

TPMT

13 February 2015

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.

Third-Party Monitoring Team
Second Public Report, January 2014 to January 2015

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 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.

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.

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.

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

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.

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 timeline 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.

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

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.

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 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

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.

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

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.

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.

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 M^o 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.

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

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 M^o 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).

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.

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 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.

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

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.

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.

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-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.

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).

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.

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), 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.

Rahib Kudto

Huseyin Oruç

Steve Rood

Karen Tañada

Alistair MacDonald

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.

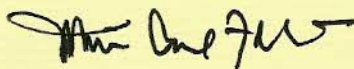
 To address the problem of a possible gap between the formal establishment of the TPMT and its longer-term funding support, the Parties undertake to find modalities for short-term bridge funding for the initial activities of the TPMT. Potential organizational members of the TPMT may indicate how they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

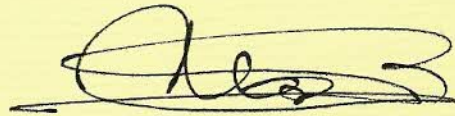
Done this 25th day of January 2013 in Kuala Lumpur, Malaysia.

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

TPMT Members

Huseyin Oruç
(IHH)

tpmt.oruc@gmail.com

Huseyin Oruç was born in Malatya, Turkey. He gained diplomas in Tourism Management and Public Management. He is vice-president (and a founding member) of The Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH), a Turkish NGO based in Istanbul focused on humanitarian relief and humanitarian diplomacy, 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.

Karen Tañada
(Gaston Z Ortigas Peace Institute)

tpmt.tanada@gmail.com

Rebecca “Karen” N. Tanada, Executive Director of the GZO Peace Institute, has been active in Philippine social movements since the 1970’s and was one of the founding convenors of the Coalition for Peace in 1987. She also coordinated a women and development network from 1991 to 2001, and is currently among the convenors of major peace networks such as Mindanao Peaceweavers, Waging Peace Philippines, Sulong CARHRIHL and Women Engaged in Action on 1325.

Rahib Kudto
(United Youth for Peace and Development)

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Rahib Kudto, a native of Mindanao with 22 years experience, is President of United Youth for Peace and Development, Inc. (UNYPAD), an NGO working on peace and development with its headquarters in Cotabato City and 21 provincial chapters throughout the Philippines. UNYPAD is an active member of a number of peace networks, including MPC, MinHRAC, MERN, CBCS, MPA, 4Cs and CC-CoMME.

Steven Rood
(The Asia Foundation)

tpmt.rood@gmail.com

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.

Alistair MacDonald
(TPMT Chair)

tpmt.macdonald@gmail.com

Born in Glasgow, Scotland, Alistair MacDonald is an economist and economic historian by training. He retired from the external service of the European Union at the end of 2013, after an EU 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.

Calendar of TPMT sessions

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

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.

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.

**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.

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.

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.

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 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.

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.

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

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.

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.

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(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.

Huseyin Oruç

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(IHH)

Huseyin Oruç was born in Malatya, Turkey. 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.

Steven Rood

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(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.

Karen Tañada

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(Gaston Z Ortigas Peace Institute)

Rebecca “Karen” N. Tanada has been active in Philippine social movements since the 1970’s and was one of the founding convenors of the Coalition for Peace in 1987. She also coordinated a women and development network from 1991 to 2001. She is currently among the convenors of major peace networks such as the Mindanao Peaceweavers, Waging Peace Philippines, Sulong CARHRIHL and the Women Engaged in Action on 1325.

Alistair MacDonald

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(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.

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

1. MANDATE

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

2. COMPOSITION

The TPMT is an independent body composed of the following :

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

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

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

3. FUNCTIONS

3.1 The basic functions of the TPMT are to :

- a. Monitor and evaluate the implementation of all Agreements.
- b. Review and assess the progress of the implementation of commitments by both Parties under the Agreements. Towards this end, it shall submit comprehensive periodic reports and updates to both Parties for their appropriate action.
- c. Communicate to the public the progress and developments in the implementation of the Agreements of the Parties.

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

3.3 The TPMT shall have the power to organize its work in the manner it deems most appropriate. It shall, under the direction of the Chair, devise its own tasking, work plans, security and confidentiality protocols, and financial systems in order to comply with

requirements imposed by funding sources. It shall also define a code of conduct particularly with respect to the relationship between its members and their organizational affiliations. These shall be contained in the TPMT's Internal Rules and Regulations which shall be submitted to the Panels for their approval.

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

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

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

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

4. REGULAR MEETINGS

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

5. REPORTING

The TPMT shall submit confidential written reports to the chairpersons of the two Peace Panels and to the facilitator, quarterly and as deemed necessary. The reports shall contain the TPMT's observations and recommendations. The Parties are not bound by the recommendations but shall submit written responses to the TPMT, furnishing a copy to the facilitator, within one month from receipt.

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

6. CONFIDENTIALITY

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

7. ADMINISTRATIVE AND SUPPORT ARRANGEMENTS

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

8. FUNDING

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

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

9. DURATION

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

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

FOR THE GPH:

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