

TPMT

11 March 2019

Third Party Monitoring Team Fifth Public Report, July 2017 to February 2019

Summary

In line with the terms of reference of the Third-Party Monitoring Team, this fifth public report is intended to provide an overall assessment of developments in the implementation of the Agreements between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). It covers the period from July 2017 to February 2019, continuing from the fourth public report on the period March 2016 to June 2017.

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

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

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

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

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

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

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

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

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

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

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1) TPMT mandate, members and activities

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

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

- to the Panel Chairs, in confidence, on a quarterly basis, providing our observations and recommendations. The Panels are not bound by our recommendations, but shall provide written responses within one (1) month;
- to the public, on a yearly basis or as the TPMT deems necessary, providing our overall assessment of developments in the implementation of the agreements. These public reports are provided to the Panels and the Facilitator for comment and consultation, but the TPMT has the final say on the content of the report.

Our Terms of Reference (TOR) require that the TPMT shall convene every two (2) months, through until the end of the transition period and the regular operation of the Bangsamoro Government (to occur following the first elections to the Bangsamoro Parliament). At that point, the Panels, together with the Facilitator and the TPMT, shall convene a meeting to review the implementation of all agreements and the progress of the transition, and shall produce an “Exit Document” officially terminating the process. Our TOR also provides that the TPMT shall work on the basis of consensus, in a spirit of cooperation, confidence-building and trust; shall have access to all reports and activities connected to the implementation of the agreements; and shall be allowed to observe the meetings of all bodies concerned with the implementation of the agreements. The TPMT’s Internal Rules and Regulations (workplan, code of conduct, security protocols, financial procedures) were submitted to and approved by the Panels between December 2013 and April 2014.

The TPMT currently has five (5) members – 2 representatives from Philippine NGOs and 2 representatives from international NGOs (1 of each being nominated by each Party, all being agreed by the two Parties), and 1 “eminent international person” (jointly nominated by the Parties) as Chair. The local members are Karen Tañada (Gaston Z. Ortigas Peace Institute) and Rahib Kudto (United Youth for Peace and Development -UNYPAD); the international members are Huseyin Oruç (IHH Humanitarian Relief Foundation) and Sam Chittick (The Asia Foundation); and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex II.

In total, the TPMT has held 32 monitoring sessions starting from its inaugural meeting in Kuala Lumpur in July 2013 (alongside the 38th Exploratory Talks between the Parties). The

TPMT convened in the Philippines on 2 sessions in 2013, six (6) in 2014, seven (7) in 2015, 5 in 2016, and 5 in 2017 (in February, May, July, September and November). In 2018, the TPMT convened on 5 occasions — in January, March, May, September and most recently in November. And in 2019, the TPMT convened in January.

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

TPMT reporting from July 2017 to January 2019, in addition to the fourth (4th) Public Report released in July 2017, included brief “Exit Letters” transmitted to the Panels at the close of each TPMT session which provided some immediate observations and recommendations gathered during each of these visits. These Exit Letters are confidential to the Panels.

Financial support for TPMT activities continues to be provided by the European Union, through a grant-contract administered by the Nonviolent Peaceforce. It may be noted that all TPMT members are providing their services free of charge, with external finance covering only travel, accommodation, per diem, and other operational costs (including modest institutional support to the home organisations of the 2 local members of the TPMT, which also permitted these organisations to carry out further consultations and research activities with key stakeholder groups in Mindanao and in Manila.

In line with our TOR, this 5th Public Report, covering the period from July 2017 to February 2019, is intended to provide “an overall assessment of developments in the implementation of the Agreements” during this period.

