step activities in eight specific areas, namely transitional components, socio-economic programs, confidence-building measures, decommissioning of MILF forces, redeployment of AFP, policing, disbandment of private armies and other armed groups, and transitional justice and reconciliation.

These activities are divided into four key phases, corresponding to milestones reached in the process as a whole. Thus :

- Phase 1 runs from the signing of the Normalisation Annex (which took place on 25 January 2014), through to the completion of the verification and validation of MILF forces conducted by the IDB;
- Phase 2 runs from the completion of this validation, through to the ratification of the BBL;
- Phase 3 runs from ratification of the BBL up to the establishment and operationalisation of the Bangsamoro Police;
- and Phase 4 runs from operationalisation of the Bangsamoro Police up to two months prior to the signing of the Exit Agreement which would officially close the process.

Many of these normalisation activities do not appear in the draft BBL, except in the articles related to Policing (Art. XI) and to Rehabilitation and Development (Art. XIV). As the Parties have said, the normalisation process reflects the political commitments of the President and Executive and of the MILF, while the BBL is concerned with setting the legal foundation for the autonomous region, including the establishment of the Bangsamoro Parliament and Government, its institutions, powers, responsibilities and resources. The normalisation process, so important for the success of the peace process as a whole, will thus continue to be managed directly between the two Parties, in line with their respective commitments.

Significant progress was made in a number of these areas during 2015. This included in particular the high-profile ceremonial decommissioning of 145 MILF combatants and 75 high-powered weapons at the Old Provincial Capitol of Maguindanao in Simuay on 16 June, in the presence of President Aquino and MILF Chairman Murad Ebrahim. Another major step forward, though attracting less public attention, has been the completion of the report of the Transitional Justice and Reconciliation Commission, submitted to the two Panels on 9 December, and formally transmitted in Kuala Lumpur on February 10 of this year. But **progress in some other areas has been lagging**, and much remains to be done to complete Phase 1 and prepare for implementation of Phase 2.

Taking in turn the different headings of the Normalisation Matrix with respect to Phase 1 of normalisation, the first heading, “**Transitional components**”, mainly covers the establishment and operation of the Parties’ normalisation bodies, in particular :

- the ***Joint Normalisation Committee*** (JNC). Established on 24 April 2014, the JNC has three members from each Party, and is co-chaired by Under-Secretary Zenonida Brosas (NSC) and Muhammad Nasif (MILF),²⁴ the JNC has the primary function of coordinating the process of normalisation, and reports periodically to the Panels on the progress of its work. The JNC met four times during 2014, and seven times during 2015.²⁵
- the ***Joint Peace and Security Committee*** (JPSC) reports to the JNC, and is responsible for coordinating the security component of the normalisation process. Established in May of 2014, and co-chaired by Police Chief Superintendent Diosdado Ramos (PNP) and Hussein Muñoz (MILF), the JPSC has continued to meet on a regular basis,²⁶
- the ***Joint Peace and Security Teams*** (JPSTs) bring together contingents from the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) and the Bangsamoro Islamic Armed Forces (BIAF). They will work for the maintenance of peace and order in areas mutually identified

24 The members of the JNC are Under-Secretary Zenonida Brosas, MGen Leo Ferrer (ret), and Police Director Charles Calima (ret) for the GPH, and Muhammad Nasif, Atty Naguib Sinarimbo and Said Shiek for the MILF. (Dir. Calima had replaced MGen Ariel Bernardo when he moved to other functions in May).

25 JNC meetings in 2015 were held on 13 January, 20 February, 12 March, 13 May, 21 July, 11 September, and 13 November.

26 The members of the JPSC are Police Chief Superintendent Diosdado Ramos, BGen. Glenn Macasero and Director Carlos Sol Jr for the GPH, and Hussein Muñoz, Musa Aspalan and Yasser Calandada for the MILF. (Chief Superintendent Ramos had replaced Director Edgardo Ingking on his retirement in August.)

by GPH and MILF, including for example assisting in the fight against private armed groups, and in providing security for peace-process activities (including security for the Secure Arms Storage Areas (SASAs) where the decommissioned weapons will be put beyond use).

Joint training for JPST personnel²⁷ began in May 2015, covering 31 JPST personnel (15 from BIAF and 16 from AFP / PNP), and was intensified towards the end of the year, with a batch of 148 trained in November, and a further batch of 151 in December (totaling 330 to date, and comprising 165 BIAF personnel and 165 AFP / PNP personnel). It had been foreseen that additional joint training sessions would be carried out from January through June 2016, raising the total of jointly-trained JPST members to 1,380 (50% BIAF, 50% AFP / PNP). It appears however that this will now be delayed, pending further clarity on the legislative process. In the meantime, members of the first batch of 31 JPSTs have already been contributing to security at the Secure Arms Storage Area where the weapons decommissioned in June are stored.

The JNC had identified ten specific locations where the other trained JPST units can be assigned (generally in teams of 30, being 15 BIAF and 15 AFP / PNP), to help maintain peace and order in “hot-spot” areas. However, the JPST operations manual has not yet been finalised, and no decision has yet been taken on the operational deployment of these trained personnel, pending a decision on the weapons which they might be allowed to carry.²⁸ This is unfortunate, since the deployment of these joint teams, with personnel from BIAF, AFP and PNP trained together and working together for a common cause, could be a very potent symbol of the Parties’ joint commitment to promoting peace and stability. It is understandable however that it would be difficult to ask these personnel to undertake such tasks without being able to defend themselves against lawless groups.

Regarding the “**Socio-economic**” component of normalisation during Phase 1, this is foreseen to include :

27 This joint training for JPST personnel is preceded by “re-tooling” training carried out separately for BIAF and AFP/PNP personnel. This internal re-tooling was carried out for 303 BIAF personnel at the beginning of May 2015, and for a total of 124 AFP/PNP personnel (58 AFP, 66 PNP) in November/December 2015.

28 The Panels have agreed that JPST personnel shall have “parity of weapons” – ie that the BIAF and AFP / PNP personnel shall have the same weaponry – but no decision has yet been taken on how this can be operationalised.

- consolidating (and upgrading) the **needs and skills assessment** of MILF forces and communities, and identifying needs for **capacity-building**. A review of existing information was carried out by the Bangsamoro Development Agency (BDA) and OPAPP in early 2015, complemented by wider studies of MILF communities carried out by the Institute for Bangsamoro Studies (IBS) and the Bangsamoro Study Group (BSG), completed in May. A more detailed needs and skills assessment covering the 145 BIAF personnel to be decommissioned in June was carried out by IBS in May, and was complemented by the compilation of individual profiles (matching needs with assistance available) carried out by DSWD and MILF social workers in November. In addition, BTC and JICA completed a survey of six municipalities surrounding Camp Abubakar in October;
- establishing a Bangsamoro **Normalisation Fund** to provide support for former combatants and their communities. No decisions have yet been taken on the establishment of this fund, though various proposals have been under discussion between the Panels since May, and the World Bank and UN were requested to prepare draft terms of reference for a Normalisation Trust Fund. In the meantime, it has been agreed that the balance of funds remaining under the long-standing Mindanao Trust Fund (MTF) will be used to provide initial support for normalisation, pending a decision on establishing the Normalisation Fund / Trust Fund foreseen in the CAB. A balance of some PHP 340m remains available under the MTF, but this can only be drawn upon up till the end of 2016, given the expiry-date of the MTF (see also Section 2.d below);
- in addition, a **Task Force for Decommissioned Combatants and their Communities** (TFDCC) was established in May to undertake all efforts related to socio-economic and development programs for MILF combatants and their communities, including coordination with all concerned government agencies and development partners in support of these programs. The TFDCC met for the first time in early October, and is co- chaired by Under-Secretary Montalbo of OPAPP and Sammy al Mansoor for the MILF.²⁹ It reports directly to the Panels, and works closely with the Task Force on Camps Transformation (see below) and with the JNC.

29 The other members of the TFDCC are Assistant Secretary Vilma Cabrera of DSWD and Wendell Orbeso of OPAPP, and for the MILF Mammit Tomawis and Abbas Salang.

It might be noted that an amount of PHP 2.46 billion was allocated in the 2015 General Appropriations Act to support socio-economic development activities related to normalisation, particularly on education, health, livelihood and social-protection.³⁰ A further PHP 0.9 billion was foreseen in the 2016 budget.

Confidence-building measures during Phase 1 include :

- the *disposition of previously-acknowledged MILF camps*, through the constitution of Joint Task Forces. These task forces have now been established, and are overseen by the Task Force on Camps Transformation (TFCT). The TFCT first met in October of 2014, is co-chaired by former Agriculture Secretary Senen Bacani of OPAPP and Abhoud Syed Lingga for the MILE, and reports directly to the Panels. The six individual Task-Forces under the TFCT are responsible for needs-assessment, and for the planning and implementation of measures to transform six previously-acknowledged MILF camps into peaceful and productive communities.³¹ The ToR for the TFCT were formally adopted by the Panels at their meeting in Kuala Lumpur on 10-11 February 2016;
- *planning for socio-economic programs* for these six camps is being carried forward by BDA in cooperation with JICA. An initial survey of six municipalities surrounding Camp Abubakar was completed in November 2015, and socio-economic planning studies for the other camps are underway. The TFCT has proposed that development programs for the communities in each camp should commence with certain quick-acting, entry-level activities (for example the construction of water supplies, solar panels, hanging bridges, small-scale irrigation rehabilitation etc), followed by more substantial actions to be identified in the area development plan being prepared for each camp. Community validation for the quick-response programmes has already been carried out for 5 of the 6 camps, with technical validation to follow in most cases during the first quarter of 2016;³²

30 Of the PHP 2.46 billion foreseen in the 2015 GAA for socio-economic development work in relation to normalisation, 38% was allocated to DSWD, 35% to DA, 25% to DepEd, CHED and TESDA, and 2% to PhilHealth.

31 The previously-acknowledged MILF camps referred to in the CAB are Camp Abubakar (Maguindanao), Camp Bilal (Lanao del Norte and del Sur), Camp Omar (Maguindanao), Camp Rajamuda (North Cotabato and Maguindanao), Camp Badre (Maguindanao), and Camp Busrah (Lanao del Sur). Each individual Camp Task-Force is composed of two GPH and two MILF nominees.

32 Of these various quick-response programmes, two water-systems, one solar-power system and one irrigation rehabilitation are already undergoing procurement.

- the ***establishment of parameters for amnesty / pardon*** of former combatants charged with or convicted of crimes and offenses connected to the armed conflict in Mindanao. While this had been discussed at the Panels meeting in Kuala Lumpur in November of 2014, and a group has been established to make recommendations for parameters, there appears to have been little progress on this matter since then, and at the time of writing no agreement had yet been reached on amnesty/pardon parameters;
- also carried out as a confidence-building measure (though not specified in the Normalisation Matrix), a ceremony at Simuay, Maguindanao on 6 January 2016 saw the ***Department of Agriculture*** hand over a range of agricultural equipment and materials to farmers in the area of the six previously-acknowledged MILF camps.³³

The **decommissioning of MILF forces**, it must be underlined, is only one part (though a particularly significant part) of the complex process of normalisation. The CAB provides that decommissioning shall be conducted in four phases,³⁴ “parallel and commensurate to the implementation of all the agreements of the Parties”. During Phase 1 of normalisation, the key commitments included :

- organisation of the ***Independent Decommissioning Body*** (IDB). The ToR of the IDB were agreed between the Panels in March of 2014, and the IDB first met in September of that year. Preparatory work on the organisation, working methods and funding of the IDB led to the signature of the IDB’s organisational protocol on 29 January 2015, amplified in a second protocol signed on 17 June. The IDB is chaired by Ambassador Mustafa Pulat of Turkey, and includes two more international and four national members.³⁵ The IDB now has office premises

33 The equipment and materials provided on this occasion included, inter alia, 6 farm tractors, 6 cassava graters, 3 hand tractors, 18 carabao, as well as quantities of palay and corn seeds and fertilisers, and coffee and fruit-tree seedlings. A number of other items of equipment are under procurement for delivery within the first quarter of 2016

34 Aside from the ceremonial turnover of 75 crew-served or high-powered weapons foreseen in Phase 1 of the normalisation process, 30% of MILF forces and weapons will be decommissioned in Phase 2 (ending with the ratification of the BBL), 35% in Phase 3 (ending with the operationalisation of the Bangsamoro Police), and 35% in Phase 4 (ending two months prior to the signature of the Exit Agreement closing the peace process).

35 Aside from the IDB Chair, Ambassador Mustafa Pulat (who replaced Ambassador Haydar Berk in October 2015), the other two international members of the IDB are William Hovland of Norway (serving as Vice-Chair and Chief of Staff, having replaced Jan-Erik Wilhelmsen from October 2015), and Major Muhammad Ayman of Brunei. The four national IDB members are LtGen Rey Ardo (ret.) and Prof. Mario Aguja (appointed by the GPH), and Von Al Haq and Isah Bato (appointed by the MILF).

in Cotabato City (where the Chief-of-Staff has been resident since August of 2015). IDB personnel include a modest number of HQ staff seconded from AFP and BIAF, as well as three Norwegian officers currently serving as heads of the Verification and Monitoring Assistance Teams (VMATs). Funding for the IDB's operations has largely been provided by the Philippine Government, though a grant of \$500,000 from Turkey was agreed in September (and the services of the IDB members are funded by their country of origin);

- **submission of the inventory** of MILF combatants, weapons and camps to the IDB by the MILF. This has yet to be accomplished, other than for the combatants and weapons decommissioned in June;
- **verification and needs assessment** of the MILF forces and communities. Up until now, this verification of MILF forces by the IDB has only been carried out for the 145 former combatants decommissioned in June; further validation of MILF forces awaits the MILF's submission of its inventory to the IDB. Substantial needs-assessment work has however been carried out by IBS, BSG, BDA and JICA (see above);
- the **ceremonial turnover** of a number of weapons to the IDB (20 crew-served weapons and 55 high-powered firearms were specified in the agreement), as the first stage of the decommissioning process. This was successfully accomplished on 16 June 2015, at the Old Provincial Capitol, Simuay, Maguindanao, along with the decommissioning of 145 BIAF personnel.

While modest in terms of the number of weapons and combatants involved, this **first, ceremonial, act of decommissioning** deserves special mention as the first formal act of decommissioning (and indeed serves as a convincing indicator of the MILF's commitment to adhering to the terms of the CAB, even at a time when the BBL appeared to be making little progress in Congress). The event was attended by President Aquino and a number of Cabinet Secretaries, by MILF Chair Al-Haj Murad Ebrahim and a number of MILF Central Committee members, several members of Congress, the Provincial Governors of Maguindanao and North Cotabato, and the two Panels. Also present were members of the diplomatic community, senior police and military personnel, Cardinal Quevedo and Grand Mufti Abu Hurraira Udasan, and a number of civil society representatives. TPMT members were also present, as were members of the TJRC, IMT and JNC. The event received wide coverage in both the national and international press.³⁶

³⁶ Many groups or organisations, both domestic and international, issued statements applauding what many described as a "historic first step" in decommissioning. A TPMT statement in this context was released on 19 June (see Annex IV).

The 75 weapons (in fact 24 crew-served weapons and 51 high-powered firearms, plus munitions) were handed over by the MILF to the IDB,³⁷ registered, packed and removed to the Secure Arms Storage Area at a designated site in Maguindanao, where the weapons have been “put beyond use”, being held in secure conditions by the IDB, under the guard of IDB and JPST personnel, and with outer security provided by AFP and BIAF. The 145 BIAF members (whose identities had been verified the previous day by IDB personnel) were registered and given identity cards, before returning to Camp Darapanan and being released to their homes. Each former combatant also received that day a cash grant of PHP 25,000 and a PhilHealth card, as a first instalment in a package of assistance intended to help them return to normal civilian life.

More recently, 141 of the 145 former combatants have been interviewed individually by social workers from DSWD and MILF, to identify their specific needs and assess which of the three socio-economic assistance packages proposed by OPAPP would be most suitable for them. Each package contains a mix of immediate cash assistance, health insurance, seed capital, tools or livestock, training allowances or a CHED scholarship, in different proportions depending on whether the recipient wishes to directly pursue livelihood opportunities, or to further their secondary or tertiary education. The total cost of each individual package (including the immediate assistance given at the time of decommissioning) amounts to some PHP 160,000 per person. That said, it took some considerable time for arrangements to be put in place for the detailed profiling of each former combatant, and this only began in November.

Of these 141 former combatants, 121 have been enrolled in the Preventive Care Benefits programme of PhilHealth (with a further 19 in process). TESDA skills-training programmes were of interest to 120 of the 141 (48 of these for entrepreneurial skills-training, the others for training in specific skills such as driving, welding, baking, electrical installation, etc). DSWD’s programme for sustainable livelihood was of interest to 76 of the 141 (mainly in relation to sari-sari or buy-and-sell businesses), while DA support in farming or livestock was chosen by 124 of the 141. DepEd’s Alternative Learning System was chosen by 60 of the 141,³⁸ while some sat an exam for secondary education accreditation in January 2016.

37 These weapons had been collected by CCCH and IMT personnel from sites in Lanao del Sur, Maguindanao and North Cotabato.

38 Of the 60 former combatants who took DepEd’s Functional Literacy Test, 50 qualified for the basic literacy programme, 6 for the lower elementary category, three for the advanced elementary category, and one for the high-school category.

The CAB foresees the **redeployment of AFP units and troops** from or within the Bangsamoro, consistent with a normal and peaceful life and progress in the other aspects of normalisation, and with the AFP retaining only those installations necessary for national defense and security. In Phase 1, a joint planning process and security assessment shall be commenced, allowing the JNC to recommend criteria for the redeployment of AFP units from former conflict areas, and accompanied by the removal of several temporary installations.

- discussion of the *joint security assessment* by the JNC commenced in February 2015 and has been pursued through the year, focusing primarily on the threat posed by private armed groups. JNC members have also discussed the security assessment with certain local government units and MILF base-commands, for example in Lanao del Sur in December. However, this joint security assessment has not yet been completed, and some have suggested that it should be extended to cover the risk of violent extremism;
- pending completion of the joint security assessment, the JNC has also not completed its work on recommending criteria for redeployment. Nevertheless, an *initial token redeployment* took place on 30 June, with the headquarters of the 603rd Infantry Brigade leaving Camp Abubakar in Maguindanao (replaced, in smaller numbers, by the headquarters of the 37th Infantry Battalion). Responding in a sense to the first, ceremonial, decommissioning of MILF weapons and combatants, this token redeployment was marked by a ceremony attended by ARMM Governor Mujiv Hataman and 6th Infantry Division Commander Edmundo Pangilinan, as well as by the heads of the GPH and MILF ceasefire committees;
- there has also been certain other movements of AFP units within and from/to the Bangsamoro region, but in the absence of agreed criteria for redeployment these should not be considered as part of the formal process.

With respect to **policing**, the CAB foresees the creation of a Bangsamoro police service which shall be professional, civilian, efficient, impartial and accountable, and responsible both to the central government and the Bangsamoro government, and to the communities it serves. To assist in this process, an Independent Commission on Policing (ICP) was to be organised to make recommendations on appropriate policing for the Bangsamoro. During Phase 1, it was foreseen that the ICP report would be submitted, allowing for appropriate Panel action on the report.

- the ICP was launched in October 2013,³⁹ and **submitted its report** to the Panels in April 2014;
- this allowed the principal recommendations of their report to be **incorporated in the draft BBL** submitted to Congress in September of 2014;
- since then, **further international assistance** has been provided by the UK (training and familiarisation on concepts of community policing) and by Canada (training and advice to be provided by RCMP);

Also foreseen in the Normalisation Annex (though not referred to in the Matrix associated with this) is joint action to address the problem of **unexploded ordnance (UXOs)** and landmines. In this context, the government and the MILF have been carrying forward an EU- funded programme implemented by the Swiss Foundation for Demining and the Philippine Campaign to Ban Landmines.

Regarding the **disbandment of private armies and other armed groups (PAGs)**, Phase 1 of normalisation calls for the establishment of a National Agency Task Force for the disbandment of PAGs, for a comprehensive security assessment and inventory / validation of PAGs, and for JPSC and the JPSTs to work together on the disbandment of PAGs and the strengthening of dispute settlement mechanisms.

- a “**National Task Force for the Disbandment of Private Armed Groups** in the areas of the proposed Bangsamoro and the adjacent regions IX to XII” was established by the Government on 2 September 2015, through Memorandum Circular 83. Chaired by the DILG Secretary, the Task Force includes representatives from DND, DoJ, NICA, PNP, AFP, NBI, PAOCC and the GPH Peace Panel. The Task Force shall be responsible for policy, planning and implementation of a program for the disbandment of PAGs, coordinating as necessary with relevant bodies pursuant to the CAB, and operating through till the signature of the Exit Agreement closing the peace process. While not a joint body, the presence of the GPH Panel in the Task Force is intended to provide the mechanism whereby coordination with the peace process can take place. The Task Force met in December to discuss its functions, and its internal rules and regulations are currently being finalised;
- regarding the **security assessment and inventory of PAGs**, we understand that this is now being discussed within the JNC (linked to the more general

39 The ICP was chaired by Assistant Commissioner Randall Beck of the Royal Canadian Mounted Police, and comprised international experts from Australia and Japan, as well as four national experts, two nominated by the GPH and two by the MILF. It completed its work with the submission of its report in April 2014.

security assessment foreseen in relation to redeployment), and that the JNC has agreed that the two Parties shall exchange their respective lists of PAGs.

Finally, regarding **transitional justice and reconciliation**, the CAB foresees that a program shall be established to address the legitimate grievances of the Bangsamoro people, correcting historical injustices, and addressing human rights violations. To this end, a Transitional Justice and Reconciliation Commission (TJRC) was to be established, to undertake a study and recommend appropriate mechanisms to the Panels. The TJRC was to be organised during Phase 1 of normalisation, on the basis of ToR to be agreed between the Panels, with the submission of its recommendations to follow in Phase 2.

- the **ToR for the TJRC** were established by the Panels on 22 March 2014, requiring it to undertake a study and recommend to the Panels the appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalisation through land dispossession, towards healing and reconciliation. The TJRC was also required to report within one year, and to recommend programs and measures that will bring about the reconciliation of the different communities that have been affected by the conflict. The TJRC will continue to exist, and shall be consulted on the issue of transitional justice, through until the signature of the Exit Document;
- the **organisation of the TJRC** was completed by September of 2014, when it first met. Comprising one international and two local members,⁴⁰ the TJRC is chaired by Ms Mô Bleeker of Switzerland. Since its establishment, the TJRC has convened regularly in the Philippines, carrying out consultations (assisted by local facilitators) in 250 communities, establishing study groups to consider each of the four key themes set out in their ToR, reviewing past efforts in this field, and conducting a large number of “key informant interviews”;
- following an interim report presented in April of 2015, the **TJRC submitted its final report on 09 December 2015**, and this was formally presented to the Panels in Kuala Lumpur on 10-11 February 2016. Among its key recommendations the TJRC has suggested that a National Transitional Justice

40 The TJRC is chaired by Ms Mô Bleeker, Special Envoy and head of the task force for dealing with the pas and prevention of atrocities of Switzerland's Federal Department of Foreign Affairs. The two local members are Atty. Cecilia Jimenez (appointed by the GPH), and Atty. Ishak Mastura (appointed by the MILF).

and Reconciliation Commission be established, to implement programmes towards healing and reconciliation for the Bangsamoro, guided by an Advisory Council and complemented by the work of a Civil Society Forum. As foreseen in the ToR, however, the Panels will now determine when this report will be made public.

d) Socio-economic development

Given the disastrous effects of decades of conflict, in a part of the country whose natural and human resources nevertheless have a tremendous and unfulfilled potential, the CAB amply acknowledged the essential importance of reducing social, economic and political inequalities, aimed at **allowing the Bangsamoro to catch up with the rest of the Philippines**. One particular aspect of this is addressed in the context of normalisation, where the Parties agreed to intensify development efforts for rehabilitation, reconstruction and development of the Bangsamoro, addressing the needs of former combatants, internally- displaced persons (“bakwit”) and poverty-stricken communities. More broadly, the agreement also foresees that the Bangsamoro shall formulate its development plans, consistent with national development plans but recognising the region’s unique needs and aspirations, and addressing the need for post-conflict rehabilitation, reconstruction and development.

An initial contribution to these efforts came through the **Sajahatra Bangsamoro** programme, launched on 11 February 2013 to help uplift and develop the health, education and livelihood conditions of Bangsamoro communities. Jointly implemented by GPH and MILF task forces in accordance with ToR agreed by the Panels on 11 April 2013, the Sajahatra Bangsamoro programme has brought together inputs from a number of national agencies.⁴¹

With a total government funding allocation of some PHP 564.4m (2013-14) provided under the President’s Contingency Funds, the program has operated in

41 Agencies involved in the Sajahatra Bangsamoro programme include the Department of Health (DoH) and PhilHealth, the Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR), and the Department of Social Welfare and Development (DSWD).

ten sites (in the five provinces of the ARMM and in Lanao del Norte, North and South Cotabato, Davao Oriental and Zamboanga Sibugay). The program was to be implemented over a period of 18 months (February 2013 to October 2014), and aimed to provide PhilHealth membership for 11,000 people, construct ten barangay health stations, cover some 16,000 children under DSWD's supplemental feeding program, provide some 600 college study grants, establish 10 day-care centres, provide vocational training for some 1,000 persons, provide Cash-for-Work support for 11,000 persons, and promote agricultural development through small-scale infrastructure projects and livelihood development.

It was already clear by the closing months of 2014 that the implementation of this programme had been significantly slower than foreseen, and only some 17% of the total budget had been utilised or obligated by the end of 2014. As a result, the implementation schedule was initially extended to June 2015, and was finally terminated in November of 2015 (though both Parties committed themselves to continuing the delivery of pending commitments, and the government has expressed its willingness to continue such work under normal line-agency programmes). As noted in our previous public report (February 2015), the main problems lay with the infrastructure-related components, with issues arising in relation to their scattered geographic coverage, the need for extensive social preparation, issues related to land-titles, and delays in the approval of agency budgets. Other issues included the limited involvement of regional government and LGUs (at the request of the MILF), and the need for agency field-offices to apply a "peace lens" in programme implementation (as opposed to a "business-as-usual" approach).

Nevertheless, a fair degree of progress was made during 2015, and by January 2016 some 59% of the total budget had been utilised or obligated. Accomplishments as of end-November 2015 included the following :

- in the health sector, 22,700 persons have benefited from PhilHealth assistance (99% of target). Three (out of ten) barangay health stations have been constructed, with a further seven to be built in 2016. Five ambulances (out of ten) have been delivered, with a further five being processed. Of the 16,000 target beneficiaries for DSWD's supplemental feeding programme, some 9% of the total have completed the programme, with a further 27% currently benefiting from it, 47% undergoing preparatory activities, and 17% still to be identified;
- in the education sector, CHED agreed in 2015 to increase the number of college-study grants from 600 to 1,084 (and to increase the amount of

assistance from PHP 10,000 to PHP 20,000 per annum), and a total of 1,080 students benefiting from this programme are currently enrolled in 112 State universities and colleges across Mindanao.⁴² In terms of vocational-training support from TESDA, 1,030 students (as per target) have completed various courses, and 21% of these have already found employment. Out of 50 madaris foreseen to receive DepEd support with capacity-building, curriculum development and facility upgrading, 20 madaris have received the full assistance, and 25 are in earlier stages of implementation. Of the ten day-care centres to be provided by DSWD, two have been completed, with the eight others now in various stages of construction;

- in relation to livelihood programmes, cash-for-work assistance from DSWD had been foreseen for 11,000 beneficiaries – of these, 39% have received the full assistance, while 39% are about to graduate and the remaining 22% would have completed the programme during January 2016. Livelihood support from DA has been provided to four sites (out of the ten foreseen), with two more underway and four still at the procurement stage. The improvement of farm-to-market roads by DA is underway at three sites (covering 6.4 km out of the 19.7 km foreseen), with design work being finalised at another site, and the five others to be implemented in 2016. Work by DA on two fish-landing facilities is at the design stage, and will commence implementation later in 2016. Work by DENR on tree-planting is underway at 6 sites endorsed by the MILF (covering 800 ha, out of the 1,000 ha foreseen), with three further sites under preparation.

From a longer-term perspective, development planning in preparation for the future Bangsamoro has been carried forward by the Bangsamoro Development Agency (the development arm of the MILF), with financial support from the Mindanao Trust Fund and JICA. The resulting **Bangsamoro Development Plan** (BDP) was launched at Darapanan on 2 November 2014, and presented to the international community at the annual meeting of the Philippine Development Forum in Davao on 5-6 November of that year.

Since then, the BDA has been working to develop further the key themes foreseen in the Plan, for example in preparing masterplans for the communications and transport infrastructure components, with the assistance of the Japanese

⁴² Of these 1,080 students receiving CHED college-study grants under the Sajahatra Bangsamoro programme, 57% are currently in year 3 of their courses, 6% in year 2, and 36% in year 1.

International Cooperation Agency (JICA). BDA has also identified a list of quick-acting projects in areas such as small water systems, access paths, livelihood, and micro-finance. Implementation of these various projects has not yet commenced, however, pending the completion of community validation.

Meanwhile, the **Mindanao Trust Fund** (MTF), established in 2006 to support reconstruction and development in conflict-affected areas of Mindanao, has continued its efforts, adjusted these in response to developments in the peace process. Administered by the World Bank with funding (amounting in total to some \$28.8m) from the European Union, the governments of Australia, Canada, New Zealand, Sweden and the US, and the World Bank,⁴³ the MTF will terminate at the end of 2016.

In December of 2015, however, at a meeting between the Panels and the World Bank, it was agreed that the remaining balance of MTF funds (amounting to some \$7.2m. or approx. PHP 340m) would be used during 2016 to contribute to the normalisation process. This will involve support for the BDA's "Bangsamoro ADVANCE" programme,⁴⁴ including community development in the 6 previously-acknowledged MILF camps, support for communities surrounding a number of smaller MILF camps, and support for vulnerable groups (including women and children, the elderly, IDPs, and female-headed households). The programme will also provide support for enterprise development, and contribute to capacity development more generally. All of this work must be completed by December 2016, however, since the MTF will terminate at that point.

e) Preparations for transition

While the legislative process continued and work on normalisation gathered pace, it was important for all concerned to look forward to the point at which the BBL might be ratified, the ARMM abolished, and the Bangsamoro Transition Authority appointed to take its place.

43 Total funding for the MTF, from 2006 onwards, amounts to some \$28.88m, of which \$17.66m from the EU, \$4.30m from Sweden, \$2.89m from Australia, \$1.56m from Canada, \$1.53m from the World Bank, \$0.75m from the US, and \$0.20m from New Zealand.

44 Mindanao Assistance for Development and Community Empowerment ("Bangsamoro ADVANCE")

One practical aspect of this has been **preparation for the plebiscite** to be held after the BBL is adopted. Here, COMELEC carried out a successful special registration of voters at Darapanan on 7 March allowing 208 MILF members and their families (including three Central Committee members) to register as voters for the first time. The proceedings were monitored by the Parish Pastoral Council for Responsible Voting (PPCRV). COMELEC had also expressed the intention to repeat this special registration exercise in more than 200 barangays across the ARMM, but the delays in Congressional deliberations on the BBL may have reduced the urgency of this. Nevertheless, a number of further special registrations have been carried out since March, again in cooperation with PPCRV.

