

TPMT

26 February 2016

Third-Party Monitoring Team Third Public Report, January 2015 to February 2016

Summary

In line with the terms of reference of the Third-Party Monitoring Team, this third public report is intended to provide an overall assessment of developments in the implementation of the Agreements between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF).

It is clear that 2015 has been a difficult year :

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

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

- ***discussions in Congress**, even if not completed during this administration, allowed all stakeholders to have their say, ventilated all the issues, and can provide a solid foundation on which the next Congress can build;*
- *the **first, ceremonial, stage of decommissioning** of MILF weapons and forces on 16 June underlined the MILF's determination to fully comply with its commitments under the CAB;*
- *there were also significant if less visible developments in **other aspects of normalisation**, in preparing support for former combatants and their communities, in strengthening the footprint of the Independent Decommissioning Body (IDB), in initial preparations for acting against private armed groups, and in the timely submission of the report of the Transitional Justice and Reconciliation Commission (TJRC), on 9 December;*
- *the **ceasefire mechanisms** continued to work smoothly throughout the rest of the year (notwithstanding the fact that these mechanisms had been ignored and put at risk in Mamasapano);*
- *efforts to build a greater **inclusivity** continued, both between the MILF and the different groups within the MNLF, and with many of the Sultanates;*
- *there was a significant upwelling of both **domestic and international support** for the peace process, for example through the work of the Citizens' Peace Council and many other civil society efforts, or through the statement of resident Ambassadors in October.*

*In this difficult context, it was encouraging that **both Parties remained fully engaged** with the process, and fully committed to building the sustained peace foreseen in the CAB. This was confirmed at the most recent meeting of the Panels, in Kuala Lumpur on 10-11 February,*

reaffirming the Parties' commitment to stay the course of peace, and agreeing to sustain the existing peace infrastructure and to work for the early passage of a BBL in the next Congress. It was confirmed also in the MILF statement of 18 February, expressing disappointment at the non-passage of the BBL, but underlining that the MILF would continue to uphold the peace process and preserve its gains, and calling on the Bangsamoro people to remain patient and to rally behind the full implementation of the CAB.

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

While Mamasapano had a considerable negative impact on public confidence in the peace process across the nation, the failure of Congress to complete its deliberations on the BBL (and the tenor of some of these discussions) has also meant that **confidence in the peace process among the wider Moro community has taken a knock**. It is encouraging that there has been no violent reaction by the MILF to the non-passage of the BBL (comparable to that which followed the failure of the MoA-AD in 2008). However, it is possible that this setback in achieving the long-held aspirations of the Bangsamoro could increase the risk that some young people could become more attracted to violent extremism – against which risk the most effective vaccination is a successful conclusion to the peace process.

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

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

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1) TPMT mandate, members and activities

The Third-Party Monitoring Team (TPMT) was established in July 2013, as foreseen in the respective provisions of the Framework Agreement on the Bangsamoro (FAB) and its Annex on Transitional Arrangements and Modalities, as incorporated into the Comprehensive Agreement on the Bangsamoro (CAB), and in line with the Terms of Reference of the TPMT agreed by the Panels on 25 January 2013¹ (Annex I).

The **mandate of the TPMT** is to monitor, review and assess the implementation of all signed agreements between the parties, primarily the FAB and its Annexes.² The TPMT is required to report :

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

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

The TPMT has five members – two representatives from Philippine NGOs and two representatives from international NGOs (one of each being nominated by each Party, all being agreed by the two Parties), and one “eminent international person” (jointly nominated by the two Parties) as Chair. The local members are Karen Tañada (Gaston Z. Ortigas Peace Institute) and Rahib Kudto (UNYPAD), the international members are Huseyin Oruc (IHH) and Steven Rood (The Asia Foundation), and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex II.