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

a) Process

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

- on 29 August 2017 in Davao City, the Panels discussed updates on the Bangsamoro Basic Law (BBL), the GPH-MILF Peace Corridor for the Marawi siege, and the work and TORs of various peace mechanisms;
- on 20 October 2017 also in Davao City, the Panels extensively discussed the following matters: TOR of the Joint Communications Committee (JCC); Renewal of TOR of the International Monitoring Team - Civilian Protection Component (IMT-CPC) and updates on the status of its membership; the crafting of a roadmap on implementing the recommendations of the report of the Transitional Justice and Reconciliation Commission (TJRC); Implementing Guidelines of the Bangsamoro Normalization Trust Fund (BNTF); and other aspects of normalization such as such as the issuance of firearms to JPSTs during their deployment, the MILF inventory list of combatants and weapons, and proposals for putting weapons beyond use;
- on 13 December 2017 in Kuala Lumpur, Malaysia, the Panels signed the following four (4) documents: a) Revised Implementing Guidelines on the Joint Communiqué of 6 May 2002; b) Guidelines for the Operationalization of BNTF; c) Terms of Reference of the GPH-MILF JCC; and d) Renewal of mandate of the IMT-CPC. They also released a Joint Statement, reiterating their continued commitment to the GPH-MILF peace process and thanking the Malaysian Prime Minister for his continued support;
- on 6 March 2018 in Cotabato City, the Panels renewed the mandates of the International Monitoring Team (IMT) and the Ad Hoc Joint Action Group (AHJAG), and discussed the JCC, Coordination Team for the Transition (CT4T), Joint Normalization Committee (JNC), Independent Decommissioning Body (IDB), etc.

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

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

b) Enactment of the Bangsamoro Organic Law in Congress

After the draft BBL was finalized by the Bangsamoro Transition Commission (BTC) on 16 June 2017, it was submitted to President Duterte in a ceremony held on 17 July 2017 at Malacañan Palace, Manila in the presence of the Senate President, House Speaker, a number of members of the Cabinet, and the MILF Chair. The draft BBL was then transmitted to the House of Representatives and the Senate but corresponding bills were not immediately filed and discussed in the appropriate committees. On 4 September 2017, the President gave assurance to the MILF leadership who had been concerned about this delay that his administration was committed to pass the BTC version.²

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

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

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

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

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

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

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

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

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

It is relevant to note that it is not necessary for the BOL to repeat all elements of the CAB – the BOL is a piece of legislation to implement the peace agreement, but it does not replace

nor substitute that agreement. Both are now in force, the CAB as an executive commitment between the Filipino people (represented by the President) and the MILF, and the BOL as a law of the Republic of the Philippines. However, it is important to document variances between the BOL and the CAB as these would be significant in pursuing and eventually assessing the fullness of peace implementation.

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

- **The majority of the core elements of the CAB are fully reflected in the BOL.** For example, the ministerial form of government, the guaranteed annual block grant, and the 75%-25% sharing in taxes in favor of the Bangsamoro Government have been retained. We note that both the GPH and MILF have expressed satisfaction with the substance of the law.
- There are also **some amendments that expanded the powers of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)**, for example in terms of percentages in the sharing of revenues, with the BOL providing 100% of revenues from exploration, development, and use of all natural resources including mines and minerals in the region to the Bangsamoro Government.
- In addition, **the BOL provides clarifications to certain elements of the CAB.** It has, for example, fixed the formula for the block grant, which would be 5% of net collections of the Bureau of Internal Revenue (BIR) and the Bureau of Customs (BOC), and specified the amounts for the Special Development Fund, which would be Php 50 Billion for ten (10) years or Php 5 Billion per year.
- In addition, there are **a few elements appearing in the BOL which had not been foreseen in the CAB**, but which both Parties with Congress approval believed could improve on the arrangements proposed in the CAB. One example is the establishment of the office of the *Wali*, as the titular and ceremonial head of the BARMM, under the general supervision of the President, and responsible *inter alia* for administering the oath of office of Members of the Bangsamoro Parliament, and for dissolving the Parliament upon the advice of the Chief Minister, in case of a vote of no confidence against the government of the day.
- **Some key CAB provisions have been left out of the law.** Of particular significance are the removal of the following: the “opt-in” clause (FAB, Section V, Clause 3), the delineation of powers into three (3) categories (national, concurrent, and exclusive), and the policing powers of the Bangsamoro Government. The section on Basic Rights was removed; however, the BOL includes reference to the Indigenous Peoples’ Rights Act (IPRA) and provides additional assurances on the rights of non-Islamized indigenous peoples in the BARMM.