Preparations for the transition from ARMM to BTA have also been carried forward, albeit slowly. The “Coordination Team for the Transition” (CT4T) was created for this purpose by the Panels in November 2014, bringing together representatives of the central Government, the ARMM and the MILF. However, progress here, as in certain other areas, appears to have been slowed by the impact of Mamasapano. The CT4T met only twice in 2015, in January and again in September, and the main topic of discussion on both occasions has been the question of how current ARMM employees would be able to transfer to the BTA, or otherwise receive separation benefits from the central government.

Certain other transition tasks have been carried forward by the **BTC**, whose ToR were modified in August 2015, adding the responsibility of producing a Code of Parliamentary Practice for the future Bangsamoro Parliament, and a Bangsamoro Administrative Code for the consideration of the BTA. This work is underway, though the codes have not yet been finalised.

Capacity-building for the transition continues to be carried forward through the Fastrac programme,⁴⁵ providing technical support on key policy and human-resource issues for the BTC and other transitional bodies, and looking forward also to the possible needs of the future BTA.

⁴⁵ The Fastrac programme (Facility for Advisory Support for Transition Capacities) was established in April 2013, and is implemented jointly by the United Nations and the World Bank, with funding support from bilateral partners including Australia, New Zealand and the UK. Total funding for the Fastrac programme to date amounts to some \$4.17m. of which \$2.06m from Australia, \$0.92m from the World Bank, \$0.70m from UNDP, \$0.32m from the UK, and \$0.12m from New Zealand.

During 2015, for example, the Fastrac programme was able to :

- support the BTC and a number of civil-society and media groups in providing accurate public information and enhancing public awareness of the CAB and the BBL;⁴⁶
- provide technical and financial support, at the request of the Panels, to a number of transitional bodies. This included support for the JNC-MILF, both for its secretariat and in carrying out camp visits and community dialogues, through funding the needs and skills assessment for MILF combatants carried out by the Institute of Bangsamoro Studies (IBS), and through developing innovative community-based security approaches (in cooperation with Conciliation Resources and a number of local civil society organisations). Support was also given to the TJRC in funding its community consultations;
- and provide technical inputs and share international experiences to assist the Panels in their deliberation on modalities for the Normalisation Trust Fund.

However, one of the most striking transitional steps has been the **MILF's formation of a political party**, the “United Bangsamoro Justice Party” (UBJP). The UBJP is chaired by Al Haj Murad Ebrahim, assisted by five vice-chairs and a deputy chair for women, with Sammy al Mansoor as Secretary-General. It held its first general assembly at Darapanan in December 2014, with press reports suggesting that around 100,000 people attended. The UBJP submitted its registration request to COMELEC on 8 May 2015, and the Certificate of Registration was issued by COMELEC on 11 December.

The formation and now the successful registration of the UBJP marks an extremely important step in the MILF's transition from armed struggle to “democratic struggle,” joining the mainstream of the Philippines' political process.⁴⁷

46 The public awareness activities supported by Fastrac, both at the regional and national level, included a wide range of public consultations, talkshops and community discussions working with the BTC and BLMI as well as civil-society organisations such as MCSOPP (Mindanao Civil Society), DevCon (a Cotabato City-based non-profit consultancy), InciteGov (the International centre for Innovation, Transformation and Excellence in Governance). Media (and social media) activities were carried out together with ABS-CBN and Rappler.

47 There have also been reports that the MNLF is considering forming its own political party, the “Moro National Solidarity Party”, or that MNLF women might form their own political party, but it has not yet been possible to confirm these reports.

f) Other developments

While outside the scope of the agreements between the GPH and the MILF (and thus also outside the mandate of the TPMT), it is important to note the progress which was made in 2015 in furthering the dialogue between the MILF and the MNLF. The **Bangsamoro Coordination Forum** (BCF), whose establishment in October 2014⁴⁸ was facilitated by the Organisation of Islamic Cooperation (OIC), met again on 19 April in Davao. Participating in the meeting was OIC Secretary-General Ameen Madani (on his first visit to the Philippines), and OIC Special Envoy for Peace in the Southern Philippines, Sayed el-Masry. The BCF meeting agreed inter alia to operationalise a Joint Secretariat, based in Cotabato City, and led by Jun Mantawil for the MILF and Romeo Sema for the MNLF. It was also agreed that the BCF would meet again on the margins of the OIC Council of Foreign Ministers' meeting, in Kuwait from 26-28 May.

An OIC Ministerial Resolution of 28 May commended the efforts of the Secretary-General and the Special Envoy in bringing the two groups together in the BCF, and reiterated the OIC's support both for the CAB (as a "partial fulfilment of the requirements for comprehensive peace in Mindanao"), and for working to harmonise the two peace tracks (MILF and MNLF) through finding common ground between the 1996 Final Peace Agreement (with the MNLF) and the 2014 CAB (with the MILF).

Meanwhile, the MILF has intensified its direct contacts with the different factions of the MNLF, led by a "Unification and Reconciliation Committee" chaired by Central Committee Vice-Chair Ghazali Jaafar. Already in January of 2015 MNLF leader Abulkhayr Alonto had signed a joint communiqué with MILF Chair Al Haj Murad Ebrahim, confirming his group's full support for the CAB and the BBL. Then on 13 October MNLF leader Muslimin Sema signed a "Unified Declaration" with Chairman Murad, likewise confirming his group's support for the CAB and the BBL, and noting that if this is adopted as submitted it would "implement the CAB and the 1996 Final Peace Agreement in letter and spirit." In early November members of the MILF's Unification and Reconciliation Committee also travelled to Sulu, for a meeting with MNLF founding chair Nur Misuari.

48 The BCF had been announced in 2010, but did not become operational until 2014.

There were also some significant developments in the **implementation of the 1996 Final Peace Agreement** between the GPH and the MNLF. The 5th and final Tripartite Review Meeting among GPH, MNLF and OIC took place in Jeddah on 25-26 January 2016. In addition to addressing certain issues related specifically to the 1996 FPA,⁴⁹ this meeting also concurred with the most recent statements of the OIC welcoming the CAB as “partial fulfillment of the requirements for comprehensive peace in Mindanao,” and noted that it would be vital for the **MNLF to participate in any transitional authority** to be set up under the new autonomy law.

g) Mamasapano

At Mamasapano in Maguindanao on 25 January, PNP efforts to arrest or eliminate the Malaysian terrorist Marwan (efforts which were not coordinated with either the AFP or the MILF) led to the death of Marwan, but also to the killing of 44 PNP Special Action Force personnel, 17 MILF personnel and 4 civilians.⁵⁰ These tragic events of course cast a shadow over the peace process through all the months that followed. Since then, **a number of major reports have been released** documenting and assessing the events of that day and the circumstances in which the killings took place.

On 4 February 2015, the **GPH CCCH and AHJAG** finalised their internal report on the Mamasapano incident, and this was made available subsequently to both the House and Senate committees, and to the PNP, CHR, Ombudsman and DoJ. On 13 March the report of the **PNP Board of Investigation** was made public, followed on 17 March by the report of the **Senate committee**⁵¹ (on 21 March the **Commission on Human Rights** expressed its concerns over some of the statements made in the

49 This final Tripartite Review meeting agreed inter alia to organise the Tripartite Implementation Monitoring Committee (agreed in April 2011 but not yet operationalised), to start operations of the Bangsamoro Development Assistance Fund (BDAF) as soon as possible (with the assistance of the Islamic Development Bank), and to pursue work on co-management of strategic minerals through the oversight committee established under RA.9054.

50 At or near the Tukanalipao site, 35 members of the 55th SAC were killed, along with 17 MILF members and 4 civilians. At or near the Pidsandawan site, 9 members of the 84th SAC were killed, along with Marwan and an unknown number of BIFF members or others.

51 The Senate enquiry was carried out by the Committee on Public Order and Dangerous Drugs (chaired by Senator Grace Poe), together with the Committee on Peace, Unification and Reconciliation (chaired by Senator Teofisto Guingona III), and the Committee on Finance (chaired by Senator Francis Escudero).

Senate committee report). On 22 March the **MILF** released the report of its Special Investigative Commission, and a report by the **International Monitoring Team** was made public on 5 April. Hearings into the Mamasapano events in the **House of Representatives**⁵² concluded on 14 April, without yet having issued a report. An enquiry was also carried out by the **Office of the Ombudsman**, and while their report (finalised in July) has not been made public, it was announced that they had recommended that charges of grave misconduct should be filed against three senior PNP officials, with charges of neglect of duty against a further eight PNP officials.

The most detailed enquiry into possible accountability for the killings at Mamasapano was carried out by the National Bureau of Investigation and the National Prosecution Service, on behalf of the **Department of Justice**. A first report, addressing the killings at Tukanalipao, was made public (in redacted form) on 22 April, with a second report, addressing the killings at Pidsandawan, following on 8 October (also redacted). Already on 22 September, the NBI filed criminal complaints against 90 individuals⁵³ in relation to the killings at Tukanalipao, and preliminary investigations are currently underway to determine if there is probable cause for cases to be brought to court. In the case of the killings at Pidsandawan, and the killing of civilians at Tukanalipao, the DOJ report concluded that there was insufficient evidence available to allow anyone to be charged. As of mid-February, the DoJ indicated that the results of their preliminary investigation on the murder and theft charges against 90 people would be released before the end of this month.

Two related elements worth noting are that :

- a number of weapons belonging to the SAF units involved in the Mamsapano events were recovered through the joint efforts of the MILF and GPH Panels, the CCCH and the IMT, and were turned over to the government on 17 February 2015;⁵⁴
- and on 22 May the AFP and PNP signed a “Joint AFP-PNP Memorandum Clarifying the AHJAG Protocol on Prior Coordination”, as a measure

52 The House enquiry was carried out jointly by the Committee on Public Order and Safety (chaired by Rep. Jeffrey Ferrer, Negros Occidental, 4th District)) and the Committee on Peace, Unity and Reconciliation (chaired by Rep. Jim Hataman-Salliman, Basilan).

53 Of these 90 individuals, 52 are said to be associated with Private Armed Groups, 26 with the MILF, and 12 with the BIFF.

54 Of the 63 firearms taken from SAF personnel by unknown persons in the aftermath of the incident, a total of 16 were returned to the government on 17 February 2015. The MILF Panel Chair indicated at that time that efforts would continue to locate more of the missing firearms.

that would help avoid lapses similar to the law enforcement operation in Mamasapano.

This is not the place to enter into any discussion of these events – the truth of the matter, and accountability for the deaths, can only be established in the courts. However, it is worth underlining the impact which this event has had on the peace process, and on public and political opinion. Quite apart from the impact on Congressional deliberations on the BBL (both on timing and on legislators' sentiments), national opinion polls showed a clear shift of public sentiment against the peace process immediately after Mamasapano.

At the beginning of January 2016 it had been announced that the Senate would now re-open its enquiry on Mamasapano, following a request from Senator Enrile. The matter was indeed discussed in the Senate on 27 January, but appeared to offer nothing in the way of new evidence.

3) **Comment**

As we had noted in our previous report (released on 13 February 2015), it has been evident since peace negotiations between the Government and the MILF began in 1997 that **the challenges are great**. Bringing an end to decades of conflict, which have had a devastating effect on the lives and welfare of the inhabitants of the Bangsamoro, have often spilled over into surrounding regions, and have certainly impacted on the Philippines as a whole, could never be easy. This was amply illustrated by the tragic events at Mamasapano, which demonstrated yet again the human costs of conflict.

But the prizes are also great. Silencing the guns, achieving a sustained peace, and allowing the region's full potential to be unlocked, will clearly benefit all inhabitants of the region, of Mindanao, and of the Philippines as a whole. And in a broader regional and global context, success in achieving peace in Mindanao can serve as a shining example of how peace, reconciliation and prosperity can win over violence, hatred and poverty.

There were of course a number of positive and **important developments during the year**, developments which can too easily be overlooked in the negative climate prevailing after Mamasapano :

- the **Congressional deliberations** on the BBL, even if these were not able to come to a conclusion, nevertheless **allowed all stakeholders to have their**

say, ventilated all the issues, and can provide a solid basis on which the next Congress can build;

- the **first stage of normalisation**, with the ceremonial decommissioning of a small number of MILF combatants and weapons, **underlined the MILF's determination to fully comply with its commitments under the CAB**, and provided a welcome sign of forward movement in the process at a time when this was very much needed;
- there were also significant if less visible **developments in other aspects of normalisation**, for example in the slow but steady preparations for coordinating support for former combatants and their communities, in the strengthening of the IDB's footprint on the ground, and in initial preparations for action against private armed groups;
- and the **timely completion of the TJRC report**, submitted to the Panels on 9 December, may be able to offer a path towards healing some of the wounds which have been inflicted over the decades – it is to be hoped that the Panels will agree to release this report at an early date;
- the **ceasefire mechanisms continued to work smoothly** throughout the rest of the year (notwithstanding the fact that they had been ignored and put at risk in Mamasapano). This was illustrated when AFP forces pursued their campaign against BIFF in Central Mindanao, and the MILF cooperated by re-positioning their own units to avoid any risk of a wider clash.⁵⁵ The GPH and MILF CCCH and AHJAG also worked to address a number of rido cases throughout the year, in cooperation with other agencies such as the IMT, LGUs and civil society groups;
- **efforts to build a greater unity and inclusiveness** between the MILF and the different MNLF groupings gathered strength during 2015, with support for the BBL being expressed by two of the major MNLF groups;
- even when the peace process faced its greatest challenges, **domestic support for peace** was increasingly mobilised – for example through the CPC report, through public statements released by bodies such as the Makati Business Council or the Ateneo universities, and through the groundswell of support from many civil society organisations;

55 At the height of the AFP operations against BIFF and other lawless groups in Maguindanao, the joint CCCH / AHJAG arranged for the repositioning of a number of MILF-BIAF units (involving some 4,000 BIAF personnel), in order to allow AFP units to operate against BIFF without any risk of clashing with the MILF. These repositioned BIAF members remained in the repositioning areas for over two months, and food assistance for them and their families was provided by DSWD.

- the **support of the international community** was also underlined, for example through the Ambassadors' statement in October, or the OIC statement in December. And when President Aquino made an official visit to the Vatican in December, the discussions underlined that peace in the Philippines could be an example to the world of how to achieve peace, at a time when extremism has become a global threat;
- and perhaps most importantly, **both Parties remained fully engaged** with the process, and fully committed to building the sustained peace foreseen in the CAB. The Panels continued to meet, the other process-related bodies (JNC, IDB, IMT etc) continued to operate, and both the Government and the MILF clearly demonstrated their intention to see the process through to the end. This was confirmed again in the most recent meeting of the Panels in Kuala Lumpur on 10-11 February, reaffirming the Parties' commitment to stay the course of peace, and agreeing to sustain the existing peace infrastructure and to work for the early passage of a BBL in the next Congress.

There were also many **difficulties, challenges and uncertainties** arising throughout the year :

- first and foremost, the tragic event at **Mamasapano** considerably damaged public confidence in the peace process, delayed (and coloured) the deliberations in Congress, and provided an opportunity for long-standing prejudices to resurface and intensify;
- the **failure to complete the legislative process** by the present Congress has meant that this task will now be passed to the next Congress and the next Administration, which will certainly mean that there will be a more or less lengthy hiatus before all the threads of the process can be gathered up again. The opportunity has not been lost, but has certainly been deferred;
- some of the issues raised during the Congressional deliberations gave rise to public **concern that key elements of the CAB might not be retained**, that powers already given to the ARMM under RA.9054 might be taken away, and that the prospects for a real autonomy capable of "solving the Bangsamoro problem" might not be realised;
- finally, at a technical level, it might be noted that there was **slower progress in some aspects of normalisation** than could have been expected. Support for the 145 former combatants decommissioned in June was delayed, when this could otherwise have served as encouragement to those who would follow in the next phase. The Normalisation Trust Fund foreseen in the CAB

has not yet been put in place. No decisions have yet been taken on deploying the JPSTs, when this could have been a highly-visible example of concrete cooperation between BIAF, AFP and PNP in supporting peace and order. No progress has been made as yet on determining the parameters for amnesty.

One significant effect of these various uncertainties has been that **confidence in a successful outcome has taken a knock** among the wider Moro community. This has been seen among civil society, with some groups questioning whether a BBL or BLBAR with the kind of limitations which have been discussed in Congress, could ever provide a foundation for the kind of autonomy foreseen in the CAB – or if a Bangsamoro autonomous region created by such a law might again become a “failed experiment”.

Should such doubts continue, it may even be possible that some among the younger generation – not even persons associated with the MILF – may come to consider that the peace process has failed, and **risk being attracted to more radical ideologies and violent extremism**. A perception of failure could act as fuel for those who might be tempted in this direction (or those who might wish to encourage it). So far, thankfully, the Philippines has not shown evidence of the same degree of individual radicalisation that has been seen in Indonesia or Malaysia (or indeed in a number of Western countries), but this is something which both Parties will need to monitor carefully. Certainly clear evidence of progress in the peace process, and of continued commitment to building a real autonomy, will offer the best possible safeguard against these risks, and the most effective vaccination against violent extremism.

Many commentators had also expressed concern that if Congress failed to pass a BBL, this might give rise to violent incidents comparable to those seen in 2008, following the rejection of the MoA-AD by the Supreme Court. It is **encouraging that there has been no violent reaction by the MILF to the non-passage of the BBL**, and that efforts by the MILF to explain the circumstances to their rank-and-file appear to have been successful.⁵⁶

Looking forward, there are clearly some **major challenges ahead**. Since it will not be possible to adopt a BBL during the life of the present Congress, and thus to give legal expression to the political commitments entered into in the CAB, it will be essential now :

⁵⁶ Even one reported clash in Madia, Maguindanao in mid-February appears to have been the result of a misencounter, and was quickly addressed through the ceasefire mechanisms.

- to **build a path forward**, a “Plan B”, so that the next administration can hit the ground running, and the unavoidable hiatus while the new administration takes stock can be minimised;
- to work to **sustain public confidence** in the process during this period of uncertainty, including **through a clear reaffirmation of the commitment of both Parties** to pursuing the peace process;
- and, more generally, to **underline the commitment of all stakeholders**, at national, regional and local level, among local government, civil society, religious leaders and the private sector, to winning the prize of peace, and building the better future that all the inhabitants of the Bangsamoro, and all the citizens of the Philippines, deserve.

That said, we remain confident that this prize of peace remains attainable, no matter which administration takes office on 30 June. **No administration can afford to ignore the underlying costs of conflict in Mindanao** – the human costs on both sides of the conflict and among the civilian communities, the economic costs of development delayed or foregone, the security (and budgetary) costs of having a large proportion of AFP resources focused on internal rather than external security, and the risk of worsening a climate conducive to the spread of violent extremism.

The **CAB thus remains the cornerstone of peace** – negotiated after 17 years of effort, and signed in front of the international community, the CAB offers the best chance of carrying this process forward to a successful conclusion. And, as we said a year ago, the best guarantee of success in this endeavour is offered by the continued commitment of both Parties, at the highest level, to fulfilling the hopes of the people of Mindanao that their children can grow and prosper in a peaceful society.

Rahib Kudto

Huseyin Oruç

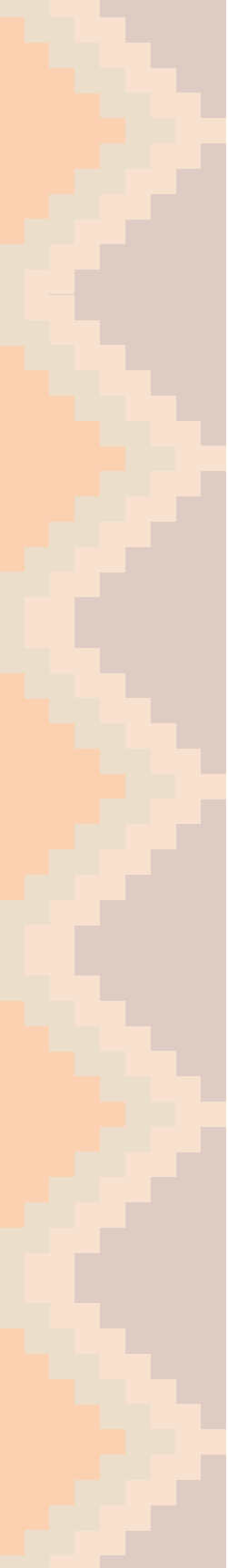
Steve Rood

Karen Tañada

Alistair MacDonald







THIRD-PARTY MONITORING TEAM

Fourth Public Report, March 2016 to June 2017

Summary

In line with the terms of reference of the Third Party Monitoring Team, this fourth 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).

The period of transition from the administration of President Benigno S. Aquino III to that of President Rodrigo Roa Duterte, now marking a year in office, has seen some continuity but also change in the roadmap for implementation of the Comprehensive Agreement on the Bangsamoro. Despite the failure of the 16th Congress to pass the Bangsamoro Basic Law, the parties in May 29-30, 2016 met in Kuala Lumpur and signed a “Declaration of the Continuity of the Partnership of the GPH and MILF in the Bangsamoro Peace Process”.

The first year under the new administration began with optimism for peace as President Duterte had reiterated his campaign promise to bring peace to Mindanao and support the BBL. The following are the main developments during this year:

- a new roadmap was put forward by the Philippine government, and agreed by the MILF, that proscribed a “Two Simultaneous Tracks: Federalism + Enabling Law Approach,” where an expanded Bangsamoro Transition Commission would work to draft an “Enabling Law” and also propose constitutional amendments to be taken up during a change to federalism. Subsequent discussions affirmed the MILF position that the BBL should be enacted ahead of constitutional change. The roadmap also envisions a more inclusive process of drafting the new law, with convergence in the participation of the Bangsamoro fronts;
- the peace panels were re-styled as “Peace Implementing Panels” in a formal launch on August 13-14, 2016 in Kuala Lumpur, focusing more on the tasks of implementing the CAB rather than negotiation;

- a new and expanded Bangsamoro Transition Commission (including three members endorsed by the MNLF group led by Sema and Jikiri) was created through EO No. 8 on November 7, 2016, with eventual oath-taking of its 21 members on February 24, 2017;
- the new draft BBL was signed by the BTC en-banc on June 16, 2017. Despite the much delayed start of their work, the BTC under the leadership of Chair Ghazali Jaafar were able to promptly work in committees, adopting as its “working document” the draft Bangsamoro Basic Law (BBL) submitted to Congress by the previous BTC in September 2014. However, possible questions of “constitutionality” of provisions in the new draft have been shunted forward, as the BTC submitted its final draft BBL to President Duterte and simultaneously to Senate President Pimentel and Speaker Alvarez on July 17, 2017 with no review beforehand by the Office of the President. Both the House of Representatives and the Senate have named the BBL among their respective priority legislative agenda.
- efforts on inclusivity and convergence included the other MNLF group of Nur Misuari who met with President Duterte in Malacanang twice, but declined to send representatives to the BTC. Instead new panels of this MNLF group and the GPH were created to draft amendments to R.A. 9054 towards full implementation of the Final Peace Agreement of 1996. However, after a meeting of Misuari with President Duterte on July 18, 2017, it was clarified that they would no longer work on legislative amendments but instead focus their engagement on ensuring MNLF gains within a federalism arrangement.
- ceasefire mechanisms that had been created and refined over past administrations continued to be effective, generally preventing mis-encounters between the two forces. They have worked smoothly even amidst intensive military operations against other armed groups like the Bangsamoro Islamic Freedom Fighters (BIFF) and the Maute forces, as well as law enforcement operations against drugs;
- slower progress occurred on Normalization, since major elements are dependent on corresponding progress on milestones in the BBL. There were minimal benefits provided to the 145 de-commissioned combatants, but also turnover of projects to the six acknowledged MILF camps, including

infrastructure, equipment, and set up of Alternative Learning System in some barangays. The Transitional Justice and Reconciliation Commission (TJRC) completed its main work with the release of its report in March 2016 and related publications in February 2017. However, stakeholders on the Bangsamoro have been clamoring for the setting up of the National Transitional Justice and Reconciliation Commission on the Bangsamoro that will carry through with recommendations in the report.

Most unfortunately, the Marawi conflict flared up on May 23, 2017, during military operations to arrest the Abu Sayyaf leader and alleged “amir” of the ISIS groups in the Philippines, Isnilon Hapilon. The crisis with its dimension of terrorism immediately led President Duterte to declare martial law in the whole of Mindanao, and in more than a month of fighting, there has been massive destruction, displacement and human casualties. While clearly unrelated to the MILF and Bangsamoro struggle, the tragic events in Marawi tend to cast a dark shadow on peace in Mindanao.

Despite increasing reports of the threat of violent extremism especially in the last year, the magnitude of the fighting and the resources and planning behind it have caught government security forces off guard. The challenge now is to be able to stop terrorism swiftly yet with the careful comprehensive and long-term measures that address its root causes as well as its manifestations. The risk that aggressive counter-terrorism efforts may create conditions that threaten the peace process should be seriously considered.

Overall, despite the grave crisis in Marawi, the major development of the BTC’s completion of the draft new BBL is an important milestone. It comes at a time early enough in the Duterte administration and the Congressional cycle - a brief period that should be seized for legislative victory. Hopefully the legislators and the public will understand that passage of the Bangsamoro Law that complies with the CAB and leads to the autonomous Bangsamoro government, will be the essential antidote to terrorist extremism in the country.

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1) TPMT mandate, members, activities

The Third-Party Monitoring Team (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 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, on a quarterly basis, 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 require that the TPMT shall convene every two months, 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 two Panels, together with the Facilitator and the TPMT, shall convene a meeting to review the implementation of all agreements and the progress of the transition, and produce an “Exit Document” officially terminating the process. Our ToR also provide 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 is supposed to have at least five members – two representatives from Philippine 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 two Parties) as Chair. Currently, there are four members: the local members are Karen Tañada (Gaston Z. Ortigas Peace Institute) and Rahib Kudto (UNYPAD), the international member is Huseyin Oruc (IHH) and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex II. Former international member Steven Rood (The Asia Foundation) left the TPMT in February 2017, and the Government Panel has yet to nominate his replacement (to be agreed by the MILF).

After its inaugural meeting in Kuala Lumpur in July 2013 (alongside the 38th Exploratory Talks between the Parties), the TPMT convened in the Philippines on two sessions in 2013, six in 2014, seven in 2015, and on five occasions in 2016 (in February, May, July, October and December). In 2017, the TPMT has so far convened on three occasions —in February, May and most recently in July this year.

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 Government and of the MILF, with members of Congress as well as regional and local government officials, AFP and BIAF commanders, civil society organisations, religious leaders, and with representatives of the private sector and of the academe. In addition to meetings in Manila and in Darapanan, the TPMT has met with key stakeholders in all of the areas of the Core Territory of the Bangsamoro, as well as in areas surrounding the Bangsamoro. During its eight sessions in 2016/17, for example, the TMPT met with key stakeholders in Cotabato, Davao and Zamboanga Cities as well as in Tawi-Tawi. Some TPMT members also attended as observers in various peace process-related events such as the formal resumption of the peace talks under the new Duterte administration in Kuala Lumpur on 14-15 August 2016 and the formal launching of the new Bangsamoro Transition Commission in Davao on 24 February 2017. A calendar of TPMT sessions in 2016/17 is given in Annex III.

TPMT reporting during 2016/17, in addition to the third Public Report released in February, included one Quarterly Report submitted to the Panels in August 2016, detailing our principal observations and recommendations, as well as seven shorter “Exit Letters” transmitted to the Panels at the close of each TPMT session, providing

some immediate impressions gathered during each of these visits. In line with our ToR, the Quarterly Report (and the Exit Letters) is confidential to the Panels.

Financial support for TPMT activities continues to be provided by the European Union, through a grant-contract administered by UNDP (which will soon be transferred to the Non- Violent Peace Force). 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 – summary details of these activities are given in Annex IV).

In line with our ToR, this fourth TPMT Public Report, covering the period from March 2016 to June 2017, 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

Transition, a New Road Map, and the work of the Panels

By February 2016, after Congress had recessed, it was clear that the Bangsamoro Basic Law (BBL) would not pass during the administration of President Benigno S. Aquino III. Nevertheless, during the final months of that administration, the GPH and MILF Panels continued to meet, on 10-11 February and on 29-30 May 2016 (both in Kuala Lumpur) :

- in the February 2016 meeting, the Panels expressed their disappointment over the non- passage of the BBL, but reaffirmed their commitment to the peace process and to preserving the gains of more than 17 years of negotiations. They agreed that early passage of a BBL in the next Congress would be a requirement for implementation of significant aspects of the CAB. They agreed to sustain the existing peace infrastructure, renewed the mandates of the International Monitoring Team and Ad Hoc Joint Action Group till March 2017, and approved the ToR for the Task Force for Camps Transformation;
- in the May 2016 meeting, the Panels signed a “Declaration of the Continuity of the Partnership of the GPH and MILF in the Bangsamoro Peace Process”, seeking to ensure the full implementation of the CAB in the next administration, as well as adopting the ToR for the Normalisation Trust

Fund and for the Project Board of the Mindanao Trust Fund. At that same meeting, the Panels also expressed appreciation of a statement issued by the incoming Presidential Peace Adviser welcoming the continuity declaration and expressing the intention to continue with the gains of the peace process.

In May of 2016 the election of the first-ever President from Mindanao, Rodrigo Roa Duterte, appeared to boost the landscape for peace considerably as he expressed sympathy for the plight of the Bangsamoro, and declared that his experience, networks, and background would help bring peace in Mindanao, while adding federalism to the discourse.

On 27 February Duterte had already visited the MILF main Camp Darapanan and had met First Vice Chair Ghazali Jaafar, promising to push for federalism with the proposed BBL incorporated into that push; but “if it takes time, and if only to defuse tension, in my government I will convince Congress to pass the BBL then make it as a template for federal states.” In both his June 30 Inaugural Speech and State of the Nation Address on July 25th, President Duterte reiterated commitment to signed agreements, and his thrust for an inclusive process.

Thus there was considerable optimism that under the first-ever Mindanaoan president, the path to peace would be promptly re-established, despite some discordant statements from other major actors.

For example, on May 19, presumptive House of Representatives Speaker Pantaleon Alvarez of the PDP-Laban Party opined that all peace talks with Moro rebels in Mindanao were “back to square one” under the Duterte administration, and that the CAB had been rendered “moot” by the government’s plan to federalize the Philippines. On June 24 the Secretary-designate of the Department of Foreign Affairs, Perfecto Yasay, suggested that the facilitation role of Malaysia needed to be re-thought. In his Hariraya (Eid’l Fitre) speech in Davao on July 8, President Duterte himself implied that federalism will be the main or first option with the BBL coming only if the former is rejected by the people.

Early on, Presidential Adviser on the Peace Process Jesus Dureza (who had served in that capacity during the administration of President Gloria Macapagal-Arroyo, as well as having previously been Chair of the government’s panel for negotiations with the MILF) strove to develop a roadmap that would resolve such ambiguities as well as fulfill President Duterte’s desire for an inclusive peace process involving

more stakeholders. On July 18 2016 President Duterte approved a “Peace and Development Roadmap” in the presence, among others, of Speaker Alvarez.

This Roadmap prescribed “Two Simultaneous Tracks: Federalism + Enabling Law Approach,” where an expanded Bangsamoro Transition Commission would work to draft an “Enabling Law” and also propose constitutional amendments to be taken up during a change to federalism¹ “if there are any constitutional issues in the proposed Bangsamoro enabling law.”