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

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

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

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

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

Financial support for TPMT activities continues to be provided by the European Union, through a grant-contract administered by UNDP. It may be noted that all TPMT members are providing their services free of charge, with external finance covering only travel, accommodation, per diem and other operational costs (including modest institutional support to the home organisations of the two local members of the TPMT, which also permitted these organisations to carry out further consultations and research activities with key stakeholder groups in Mindanao and in Manila – summary details of these activities are given in Annex IV).

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

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

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

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

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

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

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

a) The legislative process

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

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

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

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

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

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

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

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

In the Senate, on the other hand, the period of interpellation was not completed. Indeed certain Senators had suggested that the BBL should be seen as a “bill of local application”, which would require that the House should complete its work first, before the Senate could consider it.

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

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

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

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

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

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

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

With regard to HB.5811, for example :

- a number of issues raised by the BTC could be argued to be points of terminology rather than of substance – for example, in the use of the term “Bangsamoro Autonomous Region” in HB.5811, rather than “Bangsamoro” in the BTC version, in referring to the “area” rather than the “territory” of the Bangsamoro, or to “national government” rather than “central government”,⁹ or in making the Bangsamoro Police “an integral part” (rather than “a part”) of the PNP;
- at the other extreme, there are a number of issues where HB.5811 clearly departs in a substantive fashion from what was agreed in the CAB. One example is where HB.5811 introduced, as exceptions to the exclusive powers of the Bangsamoro Government over natural resources, the ill-defined concept of “strategic minerals ... including all other potential sources of energy” in place of the CAB’s more specific concept of “fossil fuels (petroleum, natural gas, oil) and uranium.” A second example is in relation to the opt-in provision, where two significant changes were made in HB.5811 limiting the applicability of this provision.¹⁰ Other examples can be seen in relation to the insertion of “subject to national laws” in respect to policy-areas within the exclusive powers granted to the Bangsamoro, in transferring powers over ancestral domain from “exclusive powers” (of the Bangsamoro) to “concurrent powers” (shared by the Bangsamoro government and Manila), or transferring internal security from a “concurrent power” to a “reserved power” (of the central government), or in making public order and safety a joint responsibility of the Bangsamoro and central governments rather than a primary responsibility of the Bangsamoro government;
- a third category of amendments introduced in HB.5811 may have a special significance, since these would appear to remove powers already granted to the ARMM under RA.9054 of 2001. For example, payment of corporation tax to the Bangsamoro government would now be limited under HB.5811 to cases where the majority of a corporation’s business is carried out in the autonomous region (rather than covering that part of business carried out in the autonomous region, even if this is not the majority of their business, as was the case with RA.9054). And the power to grant tax-incentives is limited to those that are within the taxing-powers of the Bangsamoro government (a limitation which did not apply in RA.9054). In addition, amendments introduced in HB.5811 in relation to the regional audit body and regional human rights body may also detract from the powers given under RA.9054.

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

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

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

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

- some amendments introduced in HB.5811 figure also in SB.2894, though in certain cases are made even more restrictive. – one example is in relation to the opt-in provision, where the 6 municipalities in Lanao del Norte and 39 barangays in North Cotabato were removed from the initial plebiscite, and where the possibility of future opt-in plebiscites was removed entirely;
- a number of additional amendments (not foreseen in HB.5811) clearly deleted or substantially altered provisions foreseen in the CAB – for example in deleting the Preamble (referring inter alia to the historical identity and right of self-determination of the Bangsamoro people), in changing substantially the distribution of seats in the Bangsamoro Parliament,¹¹ in deleting the provisions relating to inland waters and the Zones of Joint Cooperation in the Sulu Sea and Moro Gulf, in limiting the shari’a justice system to personal and family relations and deleting the Shari’a High Court, in deleting powers of the Chief Minister over the Bangsamoro Police (powers already made available to the Regional Governor under RA.9054), in deleting the ten-year suspension of the remittance of national taxes collected in the Bangsamoro to central government, or in deleting the Special Development Fund intended to help the autonomous region recover from decades of conflict;
- other new amendments converted certain “exclusive powers” of the Bangsamoro government, as foreseen under the CAB, into “concurrent powers” shared between the autonomous government and Manila (for example in relation to health, science & technology, research, or cultural sites), or removed powers already granted to the ARMM under RA.9054 (for example in relation to inland waters, police powers, free ports, land management, or in relation to Shari’a law).