- A number of **the basic principles** specifically included in the CAB are not mentioned in the BOL, such as the right to self-determination, the asymmetrical relationship between the National Government and the Bangsamoro Government, and parity of esteem.
- There are also **several amendments which depart significantly from the CAB**. For example, the reckoning of votes for the inclusion of North Cotabato barangays, Lanao del Norte municipalities, and Isabela City, Basilan into the BARMM were subject to consent of their respective “mother units”; in addition, the Bangsamoro Government will not exercise exclusive powers over inland waters that provide energy to power-generating plants (e.g., Lanao Lake).

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

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

CAB provisions retained in the BOL	CAB provisions deleted in the BOL	CAB provisions amended in the BOL	Specifications or Additions in the BOL not found in the CAB
<ol style="list-style-type: none"> 1. Zones for Joint Cooperation 2. Ministerial form of government 3. Intergovernmental fiscal policy board composition and powers 4. Bangsamoro Government authority on natural resources, mines and minerals; and joint management over fossil fuels and uranium; preferential rights of Bangsamoro residents also retained 5. Wealth-sharing- 75%-25% sharing in taxes 	<ol style="list-style-type: none"> 1. Preamble – reduced the level of autonomy, removed parity of esteem 2. Delineation of powers – only Bangsamoro Government powers are now specified, whereas in the CAB there is a clear delineation of powers between National Government and the Bangsamoro Government 3. Removal of listing of basic rights 4. Removal of the opt-in clause for future territorial expansion 5. Intergovernmental relations components – several items removed; almost everything is now national, from those that were concurrent under the CAB 6. Policing powers – powers already devolved to the Autonomous Region in Muslim Mindanao (ARMM) are removed, e.g., the authority over the regional police by the ARMM Regional Governor and the creation 	<ol style="list-style-type: none"> 1. Core territory – reckoning of votes for North Cotabato barangays, Lanao del Norte municipalities and Isabela City, Basilan would be subject to consent of their respective “mother units” 2. Supervision of President – suspension of Chief Minister echoes ARMM provisions 3. Expands from 1 to 2 Deputy Chief Ministers, and delineates the sub-regions to be represented South Western Mindanao (island provinces), North-Central Mindanao (Lanao area), and South-Central Mindanao 4. Bangsamoro Government’s exclusive power over inland waters excludes inland waters that provide energy to power-generating plants (e.g., Lanao Lake) 5. Maritime – the BOL sets the limit of Bangsamoro waters at 19 km, as opposed to 22.224 km under the CAB 	<ol style="list-style-type: none"> 1. Composition of the Bangsamoro Transition Authority (BTA) – the BOL specified the number of members, i.e., 80 members plus incumbent elective ARMM officials (to serve only until June 30, 2019) 2. Position of <i>Wali</i> 3. Block grants – the BOL has fixed the formula (5% of net collections of BIR and BOC) 4. Special Development Fund – the BOL specified the amount (Php 50 billion for 10 years or Php 5 billion per year) 5. Specific mention of IPRA 6. Clarifications on the continuation of

	<p>of Regional Police Commission (REPOLCOM)</p> <p>7. Bangsamoro representation in the National Government – the CAB set minimum representation in national departments and judiciary which was amended to only require appropriate representation</p>	<p>6. Land – the National Government has authority; the Parliament can enact an agrarian land use law</p> <p>7. Other provisions on natural resources – improvement from the CAB in terms of percentages (all natural resources including mines and minerals: 100%)</p> <p>8. Human rights – the BOL provides this as a devolved power, and the Parliament may pass a law on the institutional structures and powers</p> <p>9. <i>Shari’ah</i> courts - Criminal jurisdiction only on minor offenses, punishable by <i>arresto menor</i> (1-30 days imprisonment) or commensurate fines; only Congress can create additional <i>Shari’ah</i> courts and not the Bangsamoro Parliament;</p> <p>10. Transitional Justice – moves this to a BARMM concern, instead of being a joint National Government - Bangsamoro Government concern; allows for the Parliament to pass a law on reparations</p>	<p>employment for ARMM employees from health, education and social welfare sectors, plus establishing benefits to be paid to ARMM employees ending their employment</p>
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c) Bangsamoro plebiscite and the ratification of the Bangsamoro Organic Law