After President Duterte approved the roadmap, Secretary Dureza was able to discuss it directly with MILF Chairman Murad and members of the Central Committee in Camp Darapanan on July 21, 2016. The MILF’s consistently articulated view of the sequencing issue has been that the Bangsamoro law must come first, ahead of Federalism. However, they approved the roadmap which assured this sequence as long as the legislative track would move more quickly.

This was followed on 13 August by a formal launch of the process in Kuala Lumpur, and meetings between the two panels (presided over by the Malaysian Facilitator) on the 14th. In this meeting it was agreed to re-style the two panels as “Peace Implementing Panels,” rather than “negotiating” panels, in as much as both sides agreed that the task at hand was to implement the signed agreements, particularly the CAB.

One might note that the “re-start” of the process, with this first meeting of the Panels under the new Administration in August of 2016, came much quicker than had been the case in 2010, when it was not until February 2011 that the Panels met in formal talks for the first time.

The GPH implementing Panel is led by Chairperson Irene Morada Santiago, with panel members all from the Office of the Presidential Adviser on the Peace Process: Undersecretaries Nabil Tan and Diosita Andot and Assistant Secretaries Dickson Hermoso and Rolly Asuncion.

1 Rodrigo Roa Duterte, before he declared his candidacy for President, had toured the country promoting the notion of federalism. Given the shift in sub-national governance that this would entail, federalism has implications for any proposed Bangsamoro. The two tracks are envisioned to run on roughly the same timetable.

The MILF Implementing Panel is chaired by Mohagher Iqbal, with Aboud Syed Lingga, Abdullah Camlian, Said Shiek and Timuay Melanio Ulama as members. Recently, Marjanie Mimbantas and Mahmoud Estino have replaced Said Shiek and Melanio Ulama, bringing a younger generation into the peace leadership.

After that launch, the implementing panels have met repeatedly in the Philippines – August in Davao, September in Manila, December and February 2017 in Davao) to devise Terms of Reference for the operation of the Panels in the new “implementing mode,” to devise strategic plans (often in “workshop” mode), and for the MILF to submit their 11 nominees for the expanded BTC. One factor was the sad death on 2 September 2016 of Malaysian Facilitator Tengku Dato Abd Ghafar Tengku Mohamed, who had served in this capacity from early 2011, through the FAB and the CAB.

It was only much later on March 21, 2017 that the Implementing Panels met again in Kuala Lumpur and on that occasion signed their Terms of Reference in presence of the new Facilitator and/or Special Adviser Dato Kamarudin Bin Mustafa.

One recent development considered unprecedented is that the Chairpersons of both implementing panels have started to develop together with communications specialists a joint communications plan to build better understanding among the public on the Bangsamoro peace process.

The work of the BTC

Despite the early launch of the new roadmap, it took some time before the Executive Order No. 8 establishing the new Bangsamoro Transition Commission was formally signed at Malacañan on November 7, 2016. This Executive order amended EO No.20 (2012) that created the first BTC and EO No. 187 (2015) that extended that BTC term. The major changes instituted by EO No. 8 were an expansion in the number of BTC members from 15 to 21, and the mandate to convene an inclusive Bangsamoro Assembly as a consultative body to discuss the proposed law.

Again, more time elapsed before the appointment papers of the BTC members were released on February 10, 2017. This delay in the initiation of BTC work meantime had been causing concern especially among those who observed an apparently much more rapid progress on the peace negotiations between the GPH and the CPP-NPA-NDFP.

The government used the expanded numbers of its nominees to accommodate three members of the MNLF (Omar Sema, Hatimil Hassam and Firdausi Abbas, Jr.), affiliated with the leadership of Yusop Jikiri who succeeded Muslimin Sema. The other government nominees (none of whom were in the previous incarnation of the BTC) were summarized by Carol Arguillas of Mindanews:²

Jose Lorena was a member of the legal panel of the MNLF in the negotiations with the government from 1993 to 1996 and had since served in various capacities in the ARMM and the Office of the Presidential Adviser on the Peace Process.

Hussin Amin served as representative of the 1st district of Sulu from 1998 to 2007 and was mayor of Jolo from 2007 to 2016.

Maisara Damdamun-Latiph is Senior State Solicitor at the Office of the Solicitor General. She had earlier served as Assistant Cabinet Secretary at the Department of Education in the ARMM;

Samira Gutoc of Marawi City is a former OIC member of the ARMM's Regional Legislative Assembly [2010-2012], and was a founder of the Young Moro Professionals;

Susana Anayatin is chief of the Technical Management Service of the Department of Trade and Industry in the ARMM, and is a professor of peace and development.

Musolini Lidasan, an Iranun-Maguindaoan, is director of the Al Qalam Institute of Islamic Identities and Dialogue in Southeast Asia at the Ateneo de Davao University. Romeo Saliga, a Teduray from Maguindanao, was executive assistant to former BTC Commissioner Froilyn Mendoza. He also served as Executive Director of the defunct Lumad Development Center.

The MILF members included First Vice Chair Ghazali Jaafar and several who served in the previous BTC such as former BTC Chair Iqbal, Raissa Jajurie, Melanio Ulama, Said Shiek, and Hussein P. Munos. Additions include Sammy al Mansour, the head of the Bangsamoro Islamic Armed Forces (BIAF – and concurrently secretary general of the MILF's United Bangsamoro Justice Party), Amal Solaiman, Haron Abas, and Gafur Kanain. In short, both parties used the expanded numbers to include new elements, while the MILF was able to preserve considerable continuity in their BTC membership.

² <http://www.mindanews.com/peace-process/2017/02/members-of-bangsamoro-transition-commission-finally-named/>

The official launch of the BTC and oath-taking of its members with President Duterte finally occurred on February 24, 2017 in Davao City. Subsequently, the BTC had its first plenary session in Cotabato City from March 5-6, where it discussed its internal rules and strategies to achieve the task of submitting a draft bill by the deadline set at May 18, 2017.

The BTC next had its plenary session on April 3 to 5, where it approved its internal rules and workplan, and adopted as its “working document” the draft Bangsamoro Basic Law (BBL) submitted to Congress by the previous BTC in September 2014. (These were filed as HoR Bill 4994 and Senate Bill 2408.)

During this session, the BTC also organised itself into six committees with respective chairs: Political Autonomy (Commissioner Mohagher Iqbal), Fiscal Autonomy (Commissioner Raissa Jajurie); Basic Rights (Commissioner Hussin Amin); Justice and Security (Commissioner Firdausi Abbas), Transitory Provisions, Amendments, Revisions and Miscellaneous Matters (Commissioner Jose Lorena), and Constitutional Amendments (Commissioner and BTC Chair Ghazali Jaafar). The six committee chairs were thus split equally between GPH and MILF appointees. At this time, all commissioners committed to continue to advance payment of their transportation expenses and their staff’s allowances pending the release of the BTC budget by the Department of Budget and Management, in order that all committees could begin work immediately.

The BTC further initiated a series of public consultations with various sectors, and in different locations: Marawi City, Balo-i in Lanao del Sur, Midsayap, while more consultations set for Sulu, Tawi-tawi and other areas had to be postponed when conflict flared up in Marawi. Chair Jaafar also affirmed that the commission “gave importance to ideas, suggestions, and submission of position papers from various sectors; including the youth, academe, religious and traditional leaders, non-muslims, and from the ARMM government”.

Specific sectors were also convened by the government. On November 24 there was a meeting with traditional leaders in Maguindanao; on 28 November Women’s Peace Tables were organized, being charged with wide consultations and reporting on those consultations. A similar peace table was proposed by OPAPP in a 3 January meeting in Midsayap, North Cotabato, with Indigenous Peoples.

The stakeholders themselves have continued to be active. In late November Kusog Mindanao, a long-standing aggrupation, brought together many of those concerned with the Bangsamoro peace process (including Attorney Parcasio explaining the process involving Nur Misuari). The Consortium of Bangsamoro Civil Society held in December the culmination of their lengthy consultation process across all areas of Mindanao, the “Bangsamoro Multi-Sectoral Leaders’ Summit,” which issued a call to the MNLF and MILF to converge peace agreements, particularly through the Bangsamoro Coordination Forum. A number of “Mindanao Sultanates” from the mainland, Lanao and Maguindanao, expressed their support to the MILF and MNLF peace processes, with some making a call for an “undiluted” BBL based fully on the CAB.

The OPAPP had earlier encouraged the IP organizations to form their own independent “peace panel” to more directly pursue their agenda, even though 2 members of the BTC, Melanio Ulama and Romeo Saliga are from the IP. Eventually, at the IP Peacetable Conversations held in Davao City on April 26, the OPAPP appointed an IP Panel with members: NCIP Chairperson Leonor Oralde-Quintayo, former NCIP Chairperson Atty. Reuben Dasay Lingating, NCIP Commissioner Era Espana, NAPC-IP Sectoral Council Representative Judith Maranes and ARMM Deputy Governor for IPs, Deonato Mokudef. This panel is tasked with eliciting the concerns and proposals of IP communities and advocating these both in the GRP-NDFP and Bangsamoro peace processes. Such representation seems to be late for the BBL drafting process of the BTC, but will most likely continue alongside the legislative process.

From May 30 to June 1 the various BTC Committees met to work on their final committee reports, in time for a meeting of the Coordinating Committee (composed of all Committee heads) on June 2-3 in Davao City that consolidated the Committee reports and finalized the new draft law. By June 5, the en-banc BTC at its 4th session, put their initials on the new draft law, being called the “new BBL” However, further sessions on 5 to 7 June were held by the BTC in Makati City in preparation for submission of the draft law to the Office of the President. After some “final changes”, the en-banc BTC formally signed the new draft BBL at its 7th Session on June 16, 2017.

One of the most important challenges in the work of the BTC would have been in deciding how to deal with the issue of “constitutionality”. The President has on

several occasions said that he would support the BBL, “minus the unconstitutional provisions”, which would have to be “parked” and be pursued in the constitutional change process. He cited the example of regional armed forces and even regional police in the previous BBL. However, In point of fact, the BBL did not provide for regional Armed Forces, only for the AFP to have a separate regional command for the Bangsamoro region, comparable to the Western Mindanao Command or Eastern Mindanao Command. It did call for a Bangsamoro police, but in a way that the drafters felt was constitutional.

The notion of “constitutional issues” is a particularly difficult one; the previous BTC and the administration of President Noynoy Aquino staunchly maintained that the draft BBL submitted to Congress in September 2014 had no unconstitutional provisions. The “Peace Council” of eminent citizens appointed by President Aquino agreed (with one exception³). However, there were a number of controversial provisions, and many in Congress had claimed that these were “unconstitutional” and would need to be changed or deleted. The Philippine Supreme Court declined in its 20 November 2016 ruling to rule on the CAB, saying it was premature inasmuch as legislation was needed to implement the CAB and the BBL had not been passed. Thus, the Court dashed the hopes of some that the question of “constitutional issues” would be settled judicially.

Absent a ruling from the Supreme Court, it has been up to the expanded BTC to decide which, if any, provisions will be “parked” for constitutional action rather than being included in a new draft basic law. Two questions would arise when they consider setting aside such provisions: 1) Can the government credibly commit that the constitutional change process (whether by Constitutional Convention or by Congress convening itself into a Constituent Assembly) will actually include such provisions omitted from the BBL as “unconstitutional”, but considered necessary if the law is to be CAB-compliant? 2) Will a “Bangsamoro Enabling Law” lacking these provisions count as a “CAB-compliant” BBL, which is in itself a key milestone for Normalization?

After several postponements in the schedule for formal submission by the BTC of its final new BBL Draft to President Duterte, this event took place on July 17,

3 The Council felt that the possibility for new areas to be added to the Bangsamoro over the indefinite future was unconstitutional; but that this could be remedied by putting a timetable on such accession.

2017. Moreover, the occasion was designed as a simultaneous turnover of the BBL Draft to Congress through Senate President Pimentel and Speaker Alvarez. This arrangement implies that there may no longer be review of the draft by the Office of the President, particularly the legal team, to avoid further delay of the process. The BTC's choices in terms of constitutionality would then be affirmed or rejected in the deliberations and in the final versions of the draft law that will come from the houses of Congress. The same thing is likely to happen on the effort to converge the CAB, the Final Peace Agreement with the MNLF, and the IPRA in the new law.

Moro National Liberation Front (MNLF) and convergence

As envisioned in the new Peace Roadmap, the process of drafting the new BBL should be more inclusive and be based on more convergence among the Bangsamoro fronts. Over the past few years, elements of the MNLF have engaged with the MILF, but the MNLF Founding Chair has repeatedly denounced negotiations with the MILF, maintaining that full implementation of the 1996 agreement was all that was necessary for peace and development in Muslim Mindanao.

This dynamic continued during the period under considerations. In June 2016 there was a joint communique between the MILF and those from the MNLF led by Muslimin Sema, establishing a Joint Technical Working Group to ensure that the provisions of both the 1996 Final Peace Accord and the 2014 Comprehensive Agreement on the Bangsamoro would be fulfilled in legislation proposed to Congress.

Subsequently, there were meetings of the Joint Technical Working Group beginning in July 2016, and (as noted above) this element of the MNLF is directly represented in the BTC with three seats out of the government's 10 nominees. It is worth noting in this connection that another grouping of MNLF members has been accommodated in the peace and development process, with their head, Abul Kayr Alonto, appointed by President Duterte to head the Mindanao Development Authority (MinDA).

On the other hand, Nur Misuari's historically good relations with Rodrigo Roa Duterte were well-known (he gave an interview during the campaign endorsing Duterte⁴) and there was constant talk of a meeting between the two men. Such a meeting was complicated by the fact that Nur Misuari faced arrest warrants

4 <https://www.youtube.com/watch?v=CgT31BqqF5I>

over the September 2013 siege in Zamboanga City, so the administration had to arrange a temporary suspension (originally for 6 months) of the arrest warrant. This allowed Misuari to be brought to Malacanang on November 2 to meet with President Duterte.

Misuari made it clear he would not be participating in the Bangsamoro Transition Commission specifically, nor a peace process associated with the MILF. He named a five-member panel to finalize the full implementation of the 1996 Final Peace Agreement, headed by Attorney Randolph Parcasio.⁵ In turn, the government named Nabil Tan, OPAPP Undersecretary and member of the government's Peace Implementing Panel for the MILF, as Chair of their panel for talks with Misuari's panel. It had been anticipated that discussions thru this process would result in draft amendments to Republic Act 9054 and other proposals that would then have to undergo "convergence" with the new BBL draft. However, by the time that the BTC had finished their final draft BBL, in June of 2017, there had still been no formal meeting between the panels led by Parcasio and Usec Tan. Instead interviews and statements by Nur Misuari, as well as by Atty. Parcasio focus on their proposals for federalism features and arrangements.

Under the Organization for Islamic Cooperation (OIC) there was instituted in 2010 a "Bangsamoro Coordination Forum" to which both Nur Misuari and Murad Ebrahim agreed. This was to be the mechanism for convergence between the two fronts – reporting to the OIC's Peace Committee for the Southern Philippines. This committee was chaired by Indonesia during the negotiations for the 1996 Final Peace Accord, and in 2014-2015 chaired by Saudia Arabia. Since that time, it is the OIC Secretary-General who chairs the committee, with his Special Envoy Elmasry acting on his behalf. Most recently, the OIC hosted a meeting of the BCF in Jeddah on May 7-8, 2017, attended by Murad and Muslimin Sema, now chairing the MNLF's Bangsamoro People's Congress or parliamentary arm. However, Misuari did not appear nor send a representative. One of the key calls of the gathering was the passage of an undiluted BBL.

In short, while other elements of the MNLF were immediately willing to follow the Peace and Development Roadmap, MNLF Founding Chair Nur Misuari seemed to have other plans. There had been worries that Congress would thus be faced with two draft laws – one from the viewpoint of the Roadmap to abolish

5 <http://www.mindanews.com/peace-process/2016/12/5-member-misuari-panel-named/>

the ARMM and institute a Bangsamoro that complies with the CAB, along with the 1996 FPA and IPRA, and one from the viewpoint of Nur Misuari to amend the current ARMM to bring it into compliance with the 1996 FPA. However, after a meeting between President Duterte and Misuari and on July 18, 2017, the day after the BTC submission of the new BBL draft, Atty. Parcasio announced that the MNLF would no longer submit their draft “New Autonomy Law”. Instead they were ready to participate in the establishment of a federal government, to include a One-Mindanao (MinSuPala) Federal State based on the totality of GPH-MNLF peace agreements.

Federalism

Apart from the issues of constitutionality and convergence, a question remains on the Peace Roadmap regarding the relationship between the Legislative Track toward the BBL and the Federalism track. Of serious concern for the MILF and the Bangsamoro constituency that firmly believe that the BBL must come first to ensure compliance with the CAB, is that the leaders of the House of Representatives and the Senate President seem to have little appreciation for the BBL. Rather, their political party the Partido Demokratiko ng Pilipinas- Laban (PDP-Laban), and the movement that led the electoral campaign for President Duterte have been campaigning intensively at grassroots levels for the Federalism option, working together with the DILG. The perceived growing popularity of federalism even in areas like Lanao del Sur has alarmed BBL-first advocates, even though the 25 members of the Committee to study proposals for constitutional change created by EO No. 10 have yet to be named. Other politics and governance experts have on the other hand suggested that the MILF should also proactively consider how they can engage the constitutional change process to pursue the CAB.

Normalization

The Annex on Normalization of the Comprehensive Agreement on the Bangsamoro was painstakingly negotiated to allow coordinated actions on the part of both the government and the MILF to allow combatants and their communities to return to a normal life. However, most of the “choreographed” stages and details are tied to progress in the passage and implementation of legislation to implement the CAB, the Bangsamoro Basic Law. Thus, progress has slowed.

The Joint Normalization Committee first reconvened early in 2017, this time with Chairperson of the GPH Implementing Panel Irene M. Santiago also as Chair for the GPH, and Edward Guerra as MILF JNC Chair.

Back in July of 2015 the MILF had already symbolically decommissioned 145 combatants and put 75 high-powered weapons “beyond use,” in the custody of the Independent Decommissioning Body. The arms remain in a “Secure Arms Storage Area,” and the decommissioned combatants were given packages of social services including PhilHealth and scholarships, trainings by TESDA, and materials to help in livelihoods that were chosen from a list of possibilities. This process was essentially complete by the time TESDA held a graduation in April 2016. The decommissioned combatants have asserted that they were promised housing assistance, but this has been denied by the Philippine government. Additional benefits provided in March 2017 to the 145 decommissioned combatants such as corn seed and livestock have also fallen short of expectations.

Overall, aside from the usual bureaucratic hurdles that have led to frustrating delays and inefficiency, government seems wary of providing benefits to the 145 that may raise expectations among the next 10,000 and perhaps 20,000 more to be decommissioned. Yet the minimal gains of the initial 145 combatants would not offer much incentive to others, and call into question the GPH’s capacity to provide satisfactory peace dividends to the much bigger numbers of decommissioned persons as the BBL progresses.

The Independent Decommissioning Body, headed by a Turkish Diplomat and having members from both the AFP and the MILF, has been supported both financially and with technical assistance from Turkey, Brunei and Norway. Given that the passage of the BBL would trigger decommissioning of 30% of the strength of the MILF’s Bangsamoro Islamic Armed Forces (BIAF) by the time of the plebiscite (some 90 days after passage), very rapid action would be necessary after passage of the BBL.

The IDB has used the time since the 2015 symbolic decommissioning to build out its organization and ability to decommission combatants in their thousands. There was also a study undertaken by the Institute of Bangsamoro Studies of the background, experience, education, and socio-economic needs of the BIAF members to help in the design of packages for those decommissioned. However, given the lack of progress on passing the BBL, movement on the decommissioning

stream has stalled. In the meantime, a new Chairman of the IDB has been named, Ambassador Salim Levant Sahinkaya (from Turkey) and he paid a call on both parties in February, 2017.

One of the few aspects of Normalization that has been going ahead in recent months, under the heading of “confidence-building measures” is the implementation of programs and projects for six MILF camps that had been previously acknowledged in agreements between the two parties. During 2016 the parties ensured that such projects would continue through the activities of Joint Task Forces on Camp Transformation and agreement on May 30 on Terms of Reference for the Project Board of the Mindanao Trust Fund. There were enough funds left in the MTF to continue work through the end of the year, and in January 2017 both chairs of Implementing Panels attended a “completion program” for the projects that had been completed.⁶ In 3 April 2017 there was a similar turnover project that included level II water system, solar dryer with warehouse and rice mill, concrete pathways, box culverts, support to vegetable and inland fishpond production, and Alternative Learning System (ALS) to recipient barangays in the municipalities of Butig, Masiu, and Lumbayanague, Lanao del Sur.

In the same May 2016 meeting in Kuala Lumpur the parties signed Terms of Reference for the establishment of the “Bangsamoro Normalization Trust Fund” as called for in the Annex on Normalization. However, since that time there has not been much progress in this effort, particularly because of problems in carrying forward a similar “Bangsamoro Development Assistance Fund” that had been agreed in 2010 with the MNLF during the Tripartite Review Process, and which has its own Executive Order.⁷ The complexities of how both Philippine government and foreign donor funds can be utilized in these funds, and what would be the governing mechanisms that would bring together these two separate funding sources in the face of both donor and Philippine government preferences for simplicity and focus, have not yet been finally worked out and agreed.

Another element of the normalization process that has not so far been accomplished is devising the parameters for amnesty for persons charged with offenses having to

6 The MTF also supports more general assistance to the communities with different implementation arrangements, in cooperation with the Bangsamoro Development Agency <http://www.bworldonline.com/content.php?section=Nation&title=projects-under-mtf-turned-over-to-communities&id=140885>

7 <http://www.gov.ph/2010/03/16/executive-order-no-872-s-2010/>

do with the Moro conflict. Under the previous administration, this had reported awaited some proposals by the MILF, while under the current administration the topic has yet to be addressed in talks between the implementing panels. The contrast with movement in the peace process with the National Democratic Front of the Philippines is striking. Since the accession of President Duterte, some 20 detainees have been released so as to be able to participate in the GRP- NDFP talks

In contrast, the work of the Transitional Justice and Reconciliation Commission (TJRC) has been completed and disseminated. The formal submission of the report to the panels was in Kuala Lumpur during the February 10-11 meeting. Public launches of the report were held in Cotabato and Manila on March 15 and 16, 2016 respectively. In response to the report, Executive Secretary Ochoa requested a response from all national government agencies on what can be done to implement the detailed recommendations of the TJRC.

Under the new administration, Peace Implementing Panel Chair Santiago has repeatedly stressed her endorsement of the foundational recommendation of the TJRC, the establishment of a National Transitional Justice and Reconciliation Commission for the Bangsamoro. The MILF has welcomed this endorsement. Most recently, the TJRC at the end of February 2017 launched its final three knowledge products – reports on the land issue, and on the listening process, as well as a video documentary that is meant to provide a background. These materials, as well as the main report, are hosted on the TJRC's website – www.tjrc.ph

Bangsamoro civil society as well as various peace networks have strongly supported the call to set up the NTJRCB at the soonest possible time. They considered the work of transitional justice as one of the most crucial tasks in normalization and towards healing and the building of sustained peace. One civil society effort has been to set up an “Independent Working Group on Transitional Justice and Reconciliation”, a five-member convening group that is initiating processes towards the creation of the Civil Society Forum on Transitional Justice and Reconciliation in the Bangsamoro as foreseen in the recommendations of the TJRC.

The security situation and the Marawi Crisis

Despite the disappointment as the proposed BBL was unable to be passed under the Aquino administration, and the slow start to the overall process under the new Duterte administration, the lack of hostilities between the government and the

MILF is striking. For the period from ... to ..., The International Monitoring Team (IMT) only identified one encounter between the Armed Forces of the Philippines (AFP) and the Bangsamoro Islamic Armed Forces, in February 2016, and this was characterized as a “misencounter” in the course of AFP operations against the BIFF in Datu Saudi Ampatuan in Maguindanao.

It is indeed the threat to the peace process of “misencounters” such as this that led to the convening by the IMT of a meeting in July 2016. There the procedures of “marking” MILF communities was agreed in order to reduce the chances of misencounters. This seems to be working, inasmuch as frequent operations throughout 2016 against the so-called “Maute Group” in Butig, Lanao del Sur and against the BIFF in the SPMS area did not result in any misencounters.

With respect to the well-publicized “war on drugs” of the Duterte administration, the MILF has long held a strong anti-drug position. Beginning in 2015 a special effort was authorized, and banners/signs started appearing branding “drugs as haram.” Thus it was not surprising that the MILF was amenable to cooperation with the incoming administration on this topic, and on July 12 the CCCH and AHJAG signed an agreement on cooperation in general. In August PNP Chief dela Rosa visited the ARMM Police Regional Office to warn that the PNP should be careful in anti-drug operations to prevent the reoccurrence a tragic incident like Mamasapano due to the lack of adequate communications. The good relations on the ground level led to at least one joint operation, in October, where the AFP and PNP had the cooperation of the MILF in pursuing “Commander Madrox” in Midsayap, North Cotabato.

However, there have been some recent cases of non-coordination on police and military operations particularly against drugs and criminality, the most serious leading to the killing of the younger brother of MILF Vice-Chair Ghazali Jaafar. The BIAF Chief of Staff Sammy Al-Mansour had issued a statement protesting this and similar un-coordinated operations by the PNP. Al-Mansour as well as the MILF CCCH also complained of much-delayed coordination (or information provided only “time-on target”) on the part of the AFP.

The effect of the massive military operations, including airstrikes on areas like Butig and communities of the BIFF should not be under-estimated. While these have been below the public radar, the long-term displacement, destruction of homes and property without reparation cause untold harm and tend to fuel more anger and resistance.

More recently, the conflagration in Marawi City has come as a severe shock to its residents as well as to the nation although this has, on hindsight, been brewing in the past year.

Considerable attention has been paid, including by President Duterte himself, to the growing links between Philippine-based terrorist groups and Islamic State (ISIS).⁸ Brothers named Maute lead a group known as Islamic State-Ranao, and were very prominent throughout 2016 as law enforcement operations continued – and as they seem to have become the nexus of ISIS activity in Mindanao. Members of that group are accused of the September 2 bombing in Davao that killed 14 persons – supposedly at the behest of Isnilon Hapilon, a leader from the Abu Sayyaf Group in Basilan who has been named by ISIS as the “amir” of ISIS groups in the Philippines and beyond.

Another group, Ansar Khalifa Philippines, came to prominence after a raid on their camp in Palimbang (where ISIS flags were found) resulted eight deaths, including students from Central Mindanao who had told their families they were going for Islamic studies. AKP was said to have helped in the Davao bomb attack – but its leader “Commander Tokboy” was killed in January 2017. Meanwhile Isnilon Hapilon and some followers had gone to Lanao to join up with the Maute group – who were under pressure from security forces. At one point they tried to enter Maguindanao, through a MILF base, but were repulsed by the MILF.

Then since 23 May we have the tragic crisis in Marawi, starting with an attack by the Maute group, apparently supported by ASG, on the city of Marawi in Lanao del Sur.

It is not the place of this report to comment in any detail on these particular events, though one must note that the attack seemed to be well-planned and backed by enormous resources and firepower and included the alleged support of a number of foreign fighters. The conflict immediately led President Duterte to declare Martial Law throughout Mindanao. The costs of the still ongoing war are already tremendous, in terms of displacement, property, livelihoods and lives lost, and also in terms of trauma and grievances. There are new stories of inter-faith heroism,

8 A full report on “Pro-ISIS Groups in Mindanao and their Links to Indonesia and Malaysia” was published in October 2016 by the Institute of Political Analysis of Conflict http://file.understandingconflict.org/file/2016/10/IPAC_Report_33.pdf

sacrifice and solidarity with Marawi citizens; there are also reports of rights violations and discrimination.

One of the rare positive developments in the Marawi conflict was the creation of Peace Corridors, as a collaborative effort of the GPH and MILF implementing panels. These Peace corridors were established as safe passageways for rescue of civilians and for humanitarian assistance. They complemented the heroic efforts of the Ranao Rescue Team, a group of local leaders and ordinary civilian volunteers who had been doing rescue missions. Two corridors with mobile Joint Coordinating Monitoring and Assistance Centers were opened, one in Marawi more used for civilian rescue (leading to the rescue of at least 200 persons), and the other in Malabang more for the entry of humanitarian aid from groups like BDA, ARMM HEART and the United Bangsamoro Humanitarian Assistance to areas of difficult reach. At least 300 trained members of the JPSTs were deployed to protect the Peace Corridors.

More recently, there had been some suggestions that the MILF might be willing to work more intensively with the Government in seeking to bring about an end to the fighting in Marawi. The Maute Group has reportedly made known its openness to negotiate terms for exchange of hostages through the MILF, but the MILF has been cautious to undertake this delicate task without the concurrence by the Government.

The armed conflict in Marawi will eventually be brought to an end, but it is now evident that extremism has emerged especially in Mindanao, and will not be eradicated by military action alone. Some efforts to address the issue have begun, such as the MILF Ad Hoc Committee on Radicalism, the ARMM Ulama Summit discussing terrorism, and various women and youth programs on transforming violent extremism. However, much needed still are basic governance reforms particularly at local government level that address the conditions creating unrest, including by providing education and dignified livelihood especially for the youth.

Civil society organizations led by the Consortium of Bangsamoro Civil Society (CBCS) have said that giving Bangsamoro a space and adequate authority can help push development and stamp out the sources of violence and extremism.

The MILF has repeatedly asserted that full implementation of the CAB is a vaccination against the ISIS virus, and the TPMT has in the past warned that delays in this implementation risk the alienation of stakeholders and increase in extremism.

Socio-Economic Development

The Mindanao Trust Fund that became operational in March 2006 as the multi-donor grant facility for socio-economic recovery in the Bangsamoro closed at the end of March 2017, having completed 573 infrastructure, livelihood and functional literacy projects in 315 conflict affected communities across 75 municipalities in Mindanao reaching nearly 650,000 beneficiaries. The project could also claim achievements in building the capacity of the Bangsamoro Development Authority and other MILF institutions, and supporting social cohesion and confidence-building between different community groups, the MILF and the state.

At the closure ceremony for the MTF, Secretary Dureza also announced the intention to put up a longer-term facility that would also expand beyond the Bangsamoro areas. As early as August 2016, Dureza had discussed the plan to revive the Mindanao Working Group under the Philippine Development Forum as the coordinating mechanism for development aid to Mindanao. On February 8, 2017, the OPAPP convened a meeting on the Mindanao Working Group (MWG) in partnership with the Mindanao Development Authority and with the participation of various international development partners to explore options on a new funding mechanism and to discuss the MWG Terms of Reference.

One of the major developments in the OPAPP has been in the expansion of its mandate to be able to directly implement development projects related to peace. Secretary Dureza has emphasized the imperative of allowing communities to experience the benefits of peace at the soonest time. Therefore the OPAPP has been given an additional PhP 7 billion budget to carry out the PAMANA (Payapa at Masaganang Pamayanan) in addition to its regular PhP 601 Million operations budget. These will cover conflict areas of the GRP-NDFP as well as communities recovering from the Bangsamoro conflict. The acceleration of development projects should be a boost for the peace process, but hopefully there will be monitoring and reports on their contribution to the autonomy and progress envisioned in the CAB.