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

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

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

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

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

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

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

b) Other process-related developments

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

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

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

The Panels met again in Cotabato City on 17 June (immediately after the first-phase ceremonial decommissioning of MILF combatants and weapons), adopting the second Protocol to the terms of reference of the IDB, elaborating its mission arrangements, functions and other operational obligations.

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

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

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

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

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

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

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

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

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

One of the oldest peace process bodies, the **International Monitoring Team** (IMT)¹⁸ continued its operations throughout this period, and indeed was instrumental in helping to broker a ceasefire at the height of the Mamasapano incident. The IMT had recorded zero ceasefire violations (involving both GPH and MILF forces) from 2012 to 2014, and in 2015 recorded only two such violations (one of which was Mamasapano).¹⁹ The IMT’s annual mandate, due to expire in March 2016, has now been extended till March 2017. The **Ad Hoc Joint Action Group** (AHJAG), established in 2005 to strengthen cooperation between GPH and MILF in dealing with criminal syndicates, kidnap-for-ransom groups and other criminal groups operating in Mindanao, likewise had its mandate extended till March 2017.

Outside the formal process, there were also a number of **major initiatives involving civil society** and other concerned groups. Already on 9 January, fourteen of the surviving members of the 1987 Constitutional Commission issued a statement supporting the BBL. In addition, a

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

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

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

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

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

“Congressional Study Group” drew together a number of Administration allies in Congress to help sharpen deliberations on the draft BBL.

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

The Council report concluded that the draft BBL was indeed constitutional (or could easily be made so by the clarification of a small number of specific points), and that it was “overwhelmingly acceptable and deserves the support of all Filipinos”. Their report²⁰ was made public on 27 April, presented in public hearings in the House (27 April) and Senate (5 May), and was given wide attention both in the press and in Congress.

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

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

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

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

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

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

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

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

c) Normalisation

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

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

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

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

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

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

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

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

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

The JNC had identified ten specific locations where the other trained JPST units can be assigned (generally in teams of 30, being 15 BIAF and 15 AFP / PNP), to help maintain peace and order in “hot-spot” areas. However, the JPST operations manual has not yet been finalised, and no decision has yet been taken on the operational deployment of these trained personnel, pending a decision on the weapons which they might be allowed to carry.²⁸ This is unfortunate, since the deployment of these joint teams, with personnel from BIAF, AFP and PNP trained together and working together for a common cause, could be a very potent symbol of the Parties’ joint commitment to promoting peace and stability. It is understandable

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

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

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

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

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

however that it would be difficult to ask these personnel to undertake such tasks without being able to defend themselves against lawless groups.

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

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

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

Confidence-building measures during Phase 1 include :

- the *disposition of previously-acknowledged MILF camps*, through the constitution of Joint Task Forces. These task forces have now been established, and are overseen by the Task Force on Camps Transformation (TFCT). The TFCT first met in October of 2014, is co-chaired by former Agriculture Secretary Senen Bacani of OPAPP and Abhoud Syed Lingga for the MILF, and reports directly to the Panels. The six individual Task-Forces under the TFCT are responsible for needs-assessment, and for the planning and implementation of measures to transform six previously-acknowledged MILF camps into

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

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

peaceful and productive communities.³¹ The ToR for the TFCT were formally adopted by the Panels at their meeting in Kuala Lumpur on 10-11 February 2016;