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

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

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

On 13 December 2018, the COMELEC promulgated Resolution No. 10464, the "Rules on Voting, Counting, and Canvassing of Votes in Connection with the Plebiscite to ratify R.A. No. 11054", which provided that the plebiscite will be held on 2 separate dates and areas—the first (1st) plebiscite on 21 January 2019 in the present geographical area of the ARMM, Isabela City in Basilan Province, and Cotabato City; the second (2nd) plebiscite on 06 February 2019 in Lanao del Norte province except Iligan City, the municipalities of Aleosan, Carmen, Kabacan, Midsayap, Pikit and Pigkawayan in North Cotabato Province, and subject

to the approval of the COMELEC, other areas contiguous to any Bangsamoro core area where either the local government unit asked for inclusion in the plebiscite through a resolution, or 10% of the registered voters in the local government unit asked for inclusion in the plebiscite through a petition.

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

Questions and doubts were raised early on regarding the funding for the conduct of the plebiscite, including the monitoring, information campaign and the voters’ registration. These were eventually adequately resolved with Congress, the Department of Budget and Management (DBM)⁶, and COMELEC, making assurances that funds will be made available from the current General Appropriations Act, following what was provided for in the BOL. However, the said funding only covered the standard minimum requirements of the COMELEC. It seems that very little resources were given to OPAPP as well as the BTC to enable them to run a massive information campaign deemed necessary for the informed participation in the plebiscite.

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

The OPAPP, BTC, and several nongovernmental organisations and individuals also organized their own respective information dissemination campaigns and public advocacies. The OPAPP, for example, organized peace assemblies in every province in the ARMM as

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

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

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

well as in Cotabato City, Lanao del Norte and North Cotabato. In the peace assembly held in Cotabato City on 18 January 2019, President Duterte served as the guest of honor and asked the people to vote ‘yes’ for the BOL.⁷ The President’s final pitch for the ratification of the law certainly was a boost to the advocacy campaign. Overall, however, the information campaign was not able to reach a wider audience, especially the communities in the hinterlands and far-flung islands.

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

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

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

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

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

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

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

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

Municipality of North Cotabato	Barangays included in the BARMM
Aleosan	1. Dungan 2. Tapodoc
Carmen	1. Kibayao 2. Kitulaan 3. Langogan 4. Manarapan

	<ol style="list-style-type: none"> 5. Nasapian 6. Pebpoloan 7. Tupig
Kabacan	<ol style="list-style-type: none"> 1. Buluan 2. Nanga-an 3. Pedtad 4. Sanggadong 5. Simbuhay 6. Simone 7. Tamped
Midsayap	<ol style="list-style-type: none"> 1. Damatulan 2. Kadigasan 3. Kadingilan 4. Kapinpilan 5. Kudarangan 6. Central Labas 7. Malingao 8. Mudseng 9. Nabalawag 10. Olandang 11. Sambulawan 12. Tugal 13. Tumbras
Pigkawayan	<ol style="list-style-type: none"> 1. Lower Baguer 2. Balacayon 3. Buricain 4. Datu Binasing 5. Datu Mantil 6. Kadingilan 7. Libungan Torreta 8. Matilac 9. Lower Pangangkalan 10. Upper Pangangkalan 11. Patot 12. Simsiman
Pikit	<ol style="list-style-type: none"> 1. Bagoinged 2. S. Balong 3. S. Balongis 4. Barungis 5. Batulawan 6. Bualan 7. Buliok 8. Bulul 9. Fort Pikit 10. Gli-Gli 11. Gokotan 12. Kabasalan 13. Lagunde

	<ol style="list-style-type: none">14. Macabual15. Macasendeg16. Manaulanan17. Nabundas18. Nalapaan19. Nunguan20. Pamalian21. Panicupan22. Rajahmuda
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d) Preparation for the transition

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

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

e) Normalization

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

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

normalization mechanisms and peace process bodies were then undertaken throughout the past year to address issues and challenges.