3) Comments

As we had noted in previous reports, the challenges to the peace process are formidable, but the prizes are great. And clearly, the alternative of an unresolved conflict providing ground for increased terrorist actions is unacceptable. The

current crisis in Marawi is a stark picture of the dangers that have emerged as the Mindanao and the Philippines are not immune from global trends of radicalism interplaying with local dynamics.

The past eighteen months have been marked by important developments:

- there was a strong sense of optimism based on the first Mindanaoan President's repeated pledges to bring peace to Mindanao, coming from an inherent understanding of historical injustice;
- there had been a natural delay in the process because of the transition in administrations, but a quicker re-start than in the previous administration;
- a new roadmap for Peace and Development was early on revealed, with the Two-Track approach of Legislation of a Bangasamoro Enabling Law and Federalism;
- more visible efforts on inclusivity were incorporated into the roadmap, and pursued especially in bringing in the MNLf faction of Nur Misuari as well as of Sema-Jikiri (and of Alonto);
- the new Bangasamoro Transition Commission accomplished its work of drafting a new BBL in a very timely manner, despite the delay in their establishment and shortened period for their work;
- the ceasefire mechanisms have remained smooth and effective, generally preventing mis-encounters between the forces despite intensive AFP operations against other armed groups ;
- domestic and international support for peace remain strong and evident even in financial terms - the Philippine Congress readily granted a huge increase of Php 7 billion to the OPAPP budget for implementation of development projects; International agencies and countries are renewing support for through new mechanisms as old ones close. The EU just for example recently pledged to provide PhP200 million support to the peace process for the coming 18 months;
- the two parties continue to be firmly engaged, now in a mode of "implementation" rather than negotiation of the CAB, aiming to focus on the details that bedevil the accomplishment of peace

There were also a number of challenges and difficulties during the past period:

- the slow start in constituting the BTC brought further anxiety for key stakeholders who believe that the passage of the BBL must precede moves

to change the constitution to establish a federal form of government. There remains some confusion and concern on the timing and relationship of these two tracks;

- there has been slow progress on Normalization, given that major elements are dependent on corresponding milestones on the BBL. But also more attention could be given to providing improved benefits for the decommissioned combatants and on anticipated socio-economic programs. More action could also be taken on the TJRC recommendations, particularly steps to create the NTJRCB as the body that will carry through on implementation.

However, there are two key developments which comprise the greatest challenge at this time.

On the one hand, the completed drafting by the expanded and more inclusive BTC of a draft BBL is a very positive development, despite the much delayed start, the absence of budgetary support, and eventually in the midst of turmoil in Marawi City. The draft has been submitted in good time for the President's State of the Nation Address and the passage of the BBL has been cited as a priority both for the House of Representatives and for the Senate. While there is the question now of how the legislative work will actually proceed, especially in view of varied opinions on constitutionality, and in relation to prioritization as well of constitutional change and federalism, the prompt work of the BTC makes the road map on the BBL viable.

The challenge for the coming period will be to gain the support of legislators for a BBL that is compliant with the CAB, beyond reliance on presumed backing of a popular president. It will also be important to build public support for the BBL amidst political divides and awakened mistrust because of the Marawi conflict.

On the other hand, the tragic crisis in Marawi, that manifests the growing issue of violent extremism, is the major negative concern that must be addressed.

The destruction has been tremendous, in terms of human lives, property, businesses and heritage and will require an enormous process of rebuilding. It will not be

enough that billions are made available; Marawi should rise again based on the design and participation of its citizens and communities.⁹

However, beyond the actual conflict is the alarming emergence of terrorism as the force behind this crisis. Despite many warnings on reports of intensifying recruitment by extremist groups, as well as the evidence of actions like the Davao bombing perpetrated by these groups, there had been a failure by government analysts to appreciate the capacity of the terrorists for massive armed action. There is then the urgent need to address this problem with sufficient police/ military action, yet also with strictly proportionate force and with utmost care for civilian lives and their rights. It is well known that abuse of force and perceived injustice tend to draw more resistance and counter-violence. Rather, intensive affirmative measures should be taken to provide socio-economic opportunities, and to promote religious and cultural pluralism and inclusivity. Instances of discrimination against evacuees, and security profiling based on religion and ethnicity should not be allowed to continue.

How to effectively stop such extremism, rebuild this major economic and cultural-religious hub, and restore trust among many aggrieved Maranao, will be difficult work, much beyond the scope of the peace mechanisms. But the good cooperation of the MILF and GPH teams on the Peace Corridors that saved many lives through rescues and humanitarian relief, are an important contribution and guide for the way forward.

Overall, with the positive developments as well as threats, the peace process could be on the verge of a breakthrough, **on condition** that the twin challenges of completing BBL legislation, and combating violent extremism, can be effectively addressed.

The TPMT therefore remains confident that peace can be attained, as the dire situation in Marawi highlights how the Philippines cannot afford to ignore the costs of conflict.

As the fighting subsides, it should be clear that a comprehensive approach that addresses the Bangsamoro aspirations by installing a Bangsamoro government

⁹ Unfortunately, the inter-agency Task Force Bangon Marawi created thru Administrative Order No.03 on June 26, 2017 for the recovery, reconstruction and rehabilitation of Marawi City and other affected areas is headed by Sec retary of National Defense Lorenzana and other national leaders and does not include local leaders.

exercising the fullest autonomy is the path to sustainable peace. The Comprehensive Agreement on the Bangsamoro that has been the product of 17 years of difficult negotiation as the other form of struggle for self-determination, remains the cornerstone of peace.

Karen Tañada

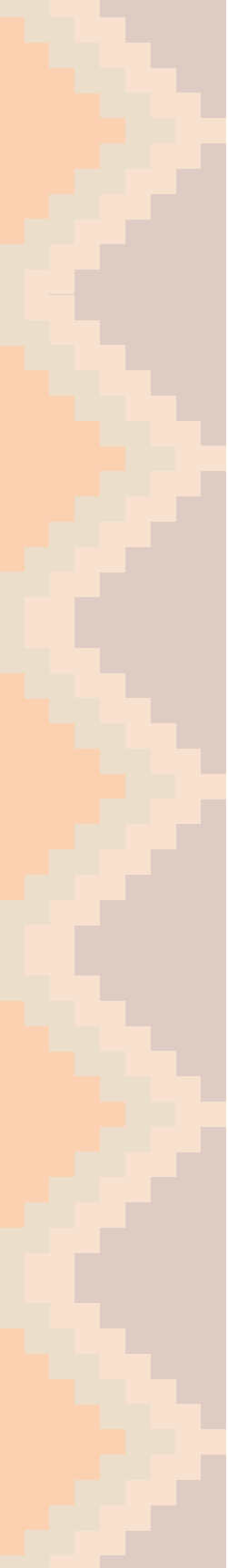
Huseyin Oruc

Rahib Kudto

Alistair MacDonald







THIRD-PARTY MONITORING TEAM

Fifth Public Report, July 2017 to February 2019

Summary

In line with the terms of reference of the Third-Party Monitoring Team, this fifth 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 July 2017 to February 2019, continuing from the fourth public report on the period March 2016 to June 2017.

Upon detailed review of Republic Act No. 11054 or the Bangsamoro Organic Law (BOL), the TPMT assessed that the passage of the BOL reflects the spirit and intent of the Parties as it serves to enact the key provisions of the Comprehensive Agreement on the Bangsamoro (CAB), particularly the ministerial form of government and fiscal autonomy. The BOL also has some deviations and variations from the CAB, such as the *Wali*, and the non-inclusion of the “opt-in” clause and policing powers of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

The TPMT observed the plebiscite, particularly in Cotabato City on 21 January 2019 and in Lanao del Norte and North Cotabato on 6 February 2019. The successful ratification of the BOL and the inclusion of Cotabato City and 63 barangays in North Cotabato paved the way towards the transition period from Autonomous Region in Muslim Mindanao (ARMM) to the BARMM, with the Bangsamoro Transition Authority (BTA) as its interim government. However, there was relatively little progress in the preparations for the transition.

We note that the overall progress for the implementation of the normalization component of the peace process has rather been slow and has significant delays in several aspects. Given that the ratification of the BOL would trigger the decommissioning of 30% of MILF forces and weapons, there is an expectation that there would be rapid developments immediately after the plebiscite. However, some crucial issues remain unresolved, such as on the list of combatants (whether it should be partial or full) and the arrangements for storing MILF weapons. The

issue of the carrying of firearms of the MILF contingent of the Joint Peace and Security Teams (JPSTs) also remains unresolved.

Moreover, the measures undertaken to provided socio-economic packages for the initial 145 decommissioned combatants, as well as for by the transformation of camps still do not seem to meet the expectations of the individuals and the local communities.

The Bangsamoro Normalization Trust Fund (BNTF) still has not been created due to unresolved issues with regard to its nature, mechanism, and funding sources. Its creation is an urgent task for the Parties, as key components of normalization are hinged on the BNTF.

There has also been a little progress with regard to the amnesty for the MILF rank-and-file and in implementing key recommendations of the Transitional Justice and Reconciliation Commission (TJRC).

The ceasefire agreement between the Parties remains intact as the GPH and MILF remain committed in preserving the gains of the peace process. Ceasefire violations were mainly due to uncoordinated law enforcement operations on the side of the GPH and *rido* and display of firearms on the MILF side.

The TPMT also notes the progress made in promoting convergence between the MILF and the Moro National Liberation Front (MNLF) peace processes.

The TPMT is of the view that it is imperative for the Parties to:

- Discuss and agree on how to move forward with provisions of the CAB that were not included or were amended in the BOL;
- Finalize and implement an overall transition plan;
- Revisit the Program for Normalization;
- Start implementing key TJRC recommendations;
- Strengthen efforts to make the process more inclusive; and
- Ensure that the immediate rehabilitation of Marawi City is respectful and responsive to its residents.

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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 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, on a quarterly basis, providing our observations and recommendations. The Panels are not bound by our recommendations, but shall provide written responses within one (1) 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 Terms of Reference (TOR) require that the TPMT shall convene every two (2) months, 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 the implementation of all agreements and the progress of the transition, and shall produce an “Exit Document” officially terminating the process. 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 currently has five (5) members – 2 representatives from Philippine NGOs and 2 representatives from international NGOs (1 of each being nominated

by each Party, all being agreed by the two Parties), and 1 “eminent international person” (jointly nominated by the Parties) as Chair. The local members are Karen Tañada (Gaston Z. Ortigas Peace Institute) 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); and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex II.

In total, the TPMT has held 32 monitoring sessions starting from its inaugural meeting in Kuala Lumpur in July 2013 (alongside the 38th Exploratory Talks between the Parties). The TPMT convened in the Philippines on 2 sessions in 2013, six (6) in 2014, seven (7) in 2015, 5 in 2016, and 5 in 2017 (in February, May, July, September and November). In 2018, the TPMT convened on 5 occasions — in January, March, May, September and most recently in November. And in 2019, the TPMT convened in January.

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 Government and of the MILF, with members of Congress as well as regional and local government officials, commanders of the Armed Forces of the Philippines (AFP) and the MILF Bangsamoro Islamic Armed Forces (MILF-BIAF), civil society organisations, religious leaders, and with representatives of the private sector and of the academe. In addition to meetings in Manila and in Cotabato, the TPMT has met with key stakeholders in all the areas of the Core Territory of the Bangsamoro, as well as in areas surrounding the Bangsamoro. During its monitoring sessions in 2017/18, for example, the TPMT met with key stakeholders in Cotabato, Davao, Cagayan de Oro, Iligan, Marawi and Zamboanga Cities as well as in Basilan and North Cotabato Provinces. Some TPMT members also attended as observers in various peace process-related events such as the presentation of R.A. No. 11054 titled “Organic Law for the Bangsamoro Autonomous Region” in Manila and Cotabato on 06 and 08 August 2018 respectively, and the meeting with all peace mechanisms organized by the Panels in Cotabato City on 08 August 2018. A calendar of TPMT sessions in the latter half of 2017 throughout 2018 up to January 2019 is provided in Annex III.

TPMT reporting from July 2017 to January 2019, in addition to the fourth (4th) Public Report released in July 2017, 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, 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 2 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 5th Public Report, covering the period from July 2017 to February 2019, 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

a) Process

This past year and a half, the GPH and MILF 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 29 August 2017 in Davao City, the Panels discussed updates on the Bangsamoro Basic Law (BBL), the GPH-MILF Peace Corridor for the Marawi siege, and the work and TORs of various peace mechanisms;
- on 20 October 2017 also in Davao City, the Panels extensively discussed the following matters: TOR of the Joint Communications Committee (JCC); Renewal of TOR of the International Monitoring Team - Civilian Protection Component (IMT- CPC) and updates on the status of its membership; the crafting of a roadmap on implementing the recommendations of the report of the Transitional Justice and Reconciliation Commission (TJRC); Implementing Guidelines of the Bangsamoro Normalization Trust Fund

(BNTF); and other aspects of normalization such as such as the issuance of firearms to JPSTs during their deployment, the MILF inventory list of combatants and weapons, and proposals for putting weapons beyond use;

- on 13 December 2017 in Kuala Lumpur, Malaysia, the Panels signed the following four (4) documents: a) Revised Implementing Guidelines on the Joint Communiqué of 6 May 2002; b) Guidelines for the Operationalization of BNTF; c) Terms of Reference of the GPH-MILF JCC; and d) Renewal of mandate of the IMT-CPC. They also released a Joint Statement, reiterating their continued commitment to the GPH- MILF peace process and thanking the Malaysian Prime Minister for his continued support;
- on 6 March 2018 in Cotabato City, the Panels renewed the mandates of the International Monitoring Team (IMT) and the Ad Hoc Joint Action Group (AHJAG), and discussed the JCC, Coordination Team for the Transition (CT4T), Joint Normalization Committee (JNC), Independent Decommissioning Body (IDB), etc.

One of the key events in the peace process during this period was the Bangsamoro Assembly held on 17 November 2017 in Maguindanao Province. Tens of thousands of people from different parts of the Bangsamoro and surrounding areas as well as guests from the international community attended the event in order to show support for the peace process and to hear from President Rodrigo Roa Duterte, who was the guest speaker. On other occasions, the President's statements urging Congress to fast-track the passage of the BBL¹ boosted general public optimism and these sent a strong signal to Congress that the BBL remained a top priority of the administration.

b) Enactment of the Bangsamoro Organic Law in Congress

After the draft BBL was finalized by the Bangsamoro Transition Commission (BTC) on 16 June 2017, it was submitted to President Duterte in a ceremony held on 17 July 2017 at Malacañan Palace, Manila in the presence of the Senate President, House Speaker, a number of members of the Cabinet, and the MILF Chair. The draft BBL was then transmitted to the House of Representatives and

1 Romero, Alexis. "Duterte: Pass BBL or 'I might just resign'." *The Philippine Star*, April 26, 2018. Accessed December 22, 2018. <https://www.philstar.com/headlines/2018/04/26/1809665/duterte-pass-bbl-or-i-might-just-resign>.

the Senate but corresponding bills were not immediately filed and discussed in the appropriate committees. On 4 September 2017, the President gave assurance to the MILF leadership who had been concerned about this delay that his administration was committed to pass the BTC version.²

Unlike in the previous administration, there was little discussion on the BBL between the BTC and the Office of the President. The immediate transmittal to both Houses of Congress significantly hastened the process (note that the back-and-forth deliberations between the BTC and the Office of the President on the BBL under the Aquino administration took almost 5 months). However, it can be argued that the lack of such discussions removed a critical opportunity for the Parties to formally discuss key provisions as well as reach consensus over a range of issues including constitutional questions, which may have adversely impacted the subsequent political-legislative process leading to the passage of a Bangsamoro law that has several key departures from the CAB.

The BBL was filed as House Bill (H.B.) No. 6475 on 26 September 2017 by Speaker Pantaleon Alvarez together with more than 70 other Representatives. However, there were also other bills filed by Rep. Gloria Arroyo (H.B. No. 6121) and Rep. Khalid Dimaporo (H.B. No. 6263) which contained provisions significantly different from the BTC-drafted BBL. Senate Bill (S.B.) No. 1608 was filed by then Senate President Aquilino “Koko” Pimentel III on 6 November 2017, followed by S.B. No. 1635 by Senator Juan Miguel Zubiri on 12 December 2017, but it took the prodding of President Duterte for Sen. Zubiri to withdraw his earlier-filed S.B. No. 1635 and file on 15 January 2018 S.B. No. 1646 which reflected the BBL drafted by the BTC, which was followed by similar filings by Senator Risa Hontiveros (S.B. No. 1652) and Senator Bam Aquino (S.B. No. 1661). Following a joint committee hearing held on 12 December 2017, the House Committees on Local Government; Peace, Reconciliation, and Unity; and Muslim Affairs agreed to form a subcommittee that would harmonize the four existing bills in proposing a joint law (e.g., H.B. No. 92, H.B. No. 6475, H.B. No. 6121, and H.B. No. 6263)³. On 21 December 2017, the Senate Subcommittee on the BBL headed by the Committees on Local Government

2 Kabiling, Genalyn. “Duterte assures MILF that BBL is an executive priority bill.” *Manila Bulletin*, September 05, 2017. Accessed February 22, 2019. <https://news.mb.com.ph/2017/09/05/duterte-assures-milf-that-bbl-is-an-executive-priority-bill/>.

3 Lagriman, Nicole-Anne. “Subcommittee created for merging of House bills on BBL.” *GMA News Online*, December 05, 2017. Accessed February 22, 2019. <https://www.gmanetwork.com/news/news/nation/635520/subcommittee-created-for-merging-of-house-bills-on-bbl/story/>.

and Constitutional Amendments and Revision of Codes held a briefing on the proposed BBL with representatives from the BTC discussing the said bill.

In January and February 2018, the Senate Subcommittee chaired by Sen. Zubiri conducted a total of 11 public hearings, including public consultations in Cotabato City, Marawi City, Sulu, Tawi-Tawi, Basilan, and Zamboanga City, and 6 technical working group meetings. Following these meetings, the Committees on Local Government; Ways and Means; and Finance, and the Subcommittee on the BBL jointly submitted its version on 28 February 2018 which was filed as S.B. No. 1717. Similarly, the House of Representatives through its joint committee held over 20 public consultations on the proposed BBL, such as Cotabato City, North Cotabato, Davao City, Sulu, and Basilan, Lanao del Norte and Lanao del Sur.

These Congressional and Senate hearings contributed to increasing both public awareness of and public confidence in the peace process, complementing the consultations and forums being conducted by the BTC and the Office of the Presidential Adviser on the Peace Process (OPAPP). On top of the previous public hearings and consultations held under the Aquino administration by the previous Congress, BTC and OPAPP, these discussions have also given an opportunity for both supporters and critics of the BBL to express their support and concerns.

The period of amendments in the Senate and the period of interpellation in the House of Representatives began on 28 May 2018. On 29 May 2018, President Duterte certified the BBL (S.B. No. 1717 and H.B. No. 6475) as an urgent bill. The next day, the House of Representatives approved its version of the BBL; and the day after, the Senate approved its own version.

From 9 to 13 July 2018, legislators from both the Senate and House of Representatives then gathered in a bicameral conference committee in order to reconcile the conflicting provisions of the 2 versions of the BBL; and on 18 July, the committee finalized the bill. The Senate and the House of Representatives were expected to separately ratify the bill so that the President can sign it into law hours before his third (3rd) State of the Nation Address on 23 July. However, due to political events unrelated to the bill, the House of Representatives failed to ratify the bill on that day, doing so only the next day. On 26 July 2018, the President signed the bill into law which is R.A. No. 11054 entitled the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (OLBARM)” or the so-called Bangsamoro Organic Law (BOL).

The TPMT has reviewed the final text of the BOL in detail and it is our assessment that **the Law as passed by Congress and approved by the President reflects the spirit and intent of the Parties as outlined in the CAB and serves to enact its key provisions. However, R.A. No. 11054 falls short of fully implementing the CAB as it leaves out several important provisions from the CAB, and it also introduced some revisions to provisions in the CAB.**

It is relevant to note that it is not necessary for the BOL to repeat all elements of the CAB – the BOL is a piece of legislation to implement the peace agreement, but it does not replace nor substitute that agreement. Both are now in force, the CAB as an executive commitment between the Filipino people (represented by the President) and the MILF, and the BOL as a law of the Republic of the Philippines. However, it is important to document variances between the BOL and the CAB as these would be significant in pursuing and eventually assessing the fullness of peace implementation.

Particular observations of the TPMT with respect to the CAB and the BOL are the following:

- **The majority of the core elements of the CAB are fully reflected in the BOL.** For example, the ministerial form of government, the guaranteed annual block grant, and the 75%-25% sharing in taxes in favor of the Bangsamoro Government have been retained. We note that both the GPH and MILF have expressed satisfaction with the substance of the law.
- There are also **some amendments that expanded the powers of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)**, for example in terms of percentages in the sharing of revenues, with the BOL providing 100% of revenues from exploration, development, and use of all natural resources including mines and minerals in the region to the Bangsamoro Government.
- In addition, **the BOL provides clarifications to certain elements of the CAB.** It has, for example, fixed the formula for the block grant, which would be 5% of net collections of the Bureau of Internal Revenue (BIR) and the Bureau of Customs (BOC), and specified the amounts for the Special Development Fund, which would be Php 50 Billion for ten (10) years or Php 5 Billion per year.

- In addition, there are **a few elements appearing in the BOL which had not been foreseen in the CAB**, but which both Parties with Congress approval believed could improve on the arrangements proposed in the CAB. One example is the establishment of the office of the *Wali*, as the titular and ceremonial head of the BARMM, under the general supervision of the President, and responsible *inter alia* for administering the oath of office of Members of the Bangsamoro Parliament, and for dissolving the Parliament upon the advice of the Chief Minister, in case of a vote of no confidence against the government of the day.
- **Some key CAB provisions have been left out of the law.** Of particular significance are the removal of the following: the “opt-in” clause (FAB, Section V, Clause 3), the delineation of powers into three (3) categories (national, concurrent, and exclusive), and the policing powers of the Bangsamoro Government. The section on Basic Rights was removed; however, the BOL includes reference to the Indigenous Peoples’ Rights Act (IPRA) and provides additional assurances on the rights of non-Islamized indigenous peoples in the BARMM.
- A number of **the basic principles** specifically included in the CAB are not mentioned in the BOL, such as the right to self-determination, the asymmetrical relationship between the National Government and the Bangsamoro Government, and parity of esteem.
- There are also **several amendments which depart significantly from the CAB.** For example, the reckoning of votes for the inclusion of North Cotabato barangays, Lanao del Norte municipalities, and Isabela City, Basilan into the BARMM were subject to consent of their respective “mother units”; in addition, the Bangsamoro Government will not exercise exclusive powers over inland waters that provide energy to power- generating plants (e.g., Lanao Lake).

A detailed copy of the TPMT report comparing the CAB and the BOL was shared to the peace panels in September 2018.

Below is a listing of the key points of variance of the BOL from the CAB:

<p>CAB provisions retained in the BOL</p>	<p>CAB provisions deleted in the BOL</p>
<ol style="list-style-type: none"> 1. Zones for Joint Cooperation 2. Ministerial form of government 3. Intergovernmental fiscal policy board composition and powers 4. Bangsamoro Government authority on natural resources, mines and minerals; and joint management over fossil fuels and uranium; preferential rights of Bangsamoro residents also retained 5. Wealth-sharing- 75%-25% sharing in taxes 	<ol style="list-style-type: none"> 1. Preamble – reduced the level of autonomy, removed parity of esteem 2. Delineation of powers – only Bangsamoro Government powers are now specified, whereas in the CAB there is a clear delineation of powers between National Government and the Bangsamoro Government 3. Removal of listing of basic rights 4. Removal of the opt-in clause for future territorial expansion 5. Intergovernmental relations components – several items removed; almost everything is now national, from those that were concurrent under the CAB 6. Policing powers – powers already devolved to the Autonomous Region in Muslim Mindanao (ARMM) are removed, e.g., the authority over the regional police by the ARMM Regional Governor and the creation of Regional Police Commission (REPOLCOM) 7. Bangsamoro representation in the National Government – the CAB set minimum representation in national departments and judiciary which was amended to only require appropriate representation

CAB provisions amended in the BOL	Specifications or Additions in the BOL not found in the CAB
<ol style="list-style-type: none"> 1. Core territory – reckoning of votes for North Cotabato barangays, Lanao del Norte municipalities and Isabela City, Basilan would be subject to consent of their respective “mother units” 2. Supervision of President – suspension of Chief Minister echoes ARMM provisions 3. Expands from 1 to 2 Deputy Chief Ministers, and delineates the sub- regions to be represented South Western Mindanao (island provinces), North-Central Mindanao (Lanao area), and South-Central Mindanao 4. Bangsamoro Government’s exclusive power over inland waters excludes inland waters that provide energy to power-generating plants (e.g., Lanao Lake) 5. Maritime – the BOL sets the limit of Bangsamoro waters at 19 km, as opposed to 22.224 km under the CAB 6. Land – the National Government has authority; the Parliament can enact an agrarian land use law 7. Other provisions on natural resources – improvement from the CAB in terms of percentages (all natural resources including mines and minerals: 100%) 8. Human rights – the BOL provides this as a devolved power, and the Parliament may pass a law on the institutional structures and powers 9. <i>Shari’ah</i> courts - Criminal jurisdiction only on minor offenses, punishable by <i>arresto menor</i> (1-30 days imprisonment) or commensurate fines; only Congress can create additional <i>Shari’ah</i> courts and not the Bangsamoro Parliament; 10. Transitional Justice – moves this to a BARMM concern, instead of being a joint National Government - Bangsamoro Government concern; allows for the Parliament to pass a law on reparations 	<ol style="list-style-type: none"> 1. Composition of the Bangsamoro Transition Authority (BTA) – the BOL specified the number of members, i.e., 80 members plus incumbent elective ARMM officials (to serve only until June 30, 2019) 2. Position of <i>Wali</i> 3. Block grants – the BOL has fixed the formula (5% of net collections of BIR and BOC) 4. Special Development Fund – the BOL specified the amount (Php 50 billion for 10 years or Php 5 billion per year) 5. Specific mention of IPRA 6. Clarifications on the continuation of employment for ARMM employees from health, education and social welfare sectors, plus establishing benefits to be paid to ARMM employees ending their employment

c) Bangsamoro plebiscite and the ratification of the Bangsamoro Organic Law

The BOL provides that the establishment of the BARMM and the determination of its territorial jurisdiction shall take effect upon ratification of the organic law by majority of the votes cast in a plebiscite to be conducted not earlier than 90 days nor later than 150 days after the effectivity of the said law. On 31 August 2018, the Commission on Elections (COMELEC) released a Memorandum announcing that the plebiscite to ratify the BOL will be held on 21 January 2019 and that the campaign period will run from 09 December 2018 up to 19 January 2019. The same memo also stated that 3 special satellite voters' registration would be conducted from 11 to 13 September 2018 in 16 venues in the provinces of Lanao del Sur, Maguindanao, Basilan, Sulu, Tawi-Tawi, Lanao del Norte, and North Cotabato; in Cotabato City, Maguindanao; and in Isabela City, Basilan. During the special satellite voter registrations, hundreds of MILF officials and combatants, including MILF Chairman Murad Ebrahim himself, as well as ordinary Moro citizens, registered to become voters and be able to take part in the upcoming plebiscite. The COMELEC waived some of the voters' registration requirements. Despite these arrangements, many people still protested that they were unable to register because of the limited period provided and lack of required identification documents.

On 26 September 2018, the COMELEC promulgated Resolution No. 10425, the "Rules and Regulations Governing the Conduct of the Plebiscite to Ratify R.A. No. 11054". The resolution listed down the questions to be asked to the voters, and provided for guidelines on the petition by a local government unit for voluntary inclusion, petition by at least ten percent (10%) of the registered voters in a local government unit for inclusion, special registration of voters, accreditation of Citizens' Arms of the COMELEC for the plebiscite, information campaign, accreditation of domestic and international observers for the plebiscite, mass media accreditation, precincts and voting centers, etc.

The TPMT notes that the CAB (in the Annex on Transition Arrangements and Modalities) provided for the creation of a "robust international-domestic monitoring body" to be accredited by the COMELEC to monitor the administration of the plebiscite. However, no such body was created; instead, the COMELEC, following its usual process, accredited a total of 627 international and local monitors mostly coming from media organizations. There were fewer than twenty monitors from international organizations and the diplomatic community, who did not gather as a coordinated monitoring body, and who were concentrated in Cotabato City and neighbouring areas.

On 13 December 2018, the COMELEC promulgated Resolution No. 10464, the “Rules on Voting, Counting, and Canvassing of Votes in Connection with the Plebiscite to ratify R.A. No. 11054”, which provided that the plebiscite will be held on 2 separate dates and areas— the first (1st) plebiscite on 21 January 2019 in the present geographical area of the ARMM, Isabela City in Basilan Province, and Cotabato City; the second (2nd) plebiscite on 06 February 2019 in Lanao del Norte province except Iligan City, the municipalities of Aleosan, Carmen, Kabacan, Midsayap, Pikit and Pigkawayan in North Cotabato Province, and subject to the approval of the COMELEC, other areas contiguous to any Bangsamoro core area where either the local government unit asked for inclusion in the plebiscite through a resolution, or 10% of the registered voters in the local government unit asked for inclusion in the plebiscite through a petition.

The COMELEC explained that the 2-day plebiscite would “allow time for the full resolution of petitions for voluntary inclusion in the plebiscite”.⁴ The COMELEC had received 103 petitions for inclusion in the plebiscite. The process for the petitions encountered several challenges—for example in Zamboanga City, barangay officials who initially signed resolutions for inclusion were allegedly pressured to withdraw their support. Some communities that initiated petitions by getting the signatures of 10% of registered voters, also raised concerns regarding the stringent COMELEC requirements such as the physical presence of the signatories in the COMELEC Headquarters in Manila for the application/hearing. In the end, 28 additional barangays from North Cotobato were allowed to join the plebiscite on 06 February.⁵

Questions and doubts were raised early on regarding the funding for the conduct of the plebiscite, including the monitoring, information campaign and the voters’ registration. These were eventually adequately resolved with Congress, the Department of Budget and Management (DBM)⁶, and COMELEC, making assurances that funds will be made available from the current General Appropriations Act, following what was provided for in the BOL. However, the said funding only covered the standard minimum requirements of the COMELEC.

4 Arguillas, Carolyn. “Bangsamoro plebiscite now has two dates: Jan 21 and Feb 6.” *MindaNews*, December 09, 2018. Accessed February 05, 2019. <https://www.mindanews.com/top-stories/2018/12/bangsamoro-plebiscite-now-has-two-dates-jan-21-and-feb-6/>.

5 Patinio, Ferdinand. “28 barangays in final list of areas for BOL plebiscite: Comelec.” *Philippine News Agency*, January 11, 2019. Accessed February 05, 2019. <http://www.pna.gov.ph/articles/1058657>.

6 “Bangsamoro Organic Law plebiscite has funding: DBM chief.” *Philippine News Agency*, January 15, 2019. Accessed February 05, 2019. <http://www.pna.gov.ph/articles/1059001>.

It seems that very little resources were given to OPAPP as well as the BTC to enable them to run a massive information campaign deemed necessary for the informed participation in the plebiscite.