- **planning for socio-economic programs** for these six camps is being carried forward by BDA in cooperation with JICA. An initial survey of six municipalities surrounding Camp Abubakar was completed in November 2015, and socio-economic planning studies for the other camps are underway. The TFCT has proposed that development programs for the communities in each camp should commence with certain quick-acting, entry-level activities (for example the construction of water supplies, solar panels, hanging bridges, small-scale irrigation rehabilitation etc), followed by more substantial actions to be identified in the area development plan being prepared for each camp. Community validation for the quick-response programmes has already been carried out for 5 of the 6 camps, with technical validation to follow in most cases during the first quarter of 2016;³²
- the **establishment of parameters for amnesty / pardon** of former combatants charged with or convicted of crimes and offenses connected to the armed conflict in Mindanao. While this had been discussed at the Panels meeting in Kuala Lumpur in November of 2014, and a group has been established to make recommendations for parameters, there appears to have been little progress on this matter since then, and at the time of writing no agreement had yet been reached on amnesty/pardon parameters;
- also carried out as a confidence-building measure (though not specified in the Normalisation Matrix), a ceremony at Simuay, Maguindanao on 6 January 2016 saw the **Department of Agriculture** hand over a range of agricultural equipment and materials to farmers in the area of the six previously-acknowledged MILF camps.³³

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

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

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

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

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

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

³⁵ Aside from the IDB Chair, Ambassador Mustafa Pulat (who replaced Ambassador Haydar Berk in October 2015), the other two international members of the IDB are William Hovland of Norway (serving as Vice-Chair and Chief of Staff, having replaced Jan-Erik Wilhelmsen from October 2015), and Major Muhammad Ayman of Brunei. The four national IDB members are LtGen Rey

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

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

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

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

More recently, 141 of the 145 former combatants have been interviewed individually by social workers from DSWD and MILF, to identify their specific needs and assess which of the

Ardo (ret.) and Prof. Mario Aguja (appointed by the GPH), and Von Al Haq and Isah Bato (appointed by the MILF).

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

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

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

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

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

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

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

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

Phase 1, it was foreseen that the ICP report would be submitted, allowing for appropriate Panel action on the report.

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

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

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

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

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

- the *ToR for the TJRC* were established by the Panels on 22 March 2014, requiring it to undertake a study and recommend to the Panels the appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalisation through land dispossession, towards healing

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

and reconciliation. The TJRC was also required to report within one year, and to recommend programs and measures that will bring about the reconciliation of the different communities that have been affected by the conflict. The TJRC will continue to exist, and shall be consulted on the issue of transitional justice, through until the signature of the Exit Document;

- the *organisation of the TJRC* was completed by September of 2014, when it first met. Comprising one international and two local members,⁴⁰ the TJRC is chaired by Ms M^o Bleeker of Switzerland. Since its establishment, the TJRC has convened regularly in the Philippines, carrying out consultations (assisted by local facilitators) in 250 communities, establishing study groups to consider each of the four key themes set out in their ToR, reviewing past efforts in this field, and conducting a large number of “key informant interviews”;
- following an interim report presented in April of 2015, the *TJRC submitted its final report on 09 December 2015*, and this was formally presented to the Panels in Kuala Lumpur on 10-11 February 2016. Among its key recommendations the TJRC has suggested that a National Transitional Justice and Reconciliation Commission be established, to implement programmes towards healing and reconciliation for the Bangsamoro, guided by an Advisory Council and complemented by the work of a Civil Society Forum. As foreseen in the ToR, however, the Panels will now determine when this report will be made public.

d) Socio-economic development

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

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

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

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

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

(February 2013 to October 2014), and aimed to provide PhilHealth membership for 11,000 people, construct ten barangay health stations, cover some 16,000 children under DSWD's supplemental feeding program, provide some 600 college study grants, establish 10 day-care centres, provide vocational training for some 1,000 persons, provide Cash-for-Work support for 11,000 persons, and promote agricultural development through small-scale infrastructure projects and livelihood development.