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

Security Component

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

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

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

After a review of the previous course curriculum used for the JPSTs in 2015/16, a new training course curriculum was developed. On 15 December 2018, the first batch of JPST members graduated after undergoing training. It is expected that the JPST trainings will continue until all the teams are constituted. However, the issue of the carrying of firearms by

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

the MILF JPSTs remains unresolved despite the fact that the JPSC has held several small group discussions with both GPH and MILF representatives regarding this issue. The deployment of the JPSTs might be delayed if the Parties do not reach an agreement on this matter very soon.

Decommissioning Process and the Socio-Economic Program for Decommissioned Combatants

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

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

As of March 2018, the 145 Decommissioned Combatants have received cash-for-work assistance from the Department of Social Work and Development (DSWD). Some of them have also implemented their Sustainable Livelihood Program (SLP) based on their proposed projects during the re-engagement activity. Out of 145, 4 already died due to health conditions. OPAPP coordinated with DSWD in Region XII and requested financial assistance and food packs to the families of the decommissioned combatants who passed away.

On 19 October 2017 in Davao City, the Task Force for Decommissioned Combatants and their Communities (TFDCC) facilitated a meeting with partner agencies in order to review the implementation of the socio-economic program for the 145 decommissioned combatants and present the IDB's Proposed Decommissioning Plan for the next phase. In March 2018, the membership of the joint TFDCC was reconstituted⁹ and throughout 2018, the TFDCC and its secretariat conducted various focus group discussions, in-depth interviews, and workshops with some of the decommissioned combatants, international development partners, and

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

partner government agencies and staff for the development and enhancement of the socio-economic programs. However, there continued to be reports that the majority of 145 combatants were not satisfied with the socio-economic packages. Some understood that President Aquino had promised housing, even though housing support was not included in the agreed package of assistance.

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

Camp Transformation

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

Other Normalization Components

Although the TOR and the Guidelines for the Operationalization of the BNTF were signed by the Parties on 30 May 2016 and 14 December 2017, respectively, the BNTF still has not been created due to unresolved issues with regard to its nature, mechanism, and funding sources.

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

Key components of the normalization process, including the decommissioning process and the socio-economic programs, are hinged on this trust fund following previous agreements, so its creation is an urgent task for the Parties, more so now that the BOL has been ratified.

There has also been a lack of progress with regard to the amnesty for the MILF rank-and-file. In particular, the Parties have yet to agree on the parameters for the amnesty, which is a task that should have been completed prior to the ratification of the BOL. One concern is that some of the MILF nominees to the BTA need an amnesty in order to be appointed. The first phase of decommissioning will also encounter difficulties if the MILF commanders and combatants are still facing possible arrest and prosecution.

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

f) Other developments

Ceasefire Mechanisms

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

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

In 2017/18, the ceasefire mechanisms continued to resolve ceasefire-related concerns through the conduct of its field verification and fact-finding inquiry as well as monitor and resolve *rido*-related cases involving members of the MILF-BIAF. They also conducted peace advocacy programs and briefings on the ceasefire mechanisms and the peace process in various local communities. During the Marawi siege in 2017, the GPH and MILF ceasefire mechanisms also deployed their members to the Joint Coordination, Monitoring and Assistance Center (JCMAC) in 2 Peace Corridors in Marawi City and Malabang, Lanao del Sur.

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

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

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

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

GPH-MILF Peace Corridor during the Marawi Siege

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

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

3) Comment

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

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

- **The process as a whole remains strong and the trust and confidence between the GPH and the MILF have grown.** As partners, the Office of the President, Congress and the MILF worked together to come up with a legislation that reflects key provisions in the CAB and is in concert with the Philippine Constitution. The continued commitment to the peace process by the President, and his strong support for the BOL bolstered by congressional support and engagement, greatly enhanced public optimism and acceptance;
- The fast-tracking of the legislative process for the Organic Law by both the Senate and the House of Representatives, with the President repeatedly emphasizing its priority status and subsequently certifying the bill as urgent, ensured **that the MILF-led BTA will have sufficient time** - over 3 years from February 2019 to June 2022 - to hopefully build the foundations of a stronger and more autonomous regional government in the Bangsamoro;
- The **successful conduct of the plebiscite was a major step forward**, and we note that both Parties have maintained since the outset of negotiations in 1997 that the will of the people affected by these changes must be the final assessment of the peace process. . This was also the first election of any sort in the ARMM to be completed without failure of elections in any portion of the region. COMELEC fulfilled its responsibilities in enabling as many people as possible from the Bangsamoro core territories and surrounding areas to take part in the plebiscite and exercise their right to vote, and the end result was a mostly peaceful and free and fair plebiscite;
- Under normalization, **preparations for both the security component and MILF decommissioning process are progressing.** The JNC, together with the JPSC, have begun the training of the members of the JPSTs. The IDB has come up with its proposal on how the first phase of decommissioning will be implemented while the TFDCC and the JTFCT are preparing the socio-economic programs for the first 30% of the MILF decommissioned combatants, their communities, and camps.