The COMELEC Resolution tasked its Education and Information Division to supervise the conduct of information campaigns on the plebiscite, including sectoral campaigns for indigenous communities, women, youth, religious, professionals, and public and private sector employees, in every barangay, municipality, city, and province where the plebiscite is to be conducted. The resolution also provided that every barangay within the plebiscite areas shall hold at least 1 assembly or “*pulong-pulong*” during the campaign period, to raise awareness and understanding amongst the voters about the law. There are conflicting reports as to whether or not the said barangay assemblies were in fact held, as well as their sufficiency.

The OPAPP, BTC, and several nongovernmental organisations and individuals also organized their own respective information dissemination campaigns and public advocacies. The OPAPP, for example, organized peace assemblies in every province in the ARMM as well as in Cotabato City, Lanao del Norte and North Cotabato. In the peace assembly held in Cotabato City on 18 January 2019, President Duterte served as the guest of honor and asked the people to vote ‘yes’ for the BOL.⁷ The President’s final pitch for the ratification of the law certainly was a boost to the advocacy campaign. Overall, however, the information campaign was not able to reach a wider audience, especially the communities in the hinterlands and far-flung islands.

The TPMT was in Cotabato City on the day of the plebiscite held on 21 January 2019 to observe the conduct of the plebiscite and talk to peace process partners and stakeholders. The team visited 3 polling places around the city and the headquarters of the United Bangsamoro Justice Party of the MILF and the Parish Pastoral Council for Responsible Voting (PPCRV) and observed that the plebiscite was generally peaceful, concurring with the assessment of the COMELEC and the Philippine National Police (PNP).

In the said plebiscite, 1,844,873 million actually voted out of 2,167,244 registered voters—an 85% voter turn-out rate. Below are the results of the plebiscite:

7 Regalado, Edith. “Duterte pitches for Bangsamoro Organic Law approval.” *The Philippine Star*, January 19, 2019. Accessed February 05, 2019. <https://www.philstar.com/headlines/2019/01/19/1886420/duterte-pitches-bangsamoro-organic-law-approval>.

PROVINCE/CITY	Question	YES	NO
ARMM	<i>Payag ba kayo na pagtibayin ang batas Republika Blg. 11054 na kilala din bilang “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”?</i>	1,540,017	198,750
- Maguindanao		599,581	9,096
- Lanao del Sur		503,420	9,735
- Tawi-Tawi		151,788	9,907
- Basilan		147,598	6,486
- Sulu		137,630	163,526
Basilan	<i>Payag ba kayo na isama ang lungsod ng Isabela sa rehiyong awtonomo ng Bangsamoro?</i>	144,640	8,487
Isabela City	<i>Payag ba kayo na isama ang lungsod ng Isabela sa rehiyong awtonomo ng Bangsamoro?</i>	19,032	22,441
Cotabato City	<i>Payag ba kayo na isama ang lungsod ng Cotabato sa rehiyong awtonomo ng Bangsamoro?</i>	36,682	24,994

The COMELEC, acting as the National Plebiscite Board of Canvassers (NPBOC), proclaimed on 25 January 2019 the ratification of the BOL considering that the majority of the votes cast, with all the provinces and cities in the ARMM voting as one geographical unit, is in favour of the approval of the law. It also proclaimed that Cotabato City shall form a part of the BARMM. The COMELEC then submitted a report in the form of a resolution on the results of the plebiscite to the President, the Senate President, and the House Speaker.

In the plebiscite held on 06 February 2019, TPMT member Karen Tanada visited Lanao del Norte while member Rahib Kudto was in North Cotabato (where he is also a local resident) to observe the plebiscite.

The NPBOC proclaimed that the municipalities in Lanao del Norte for inclusion shall not form part of the BARMM. It is also proclaimed that, out of 67 barangays in North Cotabato subjected for inclusion (39 from the BOL and 28 whose petition or resolution was approved by the COMELEC), 67 barangays shall form part of the BARMM.

Question	Municipality of Lanao del Norte for inclusion		All other municipalities of Lanao del Norte	
	YES	NO	YES	NO
<i>Payag ba kayo na isama ang Munisipalidad ng Balo-i, Lanao del Norte sa Rehiyong Awtonomo ng Bangsamoro?</i>	8,553	3,038	73,164	154,553
<i>Payag ba kayo na isama ang Munisipalidad ng Munai, Lanao del Norte sa Rehiyong Awtonomo ng Bangsamoro?</i>	10,765	4	71,148	158,025
<i>Payag ba kayo na isama ang Munisipalidad ng Nunungan, Lanao del Norte sa Rehiyong Awtonomo ng Bangsamoro?</i>	1,802	1,004	79,935	156,630
<i>Payag ba kayo na isama ang Munisipalidad ng Pantar, Lanao del Norte sa Rehiyong Awtonomo ng Bangsamoro?</i>	7,840	256	73,992	157,705
<i>Payag ba kayo na isama ang Munisipalidad ng Tagoloan, Lanao del Norte sa Rehiyong Awtonomo ng Bangsamoro?</i>	2,760	1,373	78,849	156,605
<i>Payag ba kayo na isama ang Munisipalidad ng Tangkal, Lanao del Norte sa Rehiyong Awtonomo ng Bangsamoro?</i>	6,276	0	75,364	157,417

Municipality of North Cotabato	Barangays included in the BARMM	
Aleosan	1. Dunguan	2. Tapodoc
Carmen	1. Kibayao 2. Kitulaan 3. Langogan 4. Manarapan	5. Nasapian 6. Pebpoloan 7. Tupig
Kabacan	1. Buluan 2. Nanga-an 3. Pedtad 4. Sanggadong	5. Simbuhay 6. Simone 7. Tamped
Midsayap	1. Damatulan 2. Kadigasan 3. Kadingilan 4. Kapinpilan 5. Kudarangan 6. Central Labas 7. Malingao	8. Mudseng 9. Nabalawag 10. Olandang 11. Sambulawan 12. Tugal 13. Tumbras
Pigkawayan	1. Lower Baguer 2. Balacayon 3. Buricain 4. Datu Binasing 5. Datu Mantil 6. Kadingilan	7. Libungan Torreta 8. Matilac 9. Lower Pangangkalan 10. Upper Pangangkalan 11. Patot 12. Simsiman
Pikit	1. Bagoinged 2. S. Balong 3. S. Balongis 4. Barungis 5. Batulawan 6. Bualan 7. Buliok 8. Bulul 9. Fort Pikit 10. Gli-Gli 11. Gokotan	12. Kabasalan 13. Lagunde 14. Macabual 15. Macasendeg 16. Manaulanan 17. Nabundas 18. Nalapaan 19. Nunguan 20. Pamalian 21. Panicupan 22. Rajahmuda

d) Preparation for the transition

Even after the conduct of the 2-day plebiscite for the Bangsamoro, the Parties have yet to promulgate a transition plan to ensure the smooth transition to the BTA. The CT4T, the body composed of GPH (including the ARMM Regional Government) and MILF representatives which was supposed to serve as the primary mechanism for coordination between the Parties and concerned agencies to ensure that the necessary and appropriate steps are undertaken to prepare for the transition, only convened once in 2018 for planning and has yet to submit any report or plan to the Panels as provided for in its Terms of Reference. The meeting then between MILF Chair Murad Ebrahim and ARMM Regional Governor Mujiv Hataman, facilitated by newly-appointed Presidential Adviser on the Peace Process Carlito Galvez, Jr., which was held on 31 January 2019 in Manila was indeed a welcome development.

Both the GPH and the MILF have also finalized and submitted their respective list of nominees for the BTA. On 22 February 2019, 76 nominees took their oath of office as members of the BTA in front of the President at the Malacañan Palace, Manila.

e) Normalization

The normalization component of the peace process includes transitional components, socio-economic programs, confidence-building measures, decommissioning of MILF forces, redeployment of AFP, policing, disbandment of private armed groups (PAGS), and transitional justice and reconciliation. Its implementation is tied closely to progress in the legislation and ratification of the basic law for the Bangsamoro. Although the preparations for the various programs and stages under normalization have continued while the new BBL draft was being finalized by the BTC and subsequently taken up by Congress, overall progress in terms of action has been rather slow.

The JNC was reconstituted in August 2017 with Asec. Dickson Hermoso designated as JNC- GPH Co-chair and Arch. Eduard Guerra as JNC-MILF Co-chair. On 19-20 March 2018 in Davao City, the JNC conducted a Scenario-building and Planning Workshop where they identified various activities, targets, timeframes, responsible entities, resource requirements and other arrangements needed by the mechanisms under the Annex on Normalization once the BBL is passed by Congress. Follow-up joint planning activities and amongst normalization mechanisms and peace process bodies were then undertaken throughout the past year to address issues and challenges.

In addition, the JNC-MILF conducted consultations with MILF communities, advocacies against violent extremism and illegal drugs, and roundtable discussions with various normalization mechanisms, stakeholders, and international and local partners; on the other hand, the JNC-GPH held various support activities for the different normalization mechanisms.

Security Component

In 2017, the GPH held an inter-agency workshop on the Security Aspect of the Normalization Program where major units from the Armed Forces of the Philippines and the Philippine National Police were invited to discuss, review and make recommendations on the proposed timelines and processes related to the implementation of the security aspect of the Normalization Program.

The Joint Peace and Security Committee (JPSC) was also reconstituted in August 2017 with the appointment of new MILF members who would work with their GPH counterparts.⁸ From July to September 2017, the JPSC held discussions on their TOR and the Operations Manual for the Joint Peace and Security Teams (JPSTs), who are tasked to maintain peace and order and stability of conflict-affected areas during the transition. On 18 October 2017, the TOR of the JPSC was signed by the JPSC and JNC members in Davao City. It outlines the mandate, composition, and functions of the JPSC to coordinate the security arrangements for activities related to the implementation of the CAB and its Annexes. And on 10 November 2018, the JPST Operations Manual was signed by the JNC. The Manual outlines the organizational relationship, tasks and functions, and guidelines for the deployment and activities of the JPSTs comprised of contingents from the AFP, PNP and MILF-BIAF.

From 18-22 September 2017, the JNC Secretariat with representatives from the Coordinating Committee on the Cessation of Hostilities (CCCH) & AHJAG Secretariat and MILF, in coordination with DILG-ARMM and other identified local government units, conducted site visits to proposed deployment areas for the JPSTs in Central and Western Mindanao in order to gather data and determine needs based on security, electricity, and water requirements, transportation and road accessibility, etc. Further site visits and security assessments were conducted

8 The Joint Peace and Security Committee (JPSC) is composed of the following: on the government side, PCSupt Gerardo Rosales as Co-Chair with Col Cesar De Mesa and Atty. Noor Hafizullah M. Abdullah as members; on the MILF side, Von Al Haq as Co-Chair with Isah Bato and Dan Asnawie as members.

to ensure the viability of constructing JPST posts and the subsequent deployment of teams in prioritized deployment sites.

After a review of the previous course curriculum used for the JPSTs in 2015/16, a new training course curriculum was developed. On 15 December 2018, the first batch of JPST members graduated after undergoing training. It is expected that the JPST trainings will continue until all the teams are constituted. However, the issue of the carrying of firearms by the MILF JPSTs remains unresolved despite the fact that the JPSC has held several small group discussions with both GPH and MILF representatives regarding this issue. The deployment of the JPSTs might be delayed if the Parties do not reach an agreement on this matter very soon.

Decommissioning Process and the Socio-Economic Program for Decommissioned Combatants

One of the key programs under the normalization process is the decommissioning of the MILF. Given that the approval of the BOL would trigger the decommissioning of 30% of the MILF-BIAF forces and weapons, there is an expectation that there would be rapid developments on this aspect immediately after the plebiscite. Over the past year, the IDB has been building and strengthening its organizational structure, and it conducted site visits, coordinated with the Panels and the JNC to determine decommissioning requirements, and drafted its proposed operations and timeline for the first phase of the decommissioning process. However, some crucial issues remain unresolved such as whether the MILF should submit a partial or full list of combatants to be decommissioned prior to the first phase of decommissioning, or on the storage and the subsequent arrangements for the MILF weapons that will be handed over to the IDB.

In March 2017, 127 of the 145 decommissioned combatants received complete livelihood assistance from the Department of Agriculture (DA) of Region XII. However, the delivery of the livelihood assistance to the 18 decommissioned combatants based in Lanao del Sur and Lanao del Norte were put on hold during the latter half of 2017 due to the Marawi incident. It was not until 07 March 2018 when the DA provided the remaining livelihood assistance to the said 18 decommissioned combatants.

As of March 2018, the 145 Decommissioned Combatants have received cash-for-work assistance from the Department of Social Work and Development (DSWD).

Some of them have also implemented their Sustainable Livelihood Program (SLP) based on their proposed projects during the re-engagement activity. Out of 145, 4 already died due to health conditions. OPAPP coordinated with DSWD in Region XII and requested financial assistance and food packs to the families of the decommissioned combatants who passed away.

On 19 October 2017 in Davao City, the Task Force for Decommissioned Combatants and their Communities (TFDCC) facilitated a meeting with partner agencies in order to review the implementation of the socio-economic program for the 145 decommissioned combatants and present the IDB's Proposed Decommissioning Plan for the next phase. In March 2018, the membership of the joint TFDCC was reconstituted⁹ and throughout 2018, the TFDCC and its secretariat conducted various focus group discussions, in-depth interviews, and workshops with some of the decommissioned combatants, international development partners, and partner government agencies and staff for the development and enhancement of the socio-economic programs. However, there continued to be reports that the majority of 145 combatants were not satisfied with the socio-economic packages. Some understood that President Aquino had promised housing, even though housing support was not included in the agreed package of assistance.

Overall, there has been some progress on the development of the socio-economic program for the next phase of decommissioning in terms of identifying the sets of interventions to be provided to the decommissioned combatants, processes, and partnerships. However, as this socio-economic program is tied with the actual decommissioning process, any delay or problem in the preparations and implementation in the decommissioning for some of the reasons already discussed above could disrupt the socio-economic aspect and create frustrations among combatants on the ground. Already, the perceived limited gains of the initial 145 decommissioned combatants have raised questions and doubts as to the ability of the GPH to provide immediate peace dividends.

9 The Task Force for Decommissioned Combatants and their Communities (TFDCC) is composed of the following: on the government side, Asec. Rolando B. Asuncion as Co- Chair with Usec Luzviminda C. Ilagan as the DSWD representative and Asec. Alexander Macario as the DILG representative; on the MILF side, H. Abdullah M. Pacasem as Co- Chair with Engr. Adulmaomit M. Tomawis and Abbas B. Salung as members.

Camp Transformation

As part of the confidence-building measures under the Annex on Normalization, the GPH and the MILF agreed to undertake necessary measures for the transformation of the 6 previously acknowledged MILF camps, namely: Camps Abubakar-as-Siddique, Omar, Rajamuda, Badre, Bushra, and Bilal. After the reconstitution of the Joint Task Forces on Camps Transformation (JTFCT)¹⁰, regular meetings were held during the last quarter of 2017 to set policy guidelines to each of the Task Force Camps in the implementation of programs. The JTFCT in fact formulated its Implementing Guidelines for the implementation of the camps transformation program; conducted final inspection of the Solar Power (Off-Grid) Project and processed the hiring of 6 engineers to conduct technical validations in the 6 MILF Camps for the implementation of Quick Response Projects. In January and February 2018, the JTFCTs, in collaboration with OPAPP and DA, delivered 5 units of Power Tillers with trailer engine and 3 units of Fortune Mechanical Rice Thresher in fulfillment of the remaining agri- enterprise commitments to the 6 MILF Camps. In June 2018, OPAPP also funded several Quick Response Projects in some of the camps such as the construction of water systems and solar driers in Camp Abubakar and Camp Rajamuda and the construction of hanging bridges in Camp Badre. However, these good investments still do not seem to meet the expectations of the local communities.

Other Normalization Components

Although the TOR and the Guidelines for the Operationalization of the BNTF were signed by the Parties on 30 May 2016 and 14 December 2017, respectively, the BNTF still has not been created due to unresolved issues with regard to its nature, mechanism, and funding sources. Key components of the normalization process, including the decommissioning process and the socio-economic programs, are hinged on this trust fund following previous agreements, so its creation is an urgent task for the Parties, more so now that the BOL has been ratified.

There has also been a lack of progress with regard to the amnesty for the MILF rank-and-file. In particular, the Parties have yet to agree on the parameters for the

10 The main camp coordinators of the Joint Task Forces on Camps Transformation (JTFCTs) are the following: on the government side, Asec. Rolando B. Asuncion and Col Cesar De Mesa; on the MILF side, Prof. Abhoud Syed Lingga and Mohamad Salih.

amnesty, which is a task that should have been completed prior to the ratification of the BOL. One concern is that some of the MILF nominees to the BTA need an amnesty in order to be appointed. The first phase of decommissioning will also encounter difficulties if the MILF commanders and combatants are still facing possible arrest and prosecution.

Lastly, there has been little progress when it comes to implementing the key recommendations of the TJRC. For example, there is still no law or policy providing for the establishment of the National Transition Justice and Reconciliation Commission for the Bangsamoro (NTJRCB). While H.B. No. 5669 had been filed by Rep. Christopher Belmonte that would create such body based on the TJRC recommendations, there is no corresponding Senate version and time has run out for further action in this Congressional Session. In November 2018, however, the Parties were able to meet in Bangkok, Thailand to discuss some possible actions forward on transitional justice and reconciliation with the facilitation of the Independent Working Group on Transitional Justice and Dealing with the Past (IWG- TJ/DwP) and former TJRC Chair Mò Bleeker.

f) Other developments

Ceasefire Mechanisms

On 30 June 2017, a Protocol of Cooperation on Anti-Illegal Drug Operations and Related Activities in MILF Areas/Communities was signed and subsequently implemented by the GPH and MILF CCCH and AHJAG. On 15 August 2017, the ceasefire mechanisms held a meeting in Davao City to discuss the implementation of the said protocol as well as issues and concerns on coordination and conduct of joint verifications within MILF Areas.

On 02 August 2017, a law enforcement cooperation was launched by the GPH forces with the support of the MILF through the ceasefire mechanisms against the Bangsamoro Islamic Freedom Fighters (BIFF) in Shariff Aguak, Pagatin (Datu Piang), Mamasapano, and Salibo (SPMS) area in Maguindanao. The ceasefire mechanisms also coordinated and accompanied the movements of the MILF-BIAF to ensure adherence to existing ceasefire protocols.

In 2017/18, the ceasefire mechanisms continued to resolve ceasefire-related concerns through the conduct of its field verification and fact-finding inquiry as

well as monitor and resolve *rido*-related cases involving members of the MILF-BIAF. They also conducted peace advocacy programs and briefings on the ceasefire mechanisms and the peace process in various local communities. During the Marawi siege in 2017, the GPH and MILF ceasefire mechanisms also deployed their members to the Joint Coordination, Monitoring and Assistance Center (JCMAC) in 2 Peace Corridors in Marawi City and Malabang, Lanao del Sur.

The ceasefire agreement between the Parties remains intact as both remain committed in preserving the gains of the peace process. The ceasefire violations 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.

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

It is important to note the progress made in promoting the convergence between the MILF and MNLF Peace Process. While the MNLF-Misuari Group maintained its position to support the federalism track in lieu of pursuing amendments to R.A. No. 9054, the MNLF- Jikiri and Sema Group continued its active participation in the BTC work of drafting the BBL, and consequently, pushing for its successful passage in Congress and conducting education and information campaign for the approval of the BOL particularly in MNLF communities.

The GPH and the MNLF Implementing Panels have also met regularly to continue their conversation focusing on socio-economic development of MNLF communities. Discussions have also been held on the possibility of setting up a joint coordinating body that could address security concerns involving MNLF members and the security sector and the issue of the continued possession of firearms of the MNLF.

GPH-MILF Peace Corridor during the Marawi Siege

The Peace Corridor, established through and managed by the JCMAC, was instrumental in the rescue/ retrieval of some 255 individuals trapped in the conflict zones in Marawi City, the coordination of movements of humanitarian assistance, and delivery of food packs and non- food items to thousands of families in the affected Lanao del Sur and Lanao Del Norte municipalities.

JCMAC operations ended on 24 November 2017 after 172 days of operations but in a meeting held earlier on 29 August 2017 in Davao City, the Panels agreed to retain the Peace Corridor initiative. The continuation of the Peace Corridor will provide the MILF a vehicle to continue to raise the concerns of the people of Marawi City and the Lanao areas and to participate in the rehabilitation and rebuilding efforts.

3) **Comment**

As the TPMT has articulated time and again, **the challenges to the peace process are great but the prizes are greater**. We firmly believe that silencing the guns, allowing the region's full potential to be unlocked, and achieving sustainable peace would benefit the Bangsamoro people and the Philippines as a whole. **With the enactment of the BOL and its ratification after receiving a majority vote in the plebiscite, a major milestone in the CAB has been achieved**, bringing us closer to ending the decades-old conflict in Southern Philippines.

The past year and a half were marked by **several positive developments**:

- **The process as a whole remains strong and the trust and confidence between the GPH and the MILF have grown**. As partners, the Office of the President, Congress and the MILF worked together to come up with a legislation that reflects key provisions in the CAB and is in concert with the Philippine Constitution. The continued commitment to the peace process by the President, and his strong support for the BOL bolstered by congressional support and engagement, greatly enhanced public optimism and acceptance;
- The fast-tracking of the legislative process for the Organic Law by both the Senate and the House of Representatives, with the President repeatedly emphasizing its priority status and subsequently certifying the bill as urgent, ensured **that the MILF- led BTA will have sufficient time** - over 3 years from February 2019 to June 2022 - to hopefully build the foundations of a stronger and more autonomous regional government in the Bangsamoro;
- The **successful conduct of the plebiscite was a major step forward**, and we note that both Parties have maintained since the outset of negotiations in 1997 that the will of the people affected by these changes must be the final assessment of the peace process. This was also the first election of any sort in the ARMM to be completed without failure of elections in any portion of the region. COMELEC fulfilled its responsibilities in enabling as many people as

possible from the Bangsamoro core territories and surrounding areas to take part in the plebiscite and exercise their right to vote, and the end result was a mostly peaceful and free and fair plebiscite;

- Under normalization, **preparations for both the security component and MILF decommissioning process are progressing.** The JNC, together with the JPSC, have begun the training of the members of the JPSTs. The IDB has come up with its proposal on how the first phase of decommissioning will be implemented while the TFDCC and the JTFCT are preparing the socio-economic programs for the first 30% of the MILF decommissioned combatants, their communities, and camps.

At the same time, there have also been setbacks and challenges in other areas of the peace process. In particular:

- **With respect to the BOL, several important CAB provisions have been removed or amended.** The final version of the law that was approved in Congress and endorsed by the citizens varies in some significant aspects from the substantive provisions in the peace agreements. While the President and Congress can confidently say that the BOL remains true to the letter and spirit of the Constitution, the MILF on several occasions noted that the BOL is only a partial implementation of the CAB¹¹;
- With the heavy focus on the BOL and the plebiscite, there was **relatively little progress in the preparations for the transition.** However, with the ratification of the BOL in the plebiscite, there is an expectation that the BTA will hit the ground running, managing a smooth transition from the ARMM to the new Bangsamoro Government while ensuring that there will be no interruption in the delivery of basic social services;
- There have been **significant delays in several aspects of the normalization track.** The Parties have yet to reach consensus on 1) the issue of the carrying of the firearms of the MILF members of the JPSTs; 2) the submission of the MILF list of combatants to be decommissioned; 3) the timeline for the decommissioning process; 4) the final socio-economic packages for

11 Arguillas, Carolyn. "The Bangsamoro law: not fully CAB-compliant but 'it's ARMM plus definitely.'" *MindaNews*, July 14, 2018. Accessed December 22, 2018. <https://www.mindanews.com/peace-process/2018/07/the-bangsamoro-law-not-fully-cab-compliant-but-its-armm-plus-definitely/>.

the decommissioned combatants; 5) the storage of the MILF weapons and arrangements on how these will be put beyond use; and 6) the parameters for the amnesty program for MILF combatants; and

- **Transitional justice** was a core element of the peace negotiations, and is a cornerstone of the CAB; however, there has been little progress on fundamental measures to address transitional justice issues. The final version of the BOL included provisions on transitional justice, though it essentially transfers responsibility for addressing historical injustices from the national government to the Bangsamoro. This is a major deviation from the CAB, and at this point it is unclear whether the transitional justice concerns as outlined in the CAB can be adequately resolved within the powers of the new regional government.

Despite these challenges, we hold fast to our view expressed in previous reports that **the Parties' continuing strong commitment to the peace process serves as the best guarantee of success**. For the next phase of the peace process, now that the BARMM is established and with the BTA in place, the TPMT is of the view that it will be imperative for the Parties to:

- **Discuss and agree on the way forward so that the CAB provisions that have been deleted or amended in the BOL may still be implemented.** For example, the BTC was tasked to recommend possible amendments to the Constitution (Annex on Transitional Arrangements and Modalities, Section 1, Clause D). There is then a need to clarify the timeframe and the process on how these recommendations will be translated to a piece of legislation, whether it shall be done as part of the federalism project or a separate set of constitutional amendments;
- **Finalize and implement an overall transition plan.** The transition plan should facilitate the phasing-out of the ARMM and the establishment of the BTA, laying down the primary and essential steps to be undertaken to ensure a smooth administrative and bureaucratic transition. The plan should also identify priority parliamentary actions and development programs for the BTA. Moreover, if found necessary, it should propose human resource and capacity-building trainings for incoming bureaucratic administrators and managers as well as parliamentary procedure or policy-making courses for members of the BTA and their staff;

- The Parties need to **revisit the Normalization Program in the Annex on Normalization**. For example, the amendments made to the CAB by the BOL in terms of policing would entail changes to the schedule of the various normalization components;
- In addition to finally resolving the remaining normalization issues listed above, **start implementing key TJRC Report recommendations**;
- On the part of the GPH, **implement a viable plan on how to disband PAGs**, keeping in mind that progress on this area will greatly impact the MILF decommissioning process and the security situation in the region during the transition;
- Further **strengthen efforts to make the process more inclusive**. The MILF especially will have to prove their sincerity and willingness to partner with all groups during the transition and beyond, including with MNLF groups, Christians, indigenous peoples or *Lumad*, women, youth, and even with other politicians in the region.
- Monitor and support efforts to ensure **the immediate rehabilitation of Marawi City that respects and responds to the proposals of the local residents especially of the most affected areas**. The circumstances and roots of these events, including the recent bombing of the Jolo Cathedral and the mosque in Zamboanga City, should also be intensively researched, in order to develop programs that will holistically and proactively prevent violent extremism.

The collective commitment of all parties to continue to strive for peace has been impressive. With continued diligence in implementation of the Comprehensive Agreement on the Bangsamoro the foundations of a peaceful future for Mindanao will strengthen.

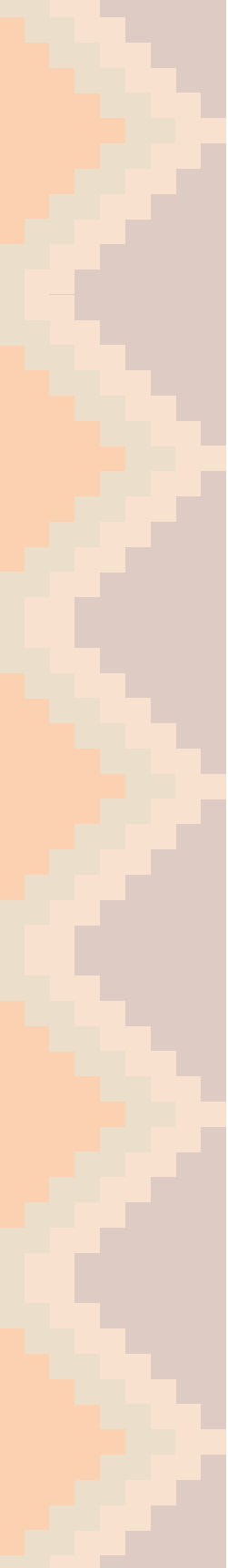
Karen Tañada

Huseyin Oruç

Sam Chittick

Rahib Kudto

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THIRD-PARTY MONITORING TEAM

Sixth Public Report, March 2019 to October 2020

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 2nd 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 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, on a quarterly basis, providing our observations and recommendations. The Panels are not bound by our recommendations, but shall provide written responses within one (1) 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”,¹ 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 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 VI.

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

a) 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.

b) 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.

c) 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 VII.

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 Pangaliam 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

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 1st 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);
- (5) 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 BSDDB, 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.

a) 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 PGen. 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 2nd 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 2nd 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 2nd 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.

b) 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 (JTFACTs) was reconstituted, with Bgen. Cesar D. De Mesa and MP Baintain A. Ampatuan serving as GPH Co-Chairs and Main Camp Coordinators. The JTFACTs 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.

c) 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 17th Congress and which was refiled as HB No. 4003 by Representative John Christopher Y. Belmonte in the 18th 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.

Rebecca “Karen” Tañada
Sam Chittick

Huseyin Oruç
Rahib Kudto

Heino Marius



In Memoriam

Alistair MacDonald †
(Chair)

Alistair MacDonald passed away on the 26th 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.

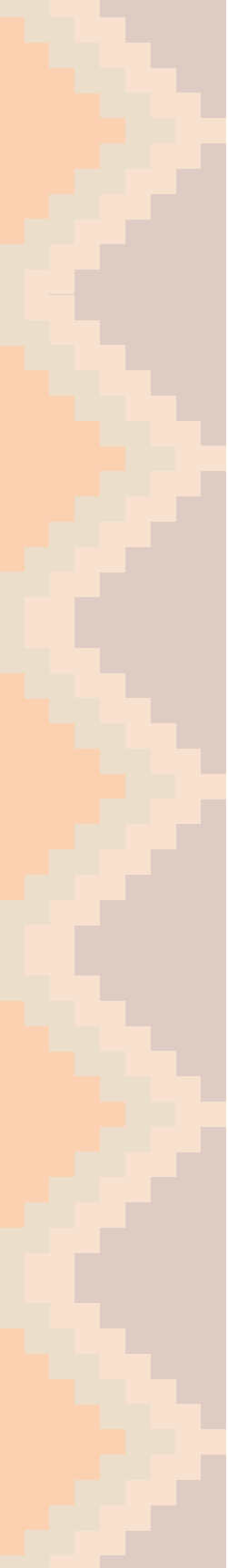
The TPMT Chairperson is jointly nominated by the Philippine Government and the MILF, and it was not difficult for the negotiating parties to mutually agree on Alistair MacDonald based on confidence built during his term as EU Ambassador. Alistair brought into the TPMT work his relationships of trust 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.







THIRD-PARTY MONITORING TEAM

Seventh Public Report, November 2020 to January 2022

Summary

In line with the Terms of Reference of the Third Party Monitoring Team (TPMT), this seventh public report is intended to provide an overall assessment of developments in the implementation of the peace agreements concluded between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). The agreements comprise the Comprehensive Agreement on the Bangsamoro (CAB) and the Framework Agreement on the Bangsamoro (FAB) including its Annexes. This report covers the period from November 2020 to January 2022, continuing from the sixth public report on the period March 2019 to October 2020.