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

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

- in the health sector, 22,700 persons have benefited from PhilHealth assistance (99% of target). Three (out of ten) barangay health stations have been constructed, with a further seven to be built in 2016. Five ambulances (out of ten) have been delivered, with a further five being processed. Of the 16,000 target beneficiaries for DSWD's supplemental feeding programme, some 9% of the total have completed the programme, with a further 27% currently benefiting from it, 47% undergoing preparatory activities, and 17% still to be identified;
- in the education sector, CHED agreed in 2015 to increase the number of college-study grants from 600 to 1,084 (and to increase the amount of assistance from PHP 10,000 to PHP 20,000 per annum), and a total of 1,080 students benefiting from this programme are currently enrolled in 112 State universities and colleges across Mindanao.⁴² In terms of vocational-training support from TESDA, 1,030 students (as per target) have completed various courses, and 21% of these have already found employment. Out of 50 madaris foreseen to receive DepEd support with capacity-building, curriculum development and facility upgrading, 20 madaris have received the full assistance, and 25 are in earlier stages of implementation. Of the ten day-care centres to be provided by DSWD, two have been completed, with the eight others now in various stages of construction;
- in relation to livelihood programmes, cash-for-work assistance from DSWD had been foreseen for 11,000 beneficiaries – of these, 39% have received the full assistance, while 39% are about to graduate and the remaining 22% would have completed the programme during January 2016. Livelihood support from DA has been provided to four sites (out of the ten foreseen), with two more underway and four still at the procurement stage. The improvement of farm-to-market roads by DA is underway at three sites (covering 6.4 km out of the 19.7 km foreseen), with design work being finalised at another site, and the five others to be implemented in 2016. Work by DA on two fish-landing facilities is at the design stage, and will commence implementation later in 2016. Work by DENR on tree-

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

planting is underway at 6 sites endorsed by the MILF (covering 800 ha, out of the 1,000 ha foreseen), with three further sites under preparation.

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

Since then, the BDA has been working to develop further the key themes foreseen in the Plan, for example in preparing masterplans for the communications and transport infrastructure components, with the assistance of the Japanese International Cooperation Agency (JICA). BDA has also identified a list of quick-acting projects in areas such as small water systems, access paths, livelihood, and micro-finance. Implementation of these various projects has not yet commenced, however, pending the completion of community validation.

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

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

e) Preparations for transition

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

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

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

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

have reduced the urgency of this. Nevertheless, a number of further special registrations have been carried out since March, again in cooperation with PPCRV.

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

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

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

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

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

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

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

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

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

f) Other developments

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

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

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

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

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

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

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

would be vital for the **MNLF to participate in any transitional authority** to be set up under the new autonomy law.

g) Mamasapano

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

On 4 February 2015, the **GPH CCCH and AHJAG** finalised their internal report on the Mamasapano incident, and this was made available subsequently to both the House and Senate committees, and to the PNP, CHR, Ombudsman and DoJ. On 13 March the report of the **PNP Board of Investigation** was made public, followed on 17 March by the report of the **Senate committee**⁵¹ (on 21 March the **Commission on Human Rights** expressed its concerns over some of the statements made in the Senate committee report). On 22 March the **MILF** released the report of its Special Investigative Commission, and a report by the **International Monitoring Team** was made public on 5 April. Hearings into the Mamasapano events in the **House of Representatives**⁵² concluded on 14 April, without yet having issued a report. An enquiry was also carried out by the **Office of the Ombudsman**, and while their report (finalised in July) has not been made public, it was announced that they had recommended that charges of grave misconduct should be filed against three senior PNP officials, with charges of neglect of duty against a further eight PNP officials.