The constitution of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) as an autonomous political entity in early 2019 provided opportunities for meaningful self-governance in the Bangsamoro (see TPMT 6th Public Report). Implementation of the peace process saw steady progress but was slowed down by two factors: the continued impact of the COVID-19 pandemic which delayed consultative processes and program delivery, and debate over the extension of the transition phase in the Philippine Congress which absorbed much of the attention of the Parties during the reporting period.

Republic Act (RA) No. 11593 resetting the first regular elections in the BARMM from 2022 to 2025 and amending Section 13, Article XVI of RA No. 11054, the Bangsamoro Organic Law (BOL), was signed into law by President Duterte on 28 October 2021, thus ending an extended period of legal uncertainty. RA 11593 leaves Section 2, Article XVI of the BOL in place which states that the MILF shall lead the Bangsamoro Transition Authority (BTA).

Earlier, on 17 November 2020, the BTA Parliament had issued Resolution No. 93 urging Congress to extend the transition period, citing the sheer weight of its mandate coupled with shortfalls in resources, continued security threats and the effects of a lingering pandemic.

The reporting period witnessed several key achievements. In as far as the political track is concerned, a substantial part of the legislative task has been completed. Two

more priority codes were adopted during the reporting period, the Bangsamoro Civil Service Code on 24 February 2021 and the Bangsamoro Education Code on 18 May 2021.

Intergovernmental relations (IGR) are managed formally through systematic interaction between the National Government in Manila and the BARMM Government in Cotabato, with the Intergovernmental Relations Body (IGRB) meeting on a regular basis for two years since its first consultative meeting in December 2019. However, two sub-mechanisms, the Philippine Congress - Bangsamoro Parliament Forum (PCBPF) and the Bangsamoro Sustainable Development Board (BSDB) have not yet been activated.

Among the milestones in IGR for this period is the transfer of Cotabato City into BARMM administrative structures which took effect on 15 December 2020 and the transfer of management of existing nature reserves and protected areas by the Department of Environment and Natural Resources (DENR) to the Ministry of Environment, Natural Resources, and Energy (MENRE) on 17 December 2020. The Department of Public Works and Highways (DPWH) also formally turned over the Cotabato City District Engineering Office (CCDEO) to the Ministry of Public Works (MPW) on 20 September 2021. The National Commission on Indigenous Peoples (NCIP) and the Ministry of Indigenous Peoples Affairs (MIPA) also entered into a Memorandum of Cooperation on 5 November 2021 for the protection and promotion of the rights and well-being of indigenous peoples (IPs) in the BARMM.

On the normalization track, the third phase of the decommissioning process commenced on 8 November 2021. During this phase, a total of 14,000 combatants and 2,450 weapons of the MILF will be decommissioned. However, questions related to the provision of socio-economic packages for decommissioned combatants still need to be resolved. There is no agreement yet on defining guidelines for entry of MILF and Moro National Liberation Front (MNLF) members into the Philippine National Police (PNP). Key recommendations put forward by the Transitional Justice and Reconciliation Commission (TJRC) have not yet been addressed.

Other achievements in the normalization process are the completion of training of 20 Joint Peace and Security Teams (JPSTs) out of which 14 teams have been deployed, the continued roll-out of actions on disbanding private armed groups (PAGs) in the BARMM as well as neighbouring provinces, and implementation

of a program for the reduction and management of small arms and light weapons (SALWs).

We note progress on Confidence-building Measures (CBMs). President Duterte signed Proclamation No. 1090 on granting amnesty to members of the MILF on 5 February 2021 together with Executive Order (EO) No. 125 creating the National Amnesty Commission (NAC). The House of Representatives endorsed the provisions in May 2021, while the Senate adopted the House resolution in January 2022. The Camps Transformation Plan (CTP) and its Camps Transformation Investment Program (CTIP) was approved by the GPH and the MILF Peace Implementing Panels on 9 November 2021. To ensure resource mobilization for normalization, the Bangsamoro Normalization Trust Fund (BNTF) was launched on 19 May 2021.

A Marawi Compensation Bill was passed by the House of Representatives on 6 September 2021 and by the Senate on 31 January 2022.

With the extension now in place, the Parties have the opportunity to focus on completing the peace process with less time pressure. However, with several dimensions of the peace process still at an initial implementation stage there is no room for complacency. It is essential for the Parties to embrace the added time as an opportunity to revitalize the peace process and to address the remaining tasks with renewed vigour.

Looking forward, and before the extension takes effect, the TPMT encourages the following steps to consolidate the implementation of the peace process:

- Adopt priority legislations within the originally defined timeframe prior to June 2022;
- Proceed with defining an IP law, which should be informed by results of wide public consultations, involving the main stakeholders;
- Use the IGRB to methodically address pending issues and proceed with the operationalization of remaining IGR mechanisms;
- Address perspective viewpoints in advancing on the normalization track as soon as possible so that these would not be passed to the next Administration;
- Ensure swift and efficient implementation of the Amnesty provisions through the National Amnesty Commission;
- Strive for greater security and prevention of violent incidents, whether involving rido, resource conflicts or extremism, through holistic and strategic measures.

With the extension of the transition period now in place and beyond the assessment of the reporting period, the TPMT believes that this is an appropriate time to look at the fundamentals of the peace agreements from a broader perspective, to assess what has been achieved and to record what remains to be done, also in view of a new Administration taking over by mid-2022. This report therefore provides a more comprehensive analysis of the current state of implementation of the peace agreements in the concluding Comments section.

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1) Developments in the implementation of the agreements between the Parties

a) Activities of the Panels

This past year, the Government of the Philippines (GPH) and Moro Islamic Liberation Front (MILF) Peace Implementing Panels, chaired by Usec. David B. Diciano for the GPH and Mohagher Iqbal for the MILF, continued to meet regularly in the Philippines, virtually and physically in Manila and Cotabato City. Some of the key panel meetings include the following:

- on 14 December 2020 in Cotabato City, to discuss the details of socioeconomic packages for decommissioned combatants and the submission of the MILF list of combatants and weapons to the Independent Decommissioning Body (IDB) for the third phase of the decommissioning process;
- on 11 April 2021 virtually, the Panels renewed the mandate of the International Monitoring Team (IMT) until its TOR was revised on 30 June 2020;
- on 17 July 2021 in Makati City, to discuss the schedule of the third phase of the decommissioning process, among other pertinent issues;
- on 11 October 2021 in Cotabato City, the Panels agreed to form a study group to formulate a revised roadmap on the implementation of the CAB; and
- on 9 November 2021, the Panels approved the Camps Transformation Plan (CTP) and Camps Transformation Investment Program (CTIP).

Notable key events in the peace process during this period were:

- the turnover of Cotabato City to the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) on 15 December 2020;
- the issuance of Presidential Proclamation (PP) No. 1090 granting amnesty to members of the MILF and Executive Order (EO) No. 125 creating the National Amnesty Commission (NAC) on 5 February 2021;
- launch of the Bangsamoro Normalization Trust Fund (BNTF) on 19 May 2021;
- enactment of Republic Act (RA) No. 11593 on 28 October 2021 resetting the first
- regular elections for the Bangsamoro Government to 2025;

- launch of the third round of decommissioning on 8 November 2021 at the Old Provincial Capitol in Barangay Crossing Simuay, Sultan Kudarat, Maguindanao; and
- passage of the Marawi Compensation Bill.

b) Political Track

Extension of the transition period

President Duterte signed RA 11593, which amended Section 13, Article XVI of RA 11054, the Bangsamoro Organic Law (BOL), on Thursday, 28 October 2021. RA 11593, a consolidation of Senate Bill 2214 and House Bill 10121, postpones the first regular parliamentary election for the Bangsamoro Government and synchronizes it with the 2025 national and local elections. The new law states that during the extension of the transition period the 80-member BTA shall continue as the interim government of the Bangsamoro region. The President may appoint 80 new interim members of the BTA who shall serve up to 30 June 2025 or until their successors shall have been elected and qualified.

The bill for the postponement of the first regular election for the Bangsamoro Government was approved by the House of Representatives on 21 September 2021 and by the Senate on 27 September 2021.

RA 11593 leaves Section 2, Article XVI of RA 11054 in place which states that the MILF shall lead the BTA.

The extension of the transition period confirms the status of the BARMM as the only region in the Philippines with a devolved parliamentary structure within a unitary presidential constitutional republic.

On 17 November 2020 the BTA parliament had issued its Resolution No. 93, urging the Philippine Congress to extend the transition period to afford it sufficient time to continue in performing its mandate, citing amongst other factors the effects of a lingering pandemic. Presidential Peace Adviser Galvez expressed his support for extending the Bangsamoro Government's term until 2025 on a number of occasions.

The civil society group Mindanao People’s Caucus, which had recommended the extension in its “Rapid Midterm Review on the Bangsamoro Transition Period” in September 2020, called on the Bangsamoro Government to use the extension period to deliver promises to the Bangsamoro people.

Bangsamoro Transition Authority (BTA) Legislation

The BOL mandates the BTA Parliament to enact seven priority legislations:

No.	Priority Legislation	Status
1	Bangsamoro Administrative Code	Passed on 28 October 2020
2	Bangsamoro Revenue Code	Pending
3	Bangsamoro Electoral Code	Pending
4	Bangsamoro Local Government Code	Pending
5	Bangsamoro Education Code	Passed on 18 May 2021
6	Bangsamoro Civil Service Code	Passed on 24 February 2021
7	Bangsamoro Law for Indigenous Peoples (IPs)	Pending

The legislative agenda of the BTA is behind schedule due to restrictions in organizing sessions and consultations without violating COVID-19 protocols, especially given limited internet access in island provinces of the BARMM.

The remaining priority legislations are still subject to consultations prior to parliamentary deliberation. Preparations are underway for each of the remaining Codes. The issue of creating parliamentary districts is being addressed based on data of the 2020 Census on Population and Housing, including for the 63 barangays which joined the BARMM from North Cotabato following the 2019 autonomy plebiscite. The Commission on Elections (COMELEC) has been consulted on the draft Electoral Code which is expected to be adopted within the first half of 2022. The Local Government Code has been approved by the Bangsamoro Cabinet and has been filed in Parliament. The Revenue Code is very technical in nature and involves consultations with National Government agencies to ensure it is in line with applicable protocols.

The BTA is yet to pass the IP Code. While draft proposals have been prepared, its final version has not yet been cleared by the Bangsamoro Cabinet and it will still need to undergo public consultations. Representatives of non-Moro IP assert that the Code should specifically respond to their concerns, particularly ancestral domain, displacement, and human rights violations.

To reaffirm confidence in the work of the BTA it is important that outstanding priority codes will be adopted within the originally defined timeframe prior to June 2022.

Intergovernmental relations (IGR)

The principle of Intergovernmental Relations (IGR) was included by the GPH and the MILF Peace Negotiating Panels in the Annex on Power Sharing to the FAB to govern the asymmetric relationship between the Central Government and the Bangsamoro Government. This is reflective of the recognition of the Bangsamoro identity and their aspirations for self- governance, making it distinct from other local governments.

The IGRB TOR agreed on 16 December 2019 stipulate that the mechanism should exhaust all means to resolve issues brought before it, including sharing of competencies and the implementation of national programs in the BARMM. To note that the IGRB is mandated to govern the relationship between the two governments, and shall resolve issues brought before it, including those “not covered by the other intergovernmental relations mechanisms.” Unresolved issues shall be elevated to the President.

The IGRB, co-chaired by National Government Finance Secretary Carlos G. Dominguez and Bangsamoro Education Minister Mohagher M. Iqbal, has regularly convened for ten times since its inception. A year after its first meeting, the IGRB submitted to the President its first progress report, on 21 January 2021 at the Malacañan Palace in Manila. It is positive to note that the meetings of the IGRB have become a consistent element in defining the working arrangements between the Central Government and the Bangsamoro Government, thereby assuring regular interaction between the two governments.

As for other IGR mechanisms, 5 out of 7 bodies are operational, notably the (1) Intergovernmental Fiscal Policy Board (IFPB), (2) the Joint Body for the Zones

of Joint Cooperation (JBZJC) with its TOR approved on 31 July 2021, (3) the Intergovernmental Infrastructure Development Board (IIDB) which began convening since 26 November 2020 and its TOR approved on 7 January 2021, (4) the Intergovernmental Energy Board (IEB), and (5) the Council of Leaders which held its first meeting on 18 January 2021, even though some Local Government Unit (LGU) members were not able to participate. The Philippine Congress – Bangsamoro Parliament Forum (PCBPF) still has to convene for its first meeting while the Bangsamoro Sustainable Development Board (BSDB) remains to be created by Parliament legislation.

To note that a number of informal meetings referred to as “Political Leaders Meetings” (similar to Council of Leaders meetings) took place in the context of discussions on the proposed extension of the BARMM transition period. While these Political Leaders Meetings were instrumental in bringing BARMM, LGUs and relevant Secretaries from Manila into dialogue to work towards a consensus on the extension, more regular Council of Leaders meetings are essential to mediate relations between the BARMM and local authorities with a view to harmonizing the use of resources.

A Technical Working Group (TWG) at the IGRB looked into the issue of whether powers and functions related to IPs in the BARMM rest with the National Commission on Indigenous Peoples (NCIP) or the Ministry of Indigenous Peoples Affairs (MIPA) in the BARMM.

Transfer of powers

Through the IGRB, counterpart National Government agencies and Bangsamoro Government ministries have been coordinating for the transfer of powers to the BARMM as stipulated in the BOL. This includes the transfer of properties and assets of offices of National Government agencies within the BARMM to the Bangsamoro Government and the inclusion of the BARMM in national programs funded and/or implemented by National Government agencies.

On 15 December 2020 at the Bangsamoro Government Center in Cotabato City, the Department of the Interior and Local Government (DILG) ceremonially turned over the supervision of Cotabato City and the 63 barangays in North Cotabato to the Ministry of the Interior and Local Government (MILG). Other milestones for this period include the transfer of management of existing nature

reserves and protected areas by the Department of Environment and Natural Resources (DENR) and the Ministry of Environment, Natural Resources, and Energy (MENRE) on 17 December 2020, turnover of the Cotabato City District Engineering Office (CCDEO) by the Department of Public Works and Highways (DPWH) on 20 September 2021, and signing of the Memorandum of Cooperation between the National Commission on Indigenous Peoples (NCIP) and the Ministry of Indigenous Peoples Affairs (MIPA) on 5 November 2021 for the protection and promotion of the rights and well-being of indigenous peoples (IPs) in the BARMM. A number of National Government agencies have not yet started the transfer of properties and assets of their offices within the BARMM. Also, the inter-agency committee to conduct the inventory of liabilities of the ARMM to be assumed by the National Government has not yet completed its mandate.

Fiscal autonomy

The FAB, considering that the Bangsamoro is among the most underdeveloped regions in the Philippines due to decades-long conflict, outlines measures to increase the Bangsamoro's revenue generation and wealth creation capacity, with the aim to attain the highest form of fiscal autonomy. These measures include taxing powers as well as other sources of revenue, including fund transfers from the Central Government (Block Grant and Special Development Fund for rehabilitation purposes), receipt of grants and donations, contracting loans and exploitation of natural resources. The BOL defines in detail how these sources of revenue are to be created respectively calculated.

On 24 December 2020 the BARMM approved a PhP75.6 billion budget for 2021 and on 28 December 2021 the BTA passed the proposed PhP79.862 billion budget for 2022 (an increase of appr. 6%). The bills were signed into law by the Chief Minister as the Bangsamoro Appropriations Acts 2021 and 2022. While the annual appropriations laws serve as the basis for operations in the BARMM, according to the BOL national laws and budgeting rules of the Department of Budget and Management (DBM) and the Department of Interior and Local Government (DILG) continue to apply. It is important to define the necessary rules and working arrangements to achieve alignment and to ensure that funds are transmitted to the BARMM in time to facilitate their anticipated use respecting the provisions outlined in the BOL.

The transfer of the Block Grant follows a circuitous route before it reaches the BARMM. Funds are transferred from the DBM to the Central Office of the Bureau of the Treasury (BOT), from there they are routed through BOT Region XII and the BOT in Maguindanao Province before they finally reach the BARMM Treasury. This is not in line with the BOL which specifies that funds should be appropriated automatically, directly and comprehensively (Sections 17/18, Article XII). Furthermore, it is problematic for financial planning in the BARMM that the Block Grant is only released on a monthly basis. The matter is still under discussion at the IFPB.

The Mandanas-Garcia Supreme Court ruling will result in a projected increase in the Internal Revenue Allotment (IRA) of Local Government Units (LGUs) beginning in 2022. This will affect the Block Grant calculation for the BARMM which is based on a 5% share of the net national internal revenue tax collection less the IRA of LGUs. In consequence, Block Grant allocations to the BARMM could be reduced by an estimated 10-15%.

It is therefore all the more important to reinforce financial planning and management in the BARMM, by setting up mechanisms to monitor funding flows, by ensuring enhanced coordination with the Central Government and LGUs, and by building institutional capacity. Priority should be given to setting up the Bangsamoro Revenue Office and to adopting the Revenue Code.

The sharing of taxes collected by the National Government in the BARMM of 25% national portion and 75% Bangsamoro Government portion as defined in the BOL (Art XII, Section 10) has not yet been implemented, the old ARMM formula of 30%/70% still applies.

Spending out of the Special Development Fund (SDF) allocation has only been partially activated, and needs to be programmed by the Bangsamoro Planning and Development Authority (BPDA) on the basis of the Bangsamoro Development Plan.

There has been no progress yet on the exploration, development and utilization of natural resources, the revenues of which, in the case of oil and gas, are to be shared jointly equally with the National Government.

Grants / loans / official development assistance (ODA)

The FAB sets forth that the Bangsamoro shall have the authority to receive grants and donations from foreign sources. The Annex on Power Sharing lists receiving grants and donations as an exclusive power of the Bangsamoro Government while the Annex on Revenue Generation and Wealth Sharing states that grants from donors shall be received directly by the Bangsamoro Government. The same applies to loans except those requiring sovereign guaranty, which require Central Government approval.

In variance to the agreements, the BOL demands that acceptance of grants and donations shall be subject to prior clearance and approval by the President or his authorized representative.

The Intergovernmental Fiscal Policy Board (IFPB) during its second meeting on 5 February 2021 cleared rules under which the BARMM may accept foreign grants and donations. Under these rules the Bangsamoro government is required to notify the Department of Finance (DOF) when it starts talks with potential foreign donors, thus providing lead time for coordinating with the Central Government in preparing for receiving grants. It would facilitate matters if, once fundamental approval by the DOF has been obtained, the BTA is in a position to deal with donors directly.

c) Normalization Track

The gradual normalization of previously conflict-affected areas and their transformation into peaceful and progressive communities forms an essential part of the peace agreements.

The normalization process incorporates (i) security aspects which include 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 for decommissioned combatants and their communities; (iii) transitional justice and reconciliation; and (iv) confidence-building measures including amnesty and camps transformation. The implementation of the normalization track is closely tied to the progress in the political track. In particular, the CAB commits the Parties to nurture the integrity of the whole peace process.

Security Situation

Focused operations were carried out against the Bangsamoro Islamic Freedom Fighters (BIFF) in Maguindanao, the Dawlah Islamiya (DI) in Lanao del Sur and the Sulu-based Abu Sayyaf Group (ASG) by security forces as part of a strategy to rein in the activities of these groups. DI and ASG are affiliated with ISIS. Disputes among clans (so-called *ridos*) frequently occur particularly in Maguindanao and Lanao del Sur.

The annual trend of armed skirmishes between GPH forces and the MILF has been close to zero since the signing of the FAB in 2012. Nevertheless, protests continue to be filed by both sides with some regularity. Avoiding misunderstandings and more open communication can help to address such incidents. In general, there is a sound spirit of cooperation between the GPH and the MILF which finds expression in joint efforts to counter terrorist groups, as well as collaboration on peace advocacy and conflict resolution. The ceasefire mechanisms under the peace agreements continue to fulfill their useful role.

In support to improving the security situation in the BARMM, the provincial LGUs of Basilan, Lanao del Sur, Maguindanao, and Sulu are implementing programs on the reduction and management of small arms and light weapons (SALWs) in partnership with the Joint Normalization Committee (JNC), supported by OPAPP. On 24 May 2021, the Bangsamoro Government organized the first Bangsamoro Peace and Security Summit for Local Development. It was an opportunity for the Bangsamoro government to assert its role as a partner for security in the region. The Summit committed the GPH and the MILF to adhere to ceasefire protocols and to enhance cooperation and coordination, to the continued deployment of Joint Peace and Security Teams (JPSTs), and towards declaring terrorist groups unprepared for dialogue as *persona non grata*.

There are concerns that the BARMM could witness an increase in election-related violence in the run-up to the May 2022 polls. It is timely in this respect that the authorities have stepped up efforts towards the disbandment of private armed groups (PAGs) and collection of loose firearms. MILF Chair and Bangsamoro Interim Chief Minister Ahod Ebrahim in a meeting with AFP Western Mindanao Command (WESTMINCOM) chief Maj. Gen. Alfredo Rosario Jr. committed on 15

October 2021 to support the peaceful conduct of the 2022 elections.

Land issues have not been addressed concretely by the peace process mechanisms, nor to date by the BARMM/BTA. Land disputes and accusations of land grabbing and land dispossession are an ongoing and constant threat to peace in BARMM. There are many areas of potential flashpoints across the region, particularly in areas with untitled land in the vicinity of long-established MILF base commands.

The IP community in the BARMM are particularly vulnerable to security incidents resulting in displacements. It is important that dispute resolution mechanisms work in a coordinated way to address these concerns, including engagement down to the barangay level.

Resource mobilization for normalization

Item I (on Resource Mobilization) of the Annex on Normalization provides that:

1. *The GPH shall provide the necessary funding for the normalization process.*
2. *The Parties agree to allow either party to access funds from donors for the operations of the different mechanisms under the normalization process to supplement the budgetary requirements provided by the GPH.*

The GPH set up the Inter-Cabinet Cluster Mechanism on Normalization (ICCMN) through EO 79 on 24 April 2019 with the aim to ensure timely, appropriate and efficient delivery of the normalization program. The ICCMN combines relevant member agencies with the Office of the Presidential Adviser on the Peace Process (OPAPP) serving as the secretariat to implement programs for combatant and non-combatant elements of the MILF, the families of decommissioned combatants, and other vulnerable individuals and sectors residing in the BARMM, including the six recognized MILF camps. Funding is to be included in the budgets of ICCMN members.

Partly as a result of limited fiscal space due to the pandemic, such funding has not been forthcoming as expected. As explained by Secretary Galvez at a Senate budget hearing on 15 September 2021, OPAPP's budget requests have been significantly cut back by the Department of Budget and Management (DBM) for 2021 and 2022, forcing reprioritizations of critical programs in support of the peace process.

The BOL makes a provision for a Special Development Fund (SDF) to the

Bangsamoro Government for the rebuilding, rehabilitation and development of its conflict-affected communities for a total amount of PhP50 billion spread over a period of 10 years (i.e., PhP5 billion per year). The utilization of funds has to be in accordance with the Bangsamoro Development Plan. On 4 November 2020 the BARM launched the “Bangsamoro Development Plan 2020 - 2022” in Cotabato City with the ultimate goal of uplifting the lives of the Bangsamoro and establishing the foundations of self-governance through moral governance.

The 366-page document provides strategies to ensure the recovery and rehabilitation of areas long affected by armed conflict and stresses the importance of national government support to the normalization process. So far allocations under the SDF have only been partly released.

Following the issuance of the Special Authority from the Office of the President on 3 December 2020, the GPH, through the OPAPP and the Department of Finance (DOF), and the World Bank signed the Memorandum of Understanding for the operationalization of the Bangsamoro Normalization Trust Fund (BNTF) on 19 March 2021. The BNTF is a multi-donor trust fund specifically created by the Parties to support the normalization process. The World Bank was selected as the fund manager. The BNTF Steering Committee conducted its first meeting on 22 October 2021.

Policing

Policing is of outstanding importance for the successful completion of the peace process. The FAB clarifies that law enforcement and maintaining peace and order is the primary function of the police force for the Bangsamoro. It calls for a police force for and of the Bangsamoro. It further calls for a professional police service, civilian in character and free from partisan control.

Provision of policing is of particular significance in relation to other components of the normalization process. The agreements stipulate that the establishment of the police force is linked to phasing out transitional mechanisms of the peace process like the JPSTs. Policing is also closely linked to decommissioning which requires first and foremost a stable security environment. Agreed policing should be in place before the final phase of decommissioning.

The FAB Annex on Power Sharing lists public order and safety as a concurrent power,

and provides that the Bangsamoro Government shall have primary responsibility over public order and safety within the Bangsamoro. However, public order and safety was shifted from concurrent to national competence under the BOL out of concern that the respective clause in the FAB was inconsistent with the 1987 Philippine Constitution. Furthermore, already devolved powers of operational control and general supervision over the police force to the Autonomous Region in Muslim Mindanao (ARMM) were removed from the competence of the BARMM. This is in contradiction to the Annex on Power Sharing which states that all powers of the ARMM shall be transferred to the BARMM.

The FAB calls on the Parties to continue negotiations on the form, functions and relationship of the police force of the Bangsamoro, with the aim to arrive at an agreed policing in the Bangsamoro. This agreement has not yet been reached.

As outlined in the FAB an Independent Commission on Policing (ICP) was set up to recommend appropriate policing for the Bangsamoro. The ICP submitted its report in April 2014 which placed paramount emphasis on community policing and accountability. What ensued was a debate over how much authority should be delegated by the Central Government to the Bangsamoro police, in particular whether the police should be integrated into existing national structures or enjoy a certain degree of regional autonomy. What transpired under the BOL was the creation of a Police Regional Office in the Bangsamoro Autonomous Region, the PNP PRO-BAR, under direct operational control and supervision of the Philippine National Police (PNP), headed by a Regional Director.

Section 2, Article XI of the BOL allows for the entry of MILF and MNLF members into the PNP. It also provides that the National Police Commission (NAPOLCOM) may waive age, height, and educational attainment requirements within a period of 5 years from the ratification of the BOL on 21 January 2019 on condition that the educational attainment shall be complied within 15 years from entry.

The question of finalizing guidelines for the entry of MILF/MNLF into the PRO-BAR was referred to a Technical Working Group (TWG) under the IGRB at the request of the MILF (even though, strictly speaking, under the peace agreements the Joint Normalization Committee is mandated to coordinate the process of normalization and to resolve all disputes before elevation to the Panels). No agreement has been reached yet, and discussions continue on numbers, the place of employment of recruits and the question of whether the expiry date of the waiver

on entry requirements should be adjusted to account of the time that has passed since the ratification of the BOL.

The FAB Annex on Normalization further states that the BTA shall have substantial participation in choosing the Head and in the deployment of the PNP in the Bangsamoro, the BOL reflects this by calling for the involvement of the Chief Minister. (Section 4, Article XI). So far this consultation requirement has not been implemented.

The MILF continues to aim for a spirit of policing as defined in the Annex on Normalization and favours a police force rooted in the community. The MILF believes that its recruits can benefit the PNP due to their local knowledge to help manage the security situation in the region.

The Bangsamoro government has committed to develop good relations with the PNP PRO- BAR, for instance by funding the construction of several police stations. The PNP PRO-BAR appears to coordinate well with CCCH and AHJAG, and there is also regular collaboration with Provincial Peace and Order Councils. The PNP is offering expertise on ridos, but there are no specific plans for community policing in the BARMM.

There is an institutional structure in the BARMM to deal with security issues. The Ministry of Interior and Local Government (MILG) has supervisory functions on police matters within LGUs and the Ministry of Public Order and Security (MPOS) has supervising functions in maintaining public order. But the actual involvement of the BTA in security matters has been limited overall. Without a closer involvement in the management of the police force, the Bangsamoro Government lacks effectiveness in conducting important tasks in the security field, for instance in combating extremism. This represents a major limitation in regional autonomy.

Transitional components of normalization

The peace agreements call for a partnership between the GPH and the MILF to work together to secure peace on the ground.

This is to be achieved through a number of joint mechanisms, notably the Joint Normalization Committee (JNC) which has the task to coordinate the different processes of normalization, the Joint Peace and Security Committee (JPSC)

which is charged with coordinating the security component of the normalization process, and the Joint Peace and Security Teams (JPSTs), which are responsible for maintaining peace and stability of areas mutually identified by the Parties. These transitional mechanisms shall be in place at least until the police force for the Bangsamoro is fully organized and operational.

The JNC and the JPSC conducted the third batch of JPST training for 5 JPSTs from September to October 2021. This brings the total number of trained JPSTs to 20, 14 of which are currently deployed. Each JPST is composed of contingents from the AFP and the PNP with 15 members for the GPH side, and 15 members from the Bangsamoro Islamic Armed Forces (BIAF-MILF). The JPSTs are designed as a unique, innovative, and temporary measure for the transition period before a police force with MILF/MNLF participation will take over. They have played a vital role in ensuring the security of residents within the six government-acknowledged MILF camps during the second phase of the decommissioning process. Furthermore, the JPSC and the JPSTs have been instrumental in facilitating clan dispute (rido) settlement.

It should be noted though that there is a wide discrepancy in expectations on size and role of the JPST network. The initially agreed target number of 200 JPSTs is far from being reached, due to lack of available budgets and limited training capacities. Further to note that JPSTs do not have law enforcement functions. Nevertheless, an effective JPST presence on the ground could be one of the most visible assurances of the benefits of peace.

In as far as joint mechanisms to ensure peace are concerned, the Agreement for the General Cessation of Hostilities signed on 18 July 1997 forms an integral part of the CAB. Of particular relevance here are the Coordinating Committee on Cessation of Hostilities (CCCH) and the Ad-Hoc Joint Action Group (AHJAG) which, together with the International Monitoring Team (IMT) are responsible for upholding the ceasefire agreement until the full decommissioning of MILF forces.

These existing ceasefire coordination mechanisms continue to demonstrate their usefulness, in particular linked to the coordination of law enforcement operations. On 30 July 2021, the Parties signed the revised TOR of the IMT.

Decommissioning / socio-economic development programs

Decommissioning is perhaps the most challenging part of the normalization process. The MILF has committed to carry out a graduated program of decommissioning of its forces on the basis of a comprehensive needs assessment for its members and their communities. An Independent Decommissioning Body (IDB) composed of foreign and local experts was set up in 2014 to oversee the process, including inventory, verification and validation of MILF members and weapons.

In parallel the JNC was mandated to develop a program for reduction and management of small arms and light weapons (SALWs) of individuals and groups. The FAB Annex on Normalization specifies that the decommissioning of MILF forces shall be parallel and commensurate to the implementation of all the agreements of the Parties. This is of great importance as many MILF combatants and commanders are reluctant to hand in their weapons given the many loose firearms, the presence of private armed groups (PAGs) and the high incidence of clan disputes in the BARMM. It is therefore essential for the successful completion of the decommissioning process that other components of the normalization process, such as policing, disbandment of PAGs and reduction of small arms and light weapons are pursued in parallel.

The MILF committed to decommission 40,000 combatants and 7,500 weapons. As a first step, a largely symbolic and ceremonial turnover of 145 combatants and 75 weapons took place in 2015. The second phase took place following ratification of the BOL between August 2019 and March 2020, involving 12,000 combatants (30%) and 2,100 weapons. The MILF submitted its list of 14,000 combatants for Phase 3 to the Independent Decommissioning Body (IDB) in December 2020.

For Phase 3 of the decommissioning process which started on 8 November 2021, the Parties agreed that the procedure for a total of 14,000 combatants will be done on the basis of same- day verification and decommissioning per Assembly and Processing Area (APA). A total of 7,200 combatants were scheduled for decommissioning in 2021 and the remaining 6,800 in 2022.

The IDB undertook preparations for Phase 3 by taking into account the need to respect Covid- 19 related health protocols. The pandemic will likely affect the length of time required for the Phase 3 to be completed.

Decommissioned combatants, their families, and their communities should

receive socio- economic development packages programmed by the Task Force for Decommissioned Combatants and their Communities (TFDCC). These packages comprise interventions on social protection, capacity building, livelihood/ employment assistance, and social infrastructure. OPAPP is engaged in concluding Memoranda of Agreement (MOAs) with government agencies to allow former combatants to participate in their respective programs.

What follows is an overview on the current status of delivery of socio-economic packages to decommissioned combatants.

Social Protection

- Combatants to be decommissioned under Phase 3 are provided with transitional cash assistance worth PhP100,000 each, through the Department of Social Welfare and Development (DSWD), similar to what was immediately provided to decommissioned combatants under Phases 1 and 2. Decommissioned combatants under Phases 2 and 3 will also be included in the Health Insurance Program under the Philippine Health Insurance Corporation (PHIC or PhilHealth) which is targeted to be rolled out in 2022.

Capacity Development

- A total of 334 decommissioned combatants and their next-of-kin have graduated from the Technical-Vocational Education Training (TVET) Program under the Technical Education and Skills Development Authority (TESDA) with the assistance of the Ministry of Basic, Higher, and Technical Education (MBHTE) Technical Education Sector. They took training on pastry-making, dressmaking, electrical installation and maintenance, and process food fermentation. Another batch composed of 167 decommissioned combatants and their next-of-kin underwent training and graduated before the end of the year.
- A total of 330 out of the targeted 450 decommissioned combatants have completed the Values Transformation Training (VTT) implemented by the Bangsamoro Development Agency (BDA). The Ministry of Basic, Higher, and Technical Education (MBHTE) is implementing the Alternative Learning System (ALS) and the Study Grant Program for decommissioned combatants and their next-of-kin. In April 2021, the OPAPP entered into an MOA with the Bangsamoro Government for the implementation of the ALS and the Bangsamoro Grants-in-Aid Higher Education Program (BGIAHEP) for decommissioned combatants and their families.

Livelihood/Employment Assistance

- In March 2021, the Department of Trade and Industry (DTI) launched a PhP16.5- million Mechanized Solid Waste and Segregation System Project in Butig, Lanao del Sur. This aims to create employment and livelihood opportunities for decommissioned combatants and out-of-school youth in the area.
- The DTI also turned over 31 rice mills to MILF cooperatives in the six previously acknowledged MILF camps in June 2021 as part of its Peaceful Return Aggressive Inclusion on Social Entrepreneurship (PRAISE) Program.

Social Infrastructure

- The National Irrigation Administration (NIA) completed four communal irrigation systems in communities of decommissioned combatants in Maguindanao to be turned over in December 2021: in (1) Tuayan, Shariff Aguak; (2) Langkong, Matanog; (3) Upper Tuayan, Datu Hoffer Ampatuan; and (4) Butig, Lanao del Sur. Three more irrigation systems are targeted to be completed within the first quarter of 2022.
- Six rural health units with birthing facilities are being constructed by the Department of Health (DOH) and the Ministry of Health (MOH) and are targeted to be completed within the first quarter of 2022. OPAPP entered into a tripartite MOA with the DOH and the MOH in November 2020 for their construction.

Further to note that the TFDCC conducted a re-engagement process for decommissioned combatants under Phases 1 and 2 until March 2021. A total of 8,217 (67.7%) out of 12,145 decommissioned combatants from Maguindanao, North Cotabato, South Cotabato, Sarangani, Lanao provinces, Zamboanga peninsula, Bukidnon, and Sultan Kudarat were reengaged. The provision of socio-economic development packages for the 12,145 combatants decommissioned in Phases 1 and 2 are still pending.

On 15 September Secretary Galvez clarified in the Senate that the amount of PhP1 million earmarked for each of the decommissioned MILF combatants represented the estimated monetary value of the socioeconomic package they are meant to receive. Nevertheless public statements on the PhP1 million have raised expectations. The additional non-cash support from national government agencies has only been provided in piece-meal fashion.

The MILF is still looking for clear answers on the remaining package and argues that it is difficult to convince its combatants to join the decommissioning process considering this lack of clarity.

To ensure the success of the third phase and also for those decommissioned earlier, the expectations of combatants and their communities need to be managed. It is critical to have clear information on what interventions they will receive, by when, and through what mechanism.

Redeployment of the Armed Forces of the Philippines (AFP)

The Annex on Normalization states that the Armed Forces of the Philippines (AFP) shall redeploy its units and troops from or within the Bangsamoro, consistent with a normal and peaceful life and alongside progress in other aspects of normalization. The FAB Annex on Normalization further calls for coordination between the Central Government and the Bangsamoro Government in the movement of the AFP in the Bangsamoro.

Planning for redeployment of the AFP has not far advanced yet. The JNC and the AFP are crafting the criteria for redeployment. They are also preparing for the conduct of a joint security assessment and an inventory of AFP units and troops. To note that redeployment does not mean complete pulling out of troops. Necessary defense and security installations will be retained to avoid a security vacuum in the Bangsamoro.

Disbanding Private Armed Groups (PAGs)

The FAB Annex on Normalization calls on the GPH in coordination with the MILF to conduct an assessment and devise a plan for the disbandment of PAGs as part of the normalization process, to be undertaken through the JNC.

The National Task Force for the Disbandment of PAGs (NTF-DPAGs) was established already in 2015 and charged with policy, planning and implementation of the program of disbandment of PAGs. Following approval of implementing rules and operational guidelines the reactivated NTF-DPAGs convened on 4 November 2020 chaired by Interior and Local Government Secretary Eduardo M. Año.

The conduct of a comprehensive security assessment and an inventory of armed groups is ongoing. A DPAGs roll-out to raise awareness and capacity of LGUs was conducted in Region IX in May 2021. The roll-out will also be conducted in all LGUs in the BARMM as well as in Regions X, XI and XII. To note that the implementation phase is to include firearms control and management.

OPAPP entered into MOAs with DILG, AFP and PNP for the program of disbandment of PAGs. OPAPP further entered into MOAs with Provincial Local Government Units (PLGUs) in the BARMM for programs of management of SALWs.

According to Secretary Ano, the NTF-DPAGs disbanded 14 PAGs in the BARMM and Region XII by mid-December 2021 since its reactivation.

These measures are timely, as the continued presence of PAGs could negatively affect the security situation and interfere with decommissioning and electoral processes. Dealing with PAGs is therefore a critical element in ensuring lasting peace in the Bangsamoro.

An “official” list of PAGs is not yet available. In addition to active PAGs there is also a large number of potential PAGs which could be activated at short notice.

During the press conference of the NTF-DPAGs on 29 October 2021 in General Santos City, MILF Chair and Bangsamoro Government Chief Minister Ahod “Murad” Ebrahim and MNLF Chair Muslimin Sema expressed support to the efforts of the National Government towards the disbandment of PAGs.

As there is no BARMM participation on the NTF-DPAGs, the Parties would be well-advised to clarify an appropriate mechanism for cooperation with BTA authorities and MILF on implementation of disbandment programs.

Transitional justice and reconciliation (TJR)

Transitional Justice and Reconciliation (TJR) is at the heart of the peace agreements. The recognition of the justness and legitimacy of the cause of the Bangsamoro people and their right to identity and human dignity is prominently reflected in the CAB. As part of the FAB the Parties agreed to work out a program for TJR to address the legitimate grievances of the Bangsamoro people, to correct historical injustices and to address human rights violations. For this purpose, the Parties created the Transitional Justice and Reconciliation Commission (TJRC) to undertake a

study and recommend to the Panels appropriate mechanisms for TJR. One of the main recommendations of the TJRC was to create a National Transitional Justice and Reconciliation Commission for the Bangsamoro (NTJRCB) to oversee a National Dealing With the Past strategy and to develop specific initiatives related to historical memory, impunity, promotion of accountability and rule of law, to address marginalization through land dispossession and to promote Healing and Reconciliation in the Bangsamoro.

The Inter-Cabinet Cluster Mechanism on Normalization (ICCMN) took the lead in the implementation of the recommendations provided for in the report of the TJRC by setting up a TJR Cluster. Relevant agencies were convened under the ICCMN to work towards the adoption and implementation of the TJR Program for the BARMM.

Complementing this the BOL (Section 1, Article IX) calls on the Bangsamoro Parliament to set up a regional mechanism. In consequence the BTA adopted Resolution 58 proposing the creation of a Transitional Justice and Reconciliation Commission in the BARMM. The Bangsamoro Human Rights Commission was mandated to take on transitional justice initiatives in the interim.

The BTA, through its resolution 56, also called on the National Government to create the NTJRCB and the implementation of a related program. Actions to ensure TJR promise to prevent escalation of grievances and future conflicts. This should be seen as a national task.

During its fifth meeting on 30 March 2021, the ICCMN, chaired by Cabinet Secretary Karlo Alexei B. Nograles and Presidential Peace Adviser Secretary Carlito G. Galvez, Jr., approved the proposed TJR roadmap drafted by its TJR Cluster. It has been submitted for approval of the Peace Implementing Panels and is pending completion of review by the MILF. The proposed roadmap includes programs, projects, and activities committed by the member- agencies of the ICCMN corresponding to the specific recommendations of the Transitional Justice and Reconciliation Commission (TJRC) in its main report.

In November and December 2020, the GPH-MILF Technical Working Group on Transitional Justice and Reconciliation (TWG-TJR) conducted a series of information, education, and communication (IEC) campaign and community dialogues in Camp Darapanan, Sultan Kudarat, Maguindanao; Malisbong,

Palimbang, Sultan Kudarat; and Manili, Carmen, North Cotabato. The OPAPP also conducted community dialogues with non-Moro IPs on 10-12 December 2021 in the municipalities of Datu Saudi Ampatuan, South Upi, and Datu Blah Sinsuat in Maguindanao to discuss land-related issues. Another round of community dialogues was conducted in Camps Abubakar, Bilal, and Busrah in May 2021 to solicit specific recommendations on TJR.

Land dispossession is at the heart of the Bangsamoro struggle. The CAB and the BOL both acknowledge marginalization through land dispossession as a root cause of conflict that must be jointly addressed by the National Government and the Bangsamoro people. These issues were examined in great detail under the TJRC, and their main report and sub-reports included a set of constructive recommendations to address these root causes of conflict. In particular, the TJRC recommended the creation of a Sub-Commission on Land Dispossession in the Bangsamoro “in accordance with international standards pertaining to the right to reparation, which acknowledges the right of individual victims or their beneficiaries to reparation and the duty of the State to provide satisfaction.” No action has been taken in this respect.

The Philippine government is still to pass a law that will create the NTJRCB, although House Bill (HB) 5669, authored by Representative Christopher Belmonte, was already adopted by the House Special Committee on Peace, Reconciliation and Unity in September 2018. It was re- filed in August 2019 as HB 4003. TJR is a crucial element of bringing lasting peace and justice to the region and legislators in Manila should live up to supporting this commitment. HB 4003 should be considered as a priority bill.

Camps transformation

As part of the confidence-building measures under the Annex on Normalization, the Parties agreed to undertake necessary measures for the transformation of the six jointly acknowledged MILF camps into peaceful and productive communities. These camps are (1) Camp Abubakar as-Siddique, (2) Camp Omar ibn al-Khattab, and (3) Camp Badre in Maguindanao; (4) Camp Busrah Somiorang in Lanao del Sur; (5) Camp Bilal in Lanao del Norte; and finally (6) Camp Rajamuda in North Cotabato and Maguindanao.

The Joint Task Forces for Camps Transformation (JTFACTs) partnered with the Bangsamoro Planning and Development Authority (BPDA) to formulate the Camps Transformation Plan (CTP) in 2020 based on a series of camp area assessments and

community profiling. BPDA- BARMM turned over the draft CTP to the JTFCTs on 28 January 2021. The 6-year plan (2021- 2026), which includes planning for socioeconomic programs, serves as a roadmap to implement the transformation of six MILF camps.

The JNC approved the CTP on 16 February 2021. The CTP was presented to GPH and MILF Peace Implementing Panels on 26 February 2021 and was approved by the Panels on 9 November 2021 along with the Camps Transformation Investment Program (CTIP).

The main challenge for the future is to mobilize resources for implementation following CTP approval. IPs should be actively associated in the process as some camps are located in areas claimed as ancestral domains.

Amnesty

As part of CBMs listed under the Annex on Normalization the GPH committed itself to take immediate steps through amnesty, pardon and other available processes towards the resolution of cases of persons charged with or convicted of crimes and offences connected to the armed conflict in Mindanao with the aim to facilitate healing of the wounds of conflict and the return to normal life.

On 5 February 2021, President Duterte issued Proclamation No. 1090, “granting amnesty to members of the MILF who have committed crimes punishable under the Revised Penal Code and special penal laws in furtherance of their political beliefs”. Similar proclamations were also issued for members of other armed groups, including the MNLF. Executive Order No. 125, which creates the National Amnesty Commission (NAC), was issued the same day.

The NAC will be composed of a chairperson, two regular members, and 4 ex-officio members (by virtue of some other office or position), i.e., Defense Secretary, Justice Secretary, Interior Secretary, and Presidential Peace Adviser.

The House of Representatives adopted House Concurrent Resolution No. 12 on 19 May 2021 in concurrence with Proclamation No. 1090. House Speaker Vellasco described this as a “significant milestone toward reconciliation and lasting peace in the country.” The Senate adopted House Concurrent Resolution No. 12 without amendment on 24 January 2022. At the end of the reporting period the appointment of members of the NAC remained pending.

While waiting for the process of granting amnesty to begin, safe conduct passes are being issued to some MILF leaders to allow their uninterrupted participation in the BTA and the Bangsamoro Government and in the GPH-MILF peace process mechanisms. Safe conduct passes are only a temporary solution.

The Amnesty Commission established under EO No. 125 is a critical element of the peace process, and part of the core legacy of President Duterte. It can only begin operations after concurrence of both the House of Representatives and the Senate. Once this is in place, the NAC will only have one year to exercise its authority. This is a critical element of the peace process with far-reaching effects and should be addressed with the necessary urgency. The number of pending cases against key BIAF-MILF commanders could become serious obstacles for the decommissioning process or for the participation of concerned individuals in elections.

3) Other developments

Covid-19 pandemic

According to a Socioeconomic Impact Assessment of Covid-19 in the BARMM carried out by the United Nations Development Programme (UNDP), the BARMM, which was enjoying steady economic gains before 2020, was disproportionately impacted by the pandemic in terms of socio-economic development resulting in an aggravation of existing and emerging vulnerabilities in the region.

While the BTA was able to manage and contain the spread of the Covid-19 pandemic, indirect impacts including restrictions in mobility due to the need of following health protocols affected the livelihoods of many, especially the most vulnerable communities.

As a result, the pandemic has significantly added to the BARMM's challenges in the transition, since resources needed to be re-allocated and precious time in the development of the region has been lost.

Rehabilitation of Marawi City

The siege of Marawi, in which more than 1,000 persons died and an estimated 350,000 persons were displaced, unfolded from May to October 2017. The events at the time reinforced the logic of taking renewed steps towards passage of the BOL

as an instrument to advance the implementation of the peace agreements. Due to its rich Islamic heritage the rehabilitation of the city has a strong symbolic value for the Muslim community in Mindanao.

The Central Government took responsibility for the rehabilitation of the city through the Task Force Bangon Marawi (TFBM). The TFBM announced December 2021 as the deadline for completing reconstruction but has since corrected this to the first half of 2022. TFBM placed particular emphasis on development of infrastructure and public utilities (i.e., roads, water, electricity, mosques, schools, drainage system, barangay multipurpose centers, sports stadium) and claims that completion of city housing projects is also on track. On 16 October 2021 some 600 permanent housing units were ready, with 80-90% of the target figure of 2,800 units projected to be finished by December 2021. This compares to some 126,000 persons still living in temporary housing. Civil society organisations like the Moro Consensus Group have expressed criticism over this approach, arguing that return of residents to the Most Affected Area (MAA) should have been given priority.

A Marawi Compensation Bill was adopted in the House of Representatives on 6 September 2021. A corresponding bill was passed by the Senate on 31 January 2022. Important decisions need to be taken, including the overall size of the compensation package and the range of individual compensations. The compensations are of particular importance for displaced residents who do not have the necessary funds for reconstruction of their damaged properties. By October 2021, only 2,400 applications for building permits were put forward. While most sectors of the MAA have been opened for returning residents, issues related to property rights and building safety remain relevant. In this context, it was high time that a Land Dispute Resolution Committee was set up with involvement of the BARMM chaired by Human Settlements Minister Hamid Aminoddin D. Barra. The BARMM has also provided support for residents applying for building permits.

Land remains a central challenge for the MAA. Last year's BTA Special Committee on Marawi report identified the need to craft appropriate alternative dispute resolution (ADR) mechanisms, and the need for the IGRB to be engaged on this issue, as land management and land registration remains within the jurisdiction of the National Government.

The rehabilitation of Marawi should also be regarded as an opportunity to rebuild the social fabric of the community so that it can protect itself against radicalization

and is empowered to promote peace and reconciliation. If not handled properly, extremist forces could again grow in strength in the years to come. Reportedly Marawi residents feel disappointed over the slow pace of return to normal life.

4) Comment

The TPMT believes that the peace agreements, the CAB and the FAB, represent a historic achievement by laying out a comprehensive framework in addressing the complex origins of the Bangsamoro cause with the aim of precluding the possibility of armed hostilities once and for all.

The agreements combine and counterbalance two fundamental concepts: on the one hand the idea of meaningful self-governance for the Bangsamoro, as expressed in the establishment of the BARMM as a political entity, on the other hand the gradual normalization of conflict-affected areas and their transformation into peaceful and progressive communities. This approach is reflected in the two pillars which support the implementation of the agreements - the political track and the normalization track. Both tracks should complement and reinforce each other. The CAB commits both Parties to nurture the integrity of the whole peace process.

The ratification of the Bangsamoro Organic Law (BOL) through a plebiscite on 21 January 2019 created the BARMM as a legal political entity by defining its basic structure of government, including for the transition period. While several important CAB provisions have been removed from the BOL or were amended (see TPMT 5th Public Report), both CAB and BOL share the same objectives of achieving lasting peace on the basis of justice, as well as genuine and meaningful self-governance for the Bangsamoro.

The BOL was conceived as a piece of legislation to implement the peace agreements. It cannot replace or substitute the agreements which remain in force until an exit agreement is concluded and signed by the two Parties. The agreements therefore continue to form the basis for assessing whether the objectives of the peace process have been delivered.

As the peace process entered its advanced implementation stage following the inaugural session of the BTA on 29 March 2019, it soon became evident that the allocated 3-year timeframe in the BOL for establishing a new autonomous political entity was very ambitious. The complexity of the task of establishing a new political and administrative entity was significant. The constraints imposed by the

COVID-19 pandemic added considerably to this challenge.

The extension of the transition phase until 2025, if used judiciously, will give the BTA more time to accomplish its priority tasks.

The extension will also allow the Parties - the GPH and the MILF, more space to complete what they originally committed to achieve.

A lot of time has passed since the peace agreements were negotiated. This is a good time to assess what has been accomplished and what remains to be done, and to reflect on commitments at this point.

We note several **positive developments**:

- Both Parties, the GPH and the MILF, continue to demonstrate a very high level of commitment to the peace process.
- The ceasefire agreement between the Parties remains intact as the GPH and the MILF remain committed to preserving the gains of the peace process.
- The BTA is no longer in its infancy. The foundations for effective administrative and legislative structures in the Bangsamoro, including the adoption of priority legislation and institution building, have been laid. This in itself is an outstanding achievement.
- The IGRB continues to meet on a regular basis, thereby assuring regular interaction between the National Government in Manila and the BARMM Government in Cotabato. The IGRB has become an irreplaceable element in defining the working arrangements between the two governments.
- Some important and long-awaited steps were taken in advancing the normalization agenda, in particular the start of the 3rd round of decommissioning, the release of an Amnesty Proclamation and the launching of the Bangsamoro Normalization Trust Fund (BNTF).

At the same time, we observe several **challenges** in important areas of the peace process:

- While achievements on the political track to date are impressive, the BOL includes a large unfinished agenda of legislative, institutional and administrative tasks. Beyond the need for the BTA to complete the work on the priority codes these comprise expanding the revenue capacity of the BARMM, organizing the bureaucracy, building the justice system, protecting and managing natural resources as well as accelerated development efforts,

including for conflict-affected and poverty-stricken communities. These tasks should be tackled with energy and determination.

- While the BOL provides the framework for advancing on the political track, implementation of the normalization track is comparatively behind schedule. Unless addressed proactively, the integrity of the peace process risks drifting into a state of imbalance.
- The decommissioning of MILF combatants represents the most important component of the normalization track. Thanks to the determination of both Parties and the professionalism of the IDB the decommissioning process advanced despite the fact that little progress was made in other areas of normalization. For instance, this relates to the absence of agreed policing, lack of clarity on socio-economic packages for decommissioned combatants, and slow progress on camps transformation. Ultimately progress on decommissioning will remain dependent on other elements of the normalization track being pursued in parallel.
- There has been little movement when it comes to implementing the key recommendations of the TJRC.
- Partly as a result of the pandemic, implementation of programs in the BARMM, including in the field of normalization, was affected by reorientation of priorities resulting in a shortage of funds.
- Finally, we note a tendency for the GPH to act unilaterally without involving the BARMM where this would be pertinent. This applies in particular to the security field. Examples are EO 79 which presents normalization as something the national Government will do for the Bangsamoro, rather than with the Bangsamoro, or failure to consult the Chief Minister on the appointment of the Bangsamoro police chief.

As the peace process enters its final and decisive phase, the TPMT is of the view that **the following aspects should be considered** to ensure a successful outcome:

- It is imperative for the Parties to continue to demonstrate the commitment, perseverance and patience which has achieved so much to this point. Both Parties need to maintain their allegiance to the spirit as well as to the letter of the agreements.
- A peace process is always evolving. The additional three years allowed for peace process implementation provide an opportunity for joint reflection on the achievements to this point, and perhaps an opportunity to adjust and refine the way the peace process is implemented on the basis of the existing agreements. This reflective process can start now.

- Completing the BTA legislative priorities is important to signal to the public that the new Parliament structure works and must serve as a clear demonstration that the political process is on track. Therefore, it is vital that the outstanding priority codes should be passed by the current BTA within the originally determined timeframe.
- Implementation of the normalization track as a key element of the peace process has proven to be difficult and sensitive. It has been carried forward more slowly than expected. Normalization requires synchronized actions in a parallel and commensurate manner involving all its different elements. Everything should be done to speed up and to better coordinate implementation in order to achieve substantial progress by 2025.
- The Covid-19 pandemic has diverted funds away from supporting the peace process. Yet lasting peace in Mindanao is too important to fall victim to the pandemic. Renewed efforts to secure the necessary resources to sustain the objectives of the peace process, particularly in the normalization field, are essential.
- The MILF has demonstrated its credentials as a reliable partner in the security field. Consultative mechanisms and practical cooperation should be reinforced by which the MILF and the BARMM can contribute more effectively towards building a stable region and advancing the normalization process.
- In order to deliver the peace dividend to all citizens in the Bangsamoro the peace process has to achieve the greatest possible sense of inclusivity. The MILF especially will have to prove their sincerity and willingness to partner with all groups in the region during the transition and beyond, including indigenous peoples' and local politicians.
- Working towards the implementation of key TJRC recommendations is important to offer a path forward towards healing the wounds which have been inflicted over decades of conflict. An independent NTJRCB, as recommended by the TJRC, is required to provide the necessary strategic approach on TJR. This should be national in character, the TJR process should not evolve on two tracks.
- The involvement of international actors in the Bangsamoro peace process has been a unique strength and asset over the decades of negotiation and implementation. It would be helpful to reconsider the role of actors such as the International Contact Group to enrich the current process with fresh ideas as well as international exposure and experience from other journeys towards peace.

In conclusion we would like to put forward the following observations:

The peace agreements, the CAB and the FAB, will remain the cornerstone of peace in the region and offer the best chance of carrying the process forward to a successful conclusion. As the Philippines enters into the formal campaign period for elections in 2022, all stakeholders would be well-advised not to ignore the underlying human, economic and security costs of continued conflict in Mindanao, should the peace process lose momentum or falter.

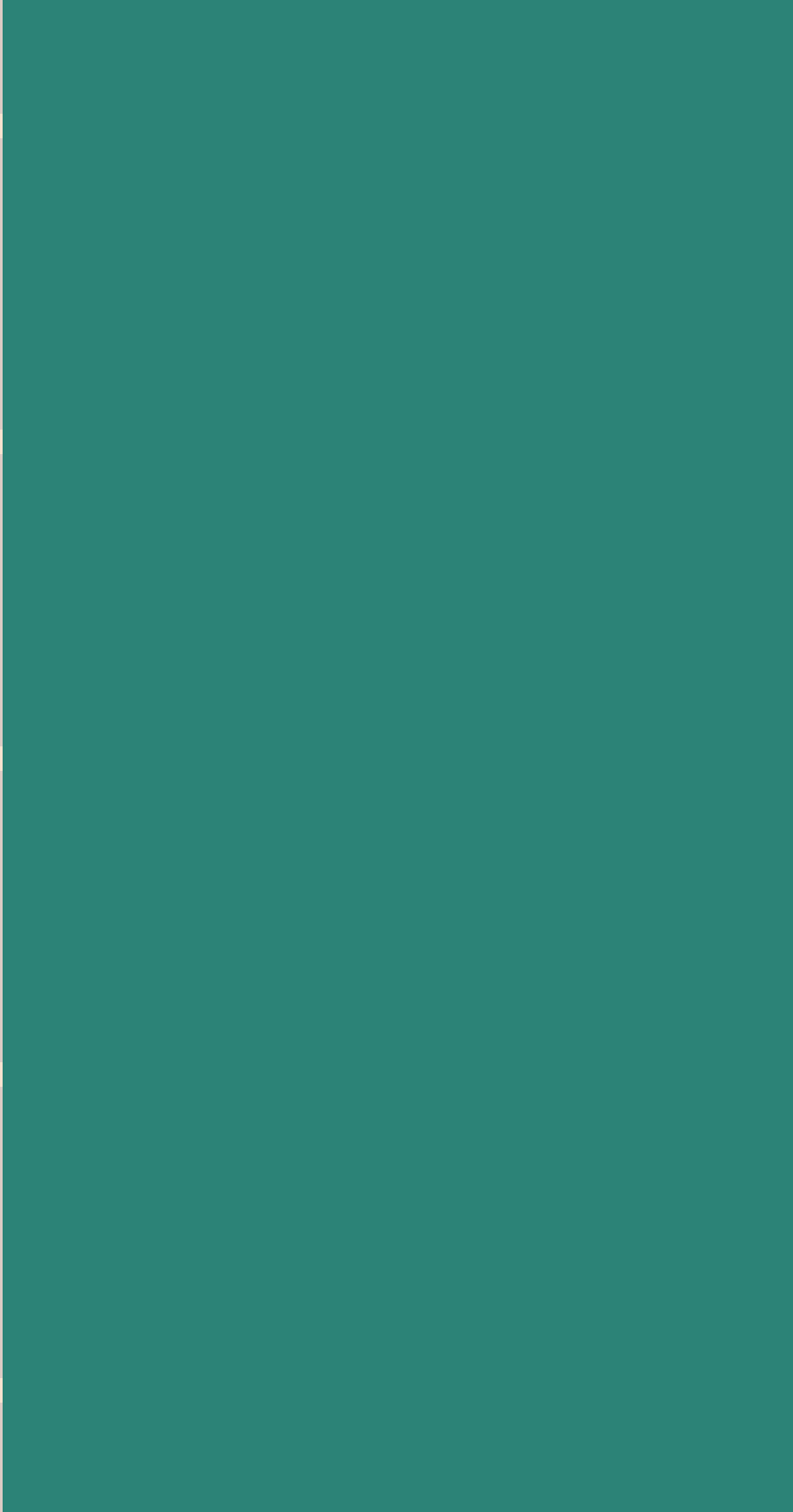
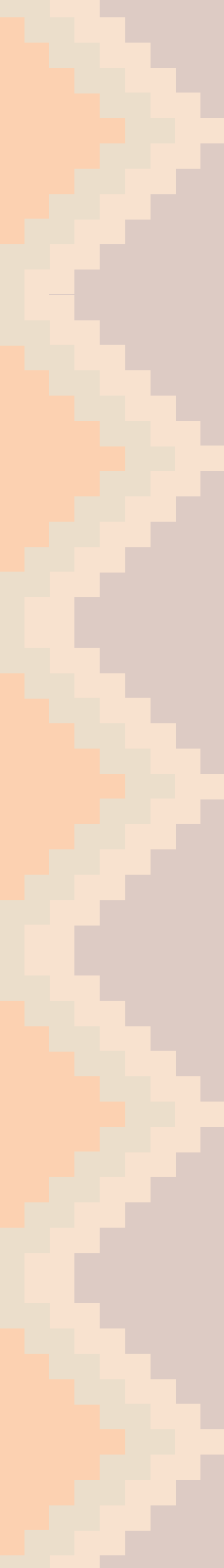
With the extension now in place the Parties have the opportunity to focus on completing the peace process with renewed vigour and without undue time pressure. However, the challenge of implementing complex peace agreements by 2025 remains enormous and should not be underestimated. The COVID-19 pandemic has not yet been fully overcome. There is no room for complacency.

Creating peace is difficult and takes time. The best guarantee of success is the strongest underlying commitment to peace by both Parties. Building a comprehensive, inclusive and sustainable peace in Mindanao is the key inheritance which the two Parties can leave to future generations.

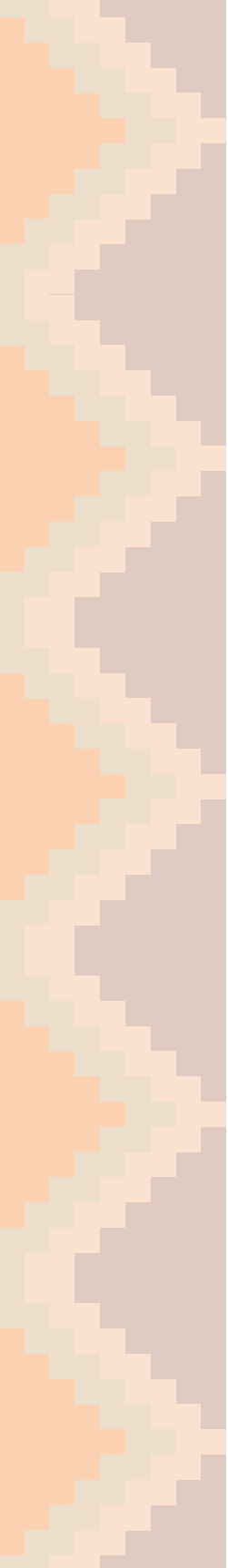
Rebecca “Karen” Tañada
Sam Chittick

Huseyin Oruç
Rahib Kudto

Heino Marius



Annexes



Annex I

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; and
- 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 behavior 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.