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

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

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

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

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

Two related elements worth noting are that :

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

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

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

3) Comment

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

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

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

- the **Congressional deliberations** on the BBL, even if these were not able to come to a conclusion, nevertheless **allowed all stakeholders to have their say**, ventilated all the issues, and can provide a solid basis on which the next Congress can build;
- the **first stage of normalisation**, with the ceremonial decommissioning of a small number of MILF combatants and weapons, **underlined the MILF’s determination to fully comply with its commitments under the CAB**, and provided a welcome sign of forward movement in the process at a time when this was very much needed;
- there were also significant if less visible **developments in other aspects of normalisation**, for example in the slow but steady preparations for coordinating support

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

for former combatants and their communities, in the strengthening of the IDB's footprint on the ground, and in initial preparations for action against private armed groups;

- and the **timely completion of the TJRC report**, submitted to the Panels on 9 December, may be able to offer a path towards healing some of the wounds which have been inflicted over the decades – it is to be hoped that the Panels will agree to release this report at an early date;
- the **ceasefire mechanisms continued to work smoothly** throughout the rest of the year (notwithstanding the fact that they had been ignored and put at risk in Mamasapano). This was illustrated when AFP forces pursued their campaign against BIFF in Central Mindanao, and the MILF cooperated by re-positioning their own units to avoid any risk of a wider clash.⁵⁵ The GPH and MILF CCCH and AHJAG also worked to address a number of rido cases throughout the year, in cooperation with other agencies such as the IMT, LGUs and civil society groups;
- **efforts to build a greater unity and inclusiveness** between the MILF and the different MNLF groupings gathered strength during 2015, with support for the BBL being expressed by two of the major MNLF groups;
- even when the peace process faced its greatest challenges, **domestic support for peace** was increasingly mobilised – for example through the CPC report, through public statements released by bodies such as the Makati Business Council or the Ateneo universities, and through the groundswell of support from many civil society organisations;
- the **support of the international community** was also underlined, for example through the Ambassadors' statement in October, or the OIC statement in December. And when President Aquino made an official visit to the Vatican in December, the discussions underlined that peace in the Philippines could be an example to the world of how to achieve peace, at a time when extremism has become a global threat;
- and perhaps most importantly, **both Parties remained fully engaged** with the process, and fully committed to building the sustained peace foreseen in the CAB. The Panels continued to meet, the other process-related bodies (JNC, IDB, IMT etc) continued to operate, and both the Government and the MILF clearly demonstrated their intention to see the process through to the end. This was confirmed again in the most recent meeting of the Panels in Kuala Lumpur on 10-11 February, reaffirming the Parties' commitment to stay the course of peace, and agreeing to sustain the existing peace infrastructure and to work for the early passage of a BBL in the next Congress.

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

- first and foremost, the tragic event at **Mamasapano** considerably damaged public confidence in the peace process, delayed (and coloured) the deliberations in Congress, and provided an opportunity for long-standing prejudices to resurface and intensify;
- the **failure to complete the legislative process** by the present Congress has meant that this task will now be passed to the next Congress and the next Administration, which will certainly mean that there will be a more or less lengthy hiatus before all the threads of the process can be gathered up again. The opportunity has not been lost, but has certainly been deferred;
- some of the issues raised during the Congressional deliberations gave rise to public **concern that key elements of the CAB might not be retained**, that powers already

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

given to the ARMM under RA.9054 might be taken away, and that the prospects for a real autonomy capable of “solving the Bangsamoro problem” might not be realised;

- finally, at a technical level, it might be noted that there was **slower progress in some aspects of normalisation** than could have been expected. Support for the 145 former combatants decommissioned in June was delayed, when this could otherwise have served as encouragement to those who would follow in the next phase. The Normalisation Trust Fund foreseen in the CAB has not yet been put in place. No decisions have yet been taken on deploying the JPSTs, when this could have been a highly-visible example of concrete cooperation between BIAF, AFP and PNP in supporting peace and order. No progress has been made as yet on determining the parameters for amnesty.

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

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

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

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

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

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

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

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

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