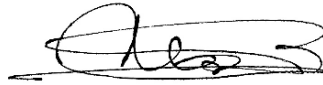
Done this 25th day of January 2013 in Kuala Lumpur, Malaysia.

FOR THE GPH:



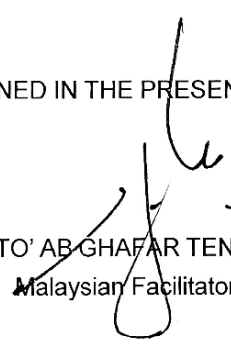
MIRIAM CORONEL-FERRER
GPH Panel Chair

FOR THE MILF:

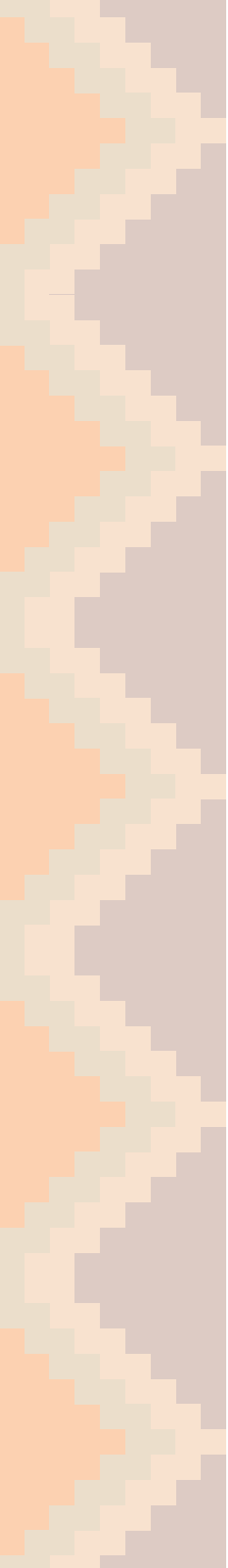


MOHAGHER IQBAL
MILF Panel Chair

SIGNED IN THE PRESENCE OF:



TENGGU DATO' AB-GHAFAR TENGGU MOHAMED
Malaysian Facilitator



Annex II

TPMT Members

Heino Marius

(Chair), tpmt.marius@gmail.com

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

(United Youth for Peace and Development, Inc.), tpmt.kudto@gmail.com

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

(IHH), tpmt.oruc@gmail.com

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. Tañada

(Gaston Z. Ortigas Peace Institute), tpmt.tanada@gmail.com

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

(The Asia Foundation), tpmt.chittick@gmail.com

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.

Former Members

2013-2019

Alistair MacDonald
(Chair)

Born in Glasgow, Scotland, Alistair MacDonald is an economist and economic historian by training. He recently retired from the external service of the European Union, after a diplomatic career spanning 35 years, and including two postings in the Philippines (most recently 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.

2013-2017

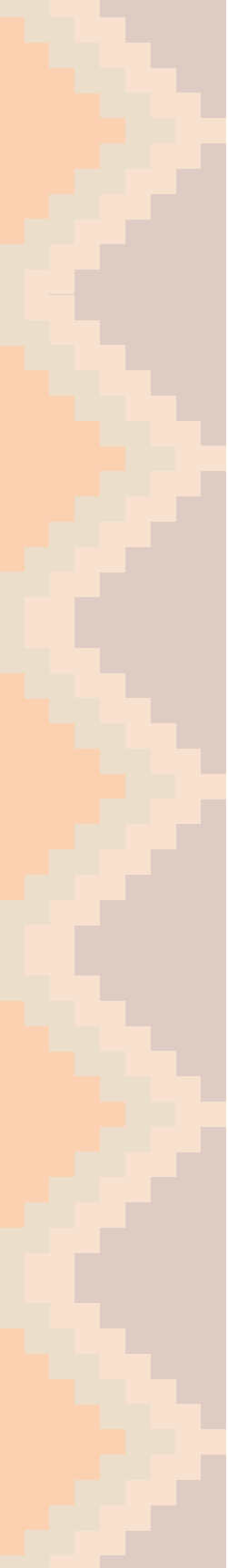
Steven Rood
(The Asia Foundation)

Steven Rood has been in the Philippines since 1981, after having received his Ph.D. in Political Science from Boston University. From 1981 to 1999 he was Professor of Political Science at UP Baguio and Research Director of the Cordillera Studies Center. He has been Philippine Country Representative of The Asia Foundation since 1999, and from 2009 until the inception of the TPMT in July 2013 he served as the Foundation's representative to the International Contact Group for negotiations between the GPH and the MILF.

2013-2014

Zainudin Malang
(Mindanao Human Rights Action Centre)

Zainudin ("Zen") Malang is the founding Executive Director of the Mindanao Human Rights Action Center (MinHRAC), an umbrella organisation of 18 Mindanao-based NGOS focused on empowering local communities on human rights and humanitarian protection issues. With law degrees from Manila, Kyushu and Madrid, he has also worked in the private sector, as a UN Volunteer in Aceh, and as a consultant with OPAPP, DTI and with aid organisations such as MSF and CIDA.



Annex III

Calendar of TPMT sessions: July 2013 to February 2019

Having convened three times in 2013,¹ the TPMT convened six times in the Philippines during 2014 (see schedule below). The TPMT has so far convened once in 2015 (02 to 13 February)

In addition to meetings in Manila, in Darapanan and in Cotabato City, the TPMT has also travelled in 2014 to Basilan, Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi, as well as to neighbouring areas such as Davao, Iligan, General Santos and Zamboanga Cities, and to North and South Cotabato and Sarangani.

17-28 February 2014

Meetings in Manila, and in Buluan (Maguindanao), Cotabato City, Iligan and Marawi

27 March to 11 April 2014

Meetings in Manila, and in Cotabato City, Davao City, Jolo (Sulu), Kidapawan (North Cotabato) and Zamboanga City

02 to 14 June 2014

Meetings in Manila, and in Alabel (Sarangani), Cotabato City, General Santos, Isabela (Basilan) and Koronadal (South Cotabato)

25 August to 06 September 2014

Meetings in Manila, and in Bongao (Tawi-Tawi), Cotabato City, North Upi and South Upi (Maguindanao)

13 to 24 October 2014

Meetings in Manila, and in Cotabato City, Iligan and Marawi

1 The TPMT met for the first time in Kuala Lumpur in July 2013, and then convened in the Philippines from 23-28 September and 03-07 December 2013.

01 to 12 December 2014

Meetings in Manila, Cotabato City, Davao City, Guindulungan and Pagalungan (Maguindanao), and Pikit (North Cotabato)

02 to 13 February 2015

Meetings in Manila, Cotabato City, and Parang (Maguindanao)

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 Government and of the MILF (and with a number of MNLF leaders), with members of Congress and local government executives, with AFP, PNP and BIAF commanders, with civil society organisations (including women's and youth groups as well as lumad organisations), and with representatives of the private sector and academe. The TPMT has also met with the Malaysian Facilitator, and with members of the diplomatic community.

During 2017, the TPMT convened thrice in the Philippines, and in 2018, the TPMT has so far convened five times and once in 2019 (see schedule below). In addition, some TPMT members attended as observers some peace process-related meetings and events.

During 2015, the TPMT convened seven times in the Philippines (see schedule below), and in 2016 the TPMT has so far convened once in the Philippines (16 to 27 February). In addition, some TPMT members attended as observers the meeting of the Panels in Kuala Lumpur (10- 11 February 2016).²

In addition to meetings in Manila, in Darapanan and in Cotabato City, the TPMT has also travelled in 2015 to Basilan, Lanao del Sur, and Maguindanao, as well as to neighbouring areas such as Cagayan de Oro, Davao, Kidapawan and Zamboanga Cities, and to North Cotabato.

02-13 February 2015

Meetings in Manila, and in Darapanan, Cotabato City and Maguindanao

² In 2013 the TPMT had convened twice in the Philippines (after the inaugural session in Kuala Lumpur in July of that year), and in 2014 convened six times in the Philippines.

23-28 March 2015

Meetings in Manila, and in Darapanan and Cotabato City

29 April to 14 May 2015

Meetings in Manila, and in Darapanan, Cotabato City and Cagayan de Oro City

16 to 20 June 2015

Meetings in Manila, and in Darapanan and Cotabato City

28 July to 08 August 2015

Meetings in Manila, and in Darapanan, Cotabato City, Basilan, Maguindanao and Zamboanga City

13 to 24 October 2015

Meetings in Manila, in Darapanan, Cotabato City, Marawi City, and Maguindanao, and in Cagayan de Oro City, Davao City, and North Cotabato

08 to 18 December 2015

Meetings in Manila, in Darapanan, Cotabato City, and Maguindanao

16 to 27 February 2016

Meetings in Manila, in Darapanan, Cotabato City, Kidapawan City and North Cotabato

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 Government and of the MILF (and with a number of MNLF leaders), with members of Congress and local government executives, with AFP, PNP and BIAF commanders, with civil society organisations (including women's and youth groups as well as lumad organisations), and with representatives of the private sector and academe. The TPMT has also met with the Malaysian Facilitator, and with members of the diplomatic community.

During 2016, the TPMT convened five times in the Philippines, and in 2017, the TPMT has so far convened thrice in the Philippines (see schedule below). In addition, some TPMT members attended as observers some peace process-related meetings and events.

In addition to meetings in Manila, in Darapanan and in Cotabato City, the TPMT has also travelled in 2016 to Tawi-Tawi as well as to neighbouring areas such as Davao and Zamboanga Cities.

16 to 26 February 2016

Meetings in Manila, and in Darapanan, Cotabato City and Davao City

25 April to 06 May 2016

Meetings in Manila, in Darapanan and Cotabato City, and in Tawi-Tawi and Zamboanga City

19 to 28 July 2016

Meetings in Manila, and in Darapanan, Cotabato City and Davao City

3 to 14 October 2016

Meetings in Manila, and in Darapanan, Cotabato City and Davao City

5 to 12 December 2016

Meetings in Manila, and in Darapanan and Cotabato City

6 to 14 February 2017

Meetings in Manila, and in Darapanan and Cotabato City

8 to 13 May 2017

Meetings in Manila, and in Darapanan and Cotabato City

19 to 28 July 2017

Meetings in Manila, and in Darapanan and Cotabato City

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 Government and of the MILF, with a number of MNLF leaders, with ARMM regional government executives and legislators, with AFP and BIAF commanders, with civil society organisations (including women's and youth groups as well as lumad organisations), and with representatives of the private sector and academe. The TPMT has also met with a number of independent local peace process observers as well as members of the diplomatic community.

In addition to meetings in Manila, in Darapanan and in Cotabato City, the TPMT has also travelled in neighbouring areas such as Cagayan de Oro and Zamboanga Cities.

19 to 28 July 2017

Meetings in Manila, and in Darapanan and Cotabato City

28 September to 04 October 2017

Meetings in Manila, and in Cagayan de Oro City, Iligan City and Cotabato City

20 to 28 November 2017

Meetings in Manila, and in Cotabato City

22 to 31 January 2018

Meetings in Manila, and in Marawi City and Cotabato City

19 to 27 March 2018

Meetings in Manila, and in Cotabato City

15 to 22 May 2018

Meetings in Manila, and in Cotabato City

12 to 21 September 2018

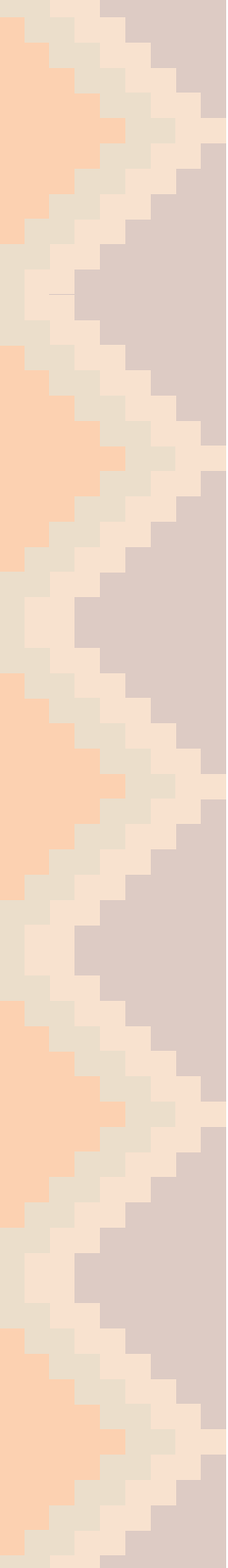
Meetings in Manila, and in Kidapawan City and Cotabato City

12 to 23 November 2018

Meetings in Manila, and in Isabela City in Basilan Province, Zamboanga City and Cotabato City

20 to 31 January 2019

Meetings in Manila, and in Cotabato City



Annex IV

Networking activities carried out by GZO Peace Institute and UNYPAD in support of TPMT activities

These activities were carried out by the Gaston Z. Ortigas Peace Institute (GZO) and United Youth for Peace and Development (UNYPAD), under their own responsibility but in support of TPMT activities, and drawing on modest funding provided under the EU grant for TPMT activities (administered by UNDP).

In carrying out this work, GZO focused on Mindanao (outside the ARMM) and Manila, while UNYPAD focused mainly on the five ARMM provinces and the surrounding areas.

GZO activities, commencing in April 2014, included

- three workshops carried out in cooperation with Mindanao Peaceweavers
 - two in Davao and one in Manila, including particular discussions on IP issues (including Badjao) and the Mindanao Peoples' Peace Agenda;
- a national youth conference on the Bangsamoro was held in Davao, including Muslim, Lumad and Christian participants;
- a number of other information workshops, training sessions, public fora and meetings with key stakeholders were carried out in Manila during this time;
- in addition, a mapping of capacity-building initiatives focused on the future Bangsamoro was also carried out, social media platforms were created to facilitate information exchange, and communications materials on CAB and BBL were developed.

UNYPAD activities, commencing in July 2014, covered a number of focus-group discussions, public consultations and key-informant interviews, bringing together a wide range of stakeholders including local-government and national-agency officials, civil society organisations, women's, youth and lumad groups, students and academe, religious leaders and the private sector. These activities included :

- 10 focus group discussions, in Basilan, Lanao del Sur and Maguindanao, and in Lanao del Norte, North Cotabato and Sultan Kudarat;
- 6 public consultations, in Basilan, Lanao del Sur, Maguindanao and Tawi-Tawi, and in Lanao del Norte;

- and 9 key-informant interviews, at various locations in Basilan, Maguindanao and Lanao del Sur.

From January to August 2015, **GZO activities** included

- two conferences of Bangsamoro women (one in Davao and another in Manila), to discuss perspectives and agenda of women leaders from the Bangsamoro, particularly regarding the political participation of women;
- support (together with other convenors) for a Women's Unity Conference on gender agenda in the BBL;
- a national intercultural youth workshop on Bangsamoro (in Manila);
- six workshops, three public fora and nine meetings with key stakeholders in relation to the BBL (in Manila and Davao);
- press reviews on the GPH-MILF peace process and developments on the BBL were compiled and disseminated (beginning May 2015), as well as other communications materials on CAB and BBL;
- and social media platforms were maintained to support networking and information dissemination.

From January to July 2015, **UNYPAD activities** continued the work started in 2014, covering a number of focus-group discussions, public consultations and key-informant interviews, and bringing together a wide range of stakeholders including local-government and national- agency officials, civil society organizations, women's, youth and lumad groups, students and academe, religious leaders, and the private sector. Activities conducted during this period included :

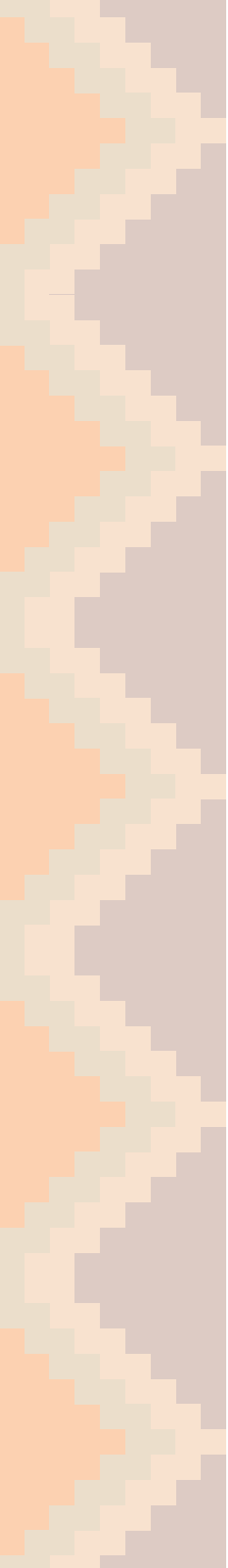
- 20 focus group discussions, 3 public consultations, and 18 key-informant interviews, in Central, Northern and Western Mindanao;
- taken together with the work carried out in 2014 (10 focus group discussions, 6 public consultations and 9 key-informant interviews), these activities have involved a total of some 937 participants (of whom 34% female), in Maguindanao, Cotabato City and North Cotabato, in Lanao del Sur, Marawi City and Lanao del Norte, and in Basilan, Sulu and Tawi-Tawi;
- in addition, a research survey on the "Acceptability of the Bangsamoro Basic Law in its Proposed Core Territory" was carried out. This involved a total of 405 interviewees/respondents (of whom 30% female), and concluded that 70.9% were favourable, 11.9% unfavourable, and 17.2% undecided.

UNYPAD activities, commencing in May 2016 up to February 2017, covered a number of focus- group discussions, key-informant interviews and community surveys, bringing together a wide range of stakeholders including local-government and national-agency officials, civil society organizations, women's, youth and lumad groups, students and academe, religion leaders, business, traditional, security and the private sectors. *Activities conducted were:*

- **30 focus group discussions**, in Central Mindanao (Maguindanao, Cotabato City and North Cotabato), Northern Mindanao (Lanao Del Sur, Marawi City and Lanao Del Norte) and in Western Mindanao (Basilan, Sulu and Tawi-Tawi), with a *total of 368 participants (59% male, 41% female)*;
- **30 key-informant interviews**, at various locations in Central Mindanao (Maguindanao and North Cotabato), Northern Mindanao (Lanao Del Sur and Marawi City) and in Western Mindanao (Basilan, Sulu and Tawi-Tawi), with a *total of 33 participants (70% male, 30% female)*;
- **Two (2) rounds of Community Surveys**, in Central Mindanao (Maguindanao, Cotabato City and North Cotabato), Northern Mindanao (Lanao Del Sur, Marawi City and Lanao Del Norte) and in Western Mindanao (Basilan, Sulu and Tawi-Tawi), with a *total of 383 participants (57% male, 43% female)*.

The activities done by the **GZO Peace Institute** from April 2016 to January 2017 in support of the monitoring tasks of the TPMT were the following:

- **three public forums** on updates regarding the Bangsamoro peace process were conducted with various stakeholders, with **four meetings** also held to discuss current issues;
- a **Conference on Women and Peace in the Bangsamoro** was held in Manila with 40 participants representing 28 organizations;
- a **National Youth Conference on the Bangsamoro** was also done generating nationwide support among youth organizations;
- **two conferences were done on Transitional Justice and Reconciliation**, with one conference drawing 95 participants to discuss this significant aspect of normalization;
- and **social media platforms** were maintained to support networking and information dissemination.



Annex V

TPMT public statements during 2015

19 June 2015

TPMT congratulates GPH and MILF Panels on historic first step in decommissioning

Alistair MacDonald, chair of the Third-Party Monitoring Team (TPMT) set up by the Panels to monitor the implementation of the Comprehensive Agreement on the Bangsamoro (CAB), said today that Tuesday's successful initial decommissioning ceremonies in Simuay, Maguindanao, marked a historic step forward in the implementation of the CAB, and confirmed the MILF's commitment to continue on the path to peace.

In congratulating the Panels on this achievement, MacDonald said "the MILF this week confirmed their sincere commitment to the implementation of the CAB, with the successful completion of this initial stage of decommissioning, covering 75 highpowered or crew-served weapons, and 145 MILF combatants."

Noting that this was only the first step in the decommissioning process, with three other and much more substantial stages that should now follow in line with the implementation of other aspects of the CAB, MacDonald added that "the first step in any journey is often the most difficult, and it is tremendously encouraging to see that this has pushed through, and that the journey has really begun, even at a time when the Bangsamoro Basic Law is still undergoing substantive discussions in Congress".

MacDonald noted also that this high-profile event saw the weapons being handed over to the Independent Decommissioning Body so that they may be put beyond use, and the former combatants being given support to help them return to a peaceful and productive civilian life. It was in no sense a "surrender" (as some commentators had wrongly claimed), but rather an honourable fulfilment of commitments entered into by the government and the MILF in the CAB.

MacDonald and his TPMT colleagues had been present in Simuay to observe the ceremonies, and were encouraged to see that a number of legislators were also present, and will be able to report to their colleagues in Congress on the determination shown by the MILF to implement their commitments under the CAB, helping bring an end to the decades of disastrous conflict which have wracked parts of Mindanao.

Tuesday also marked the beginning of the current in-country session of the TPMT, which sees the TPMT discussing the current state of implementation of the CAB with the government, the MILF, political leaders and stakeholders in Mindanao and Manila, and with various bodies set up to implement the CAB such as the independent Decommissioning Body and the Joint Normalization Committee.

01 November 2015

Seize the Moment : TPMT Statement on the Basic Law for the Bangsamoro, now in Congress

As foreseen under the Framework Agreement on the Bangsamoro, the Third-Party Monitoring team (TPMT) has since July of 2013 been monitoring regularly the implementation of the agreements signed between the Philippine Government and the MILF. During that time we have met with the widest possible range of stakeholders, in Manila and across Mindanao.

In all of these contacts, we have been struck by the universal desire for peace and security, for prosperity and progress, and for a better hope for the future. Those who have lived with more than four decades of armed conflict in Muslim Mindanao have also understood the tremendous benefits which peace can unlock, allowing the region to achieve its full potential, and to contribute more effectively to the prosperity and security of the nation as a whole.

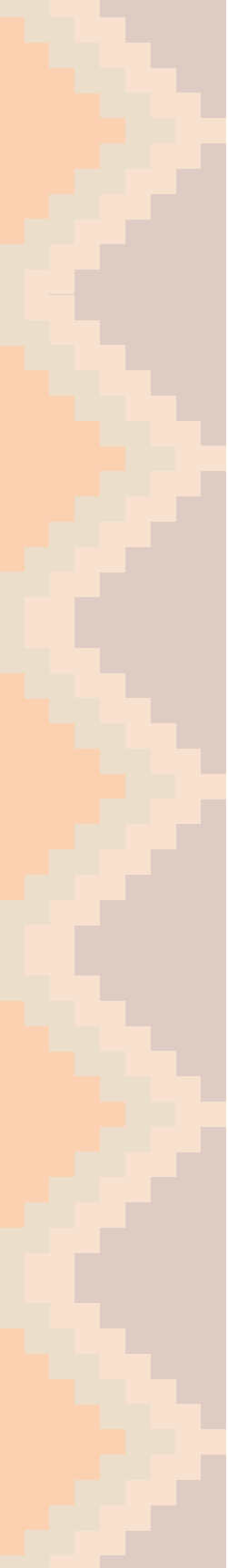
The international community has watched with admiration as the Philippines has worked to carry this process forward. A successful conclusion to the peace process in Mindanao will be of benefit not only to the people of the Bangsamoro, of Mindanao, and of the Philippines as a whole, but indeed to the global community as well. We have all seen the wider impact of poverty and conflict around the world, at a time when criminality, radicalism and terrorism can easily leapfrog national borders.

No-one ever said it would be easy to build a sustainable peace in Mindanao, and it has taken many years of effort, of setbacks as well as achievements, to build the foundations of this peace. We are now at a critical juncture in the peace process, when a successful conclusion to eighteen years of negotiations is almost within reach. Expectations are running high, though fears of failure are also growing.

The detailed deliberations in Congress on the Basic Law establishing the autonomous region, and the wide-ranging consultations accompanying this, have certainly allowed all stakeholders to express themselves on the substance and the detail of the agreements and the draft law, and to make clear both the rewards of peace and the costs of conflict. There is now an historic opportunity to complete the legislative process, and to build a new future of peace, security and prosperity for Mindanao and for the Philippines as a whole.

By adopting now a basic law giving legal expression to the Comprehensive Agreement and providing for the real autonomy foreseen under the 1987 Constitution (and improving on the more limited autonomy provided under RA.9054), Congress will have shown its leadership in promoting peace, security and prosperity for the benefit of the nation as a whole. The prize of peace is within reach, and we believe that the political will and vision of Congress can indeed allow it to seize this historic moment.

The TPMT therefore joins all those, in the Philippines and around the world, who have expressed their support for the timely adoption of an acceptable and meaningful Basic Law.



Annex VI

Calendar of TPMT Sessions: March 2019 to October 2020

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

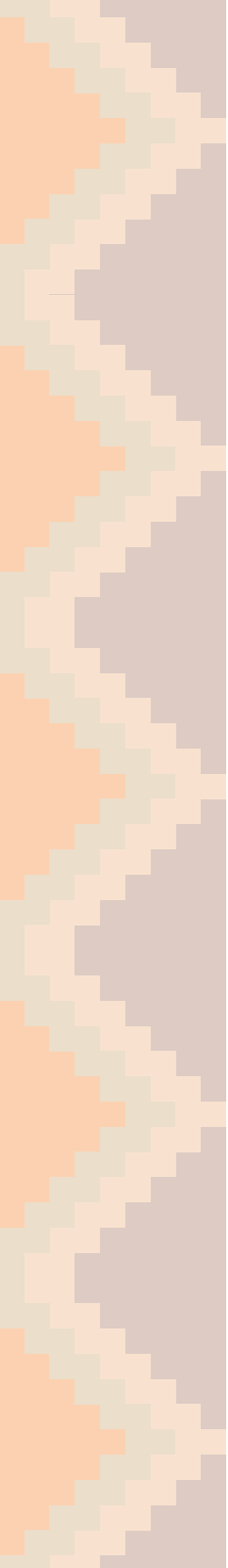
Meetings in Metro Manila, Cotabato City, Maguindanao, North Cotabato, and Marawi City

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

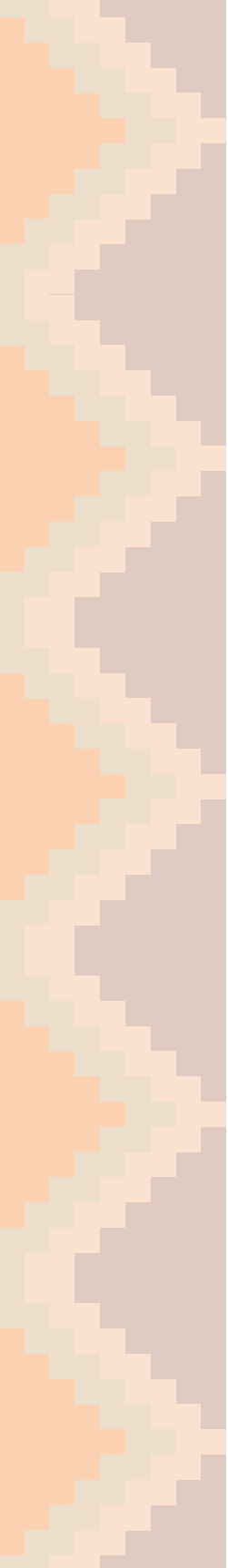


Annex VI

Calendar of TPMT Sessions: February to October 2021

For this period, the TPMT convened three times virtually (see schedule below). In addition, some TPMT members attended as observers in some peace process-related meetings and events.

- *16 February to 19 March 2021*
- *24 May to 9 June 2021*
- *12 September to 14 October 2021*



Annex VII

Members of the Bangsamoro Transition Authority (BTA)

- 1) Ahod B. Ebrahim
- 2) Ali B. Solaiman
- 3) Mohagher M. Iqbal
- 4) Abdulraof 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) DatuTucac O. Mastura
- 21) DatuMidpantao 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) HadjaBainon G. Karon
- 28) Basit S. Abbas
- 29) Suwaib L. Oranon
- 30) Akmad I. Abas
- 31) Abdullah G. Macapaar
- 32) Faiz S. Alauddin
- 33) HadjiAbuladzis 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) Mudjib C. Abu
- 41) Abdullah B. Hashim
- 42) Muslimin A. Jakilan
- 43) Sahie S. Udjah
- 44) Adzfar H. Usman
- 45) Atty. Omar Yasser C. Sema
- 46) Romeo K. Sema
- 47) Punduma B. Sani
- 48) Albakil D. Jikiri (*who replaced Abdul R. Sahrin who passed away on 20 January 2021*)
- 49) Hatimil E. Hassan
- 50) Md ZulQarneyn M. Abas
- 51) Musa Kadola-Sultan Diamla
- 52) Rasul E. Ismael
- 53) SittieShahara I. Mastura
- 54) Amilbahar S. Mawallil
- 55) Eddie M. Alih
- 56) Khadafeh G. Mangudadatu
- 57) Jamel D. Macaraya
- 58) Modayao M. Sacar
- 59) Abraham T. Burahan
- 60) Sultan Edrieza Nasser H. Rimbang

- 61) Paisalin P. Tago
- 62) Nabila Margarita P. Pangandaman
- 63) Atty. Laisa M. Alamia
- 64) Suharto M. Ambolodto
- 65) Susana S. Anayatin, PhD
- 66) Atty. Maisara C. Dandamun-Latiph
- 67) Datu Mussolini S. Lidasan
- 68) Engr. Don Mustapha A. Loong
- 69) Atty. Jose I. Lorena
- 70) Ust. Abdulmuhmin A. Mujahid
- 71) Romeo C. Saliga
- 72) Prof. Alzad T. Sattar
- 73) Atty. Nabil A. Tan
- 74) Hamid A. Datu Barra, PhD
- 75) Atty. Anna Tarhata S. Basman
- 76) Engr. Baintan Adil Ampatuan
- 77) ZiaurrahmanAlonto-Adiong
- 78) RasolMitmug, Jr.
- 79) Diamila D. Ramos
- 80) Ali B. Sangki

About the TPMT

The independent Third-Party Monitoring Team (TPMT) was set up by the Government of the Philippines and the Moro Islamic Liberation Front to monitor the implementation of the GPH-MILF peace agreement, as provided for in the Framework Agreement on the Bangsamoro (FAB) signed on 15 October 2012.

The TPMT has five members: Heino Marius (Chair), Karen Tañada (Gaston Z. Ortigas Peace Institute), Rahib Kudto (UNYPAD), Huseyin Oruc (IHH), and Sam Chittick (Asia Foundation).

The TPMT is tasked with monitoring, reviewing and assessing the implementation of all signed agreements between the Parties, primarily the FAB and its Annexes. In particular, its basic functions are to:

- monitor and evaluate the implementation of all agreements;
- review and assess the progress of the implementation of commitments by both Parties under the Agreements (submitting comprehensive periodic reports and updates to both Parties for their appropriate action);
- and to communicate to the public the progress and developments in the implementation of the Agreements of the Parties.

The TPMT was launched in July of 2013, on the basis of the Terms of Reference agreed by the Parties in January of that year. The TPMT has so far convened forty-two times in the Philippines, on a roughly two-monthly basis, and will continue its work through until the completion of the Exit Agreement as per the FAB.

The latest Public Report, the seventh report, was issued by the TPMT in March 2022 (previous reports were issued in February 2014, February 2015, February 2016, July 2017, April 2019, and December 2020).



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