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

- **With respect to the BOL, several important CAB provisions have been removed or amended.** The final version of the law that was approved in Congress and endorsed by the citizens varies in some significant aspects from the substantive provisions in the peace agreements. While the President and Congress can confidently say that the BOL remains true to the letter and spirit of the Constitution, the MILF on several occasions noted that the BOL is only a partial implementation of the CAB¹¹;

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

- With the heavy focus on the BOL and the plebiscite, there was **relatively little progress in the preparations for the transition**. However, with the ratification of the BOL in the plebiscite, there is an expectation that the BTA will hit the ground running, managing a smooth transition from the ARMM to the new Bangsamoro Government while ensuring that there will be no interruption in the delivery of basic social services;
- There have been **significant delays in several aspects of the normalization track**. The Parties have yet to reach consensus on 1) the issue of the carrying of the firearms of the MILF members of the JPSTs; 2) the submission of the MILF list of combatants to be decommissioned; 3) the timeline for the decommissioning process; 4) the final socio-economic packages for the decommissioned combatants; 5) the storage of the MILF weapons and arrangements on how these will be put beyond use; and 6) the parameters for the amnesty program for MILF combatants; and
- **Transitional justice** was a core element of the peace negotiations, and is a cornerstone of the CAB; however, there has been little progress on fundamental measures to address transitional justice issues. The final version of the BOL included provisions on transitional justice, though it essentially transfers responsibility for addressing historical injustices from the national government to the Bangsamoro. This is a major deviation from the CAB, and at this point it is unclear whether the transitional justice concerns as outlined in the CAB can be adequately resolved within the powers of the new regional government.

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

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

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

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

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Karen Tañada

Huseyin Oruc

Sam Chittick

Rahib Kudto

Alistair MacDonald

**Third-Party Monitoring Team
Fifth Public Report, July 2017 to February 2019**

Annexes

- I. Terms of Reference of the TPMT**
- II. TPMT Members**
- III. Calendar of TPMT sessions, July 2017 to February 2019**

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

1. MANDATE

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

2. COMPOSITION

The TPMT is an independent body composed of the following:

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

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

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

3. FUNCTIONS

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

3.2 At the end of the transition period, upon the regular operation of the Bangsamoro Government, the GPH and MILF Peace Panels, together with the Malaysian Facilitator and the TPMT, shall convene a meeting to review, assess or evaluate the implementation of all agreements and the progress of the transition. An 'Exit Document' officially terminating the

peace negotiations may be crafted and signed by both Parties if and only when all agreements have been fully implemented.

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

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

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

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

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

4. REGULAR MEETINGS

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

5. REPORTING

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

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

6. CONFIDENTIALITY

All information, data or opinions gathered, generated or exchanged in connection with the work of the TPMT shall be treated with utmost consideration for the safety and security of the source and the

integrity of the peace process. Critical and/or confidential information as defined by the TPMT may not be divulged to their respective organizations and other entities.

7. ADMINISTRATIVE AND SUPPORT ARRANGEMENTS

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

8. FUNDING

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

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

9. DURATION

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

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

FOR THE GPH:

MIRIAM CORONEL-FERRER
GPH Panel Chair

FOR THE MILF:

MOHAGHER IQBAL
MILF Panel Chair

SIGNED IN THE PRESENCE OF:

TENGGU DATO' AB GHAFAR TENGGU MOHAMED
Malaysian Facilitator

TPMT Members

Alistair MacDonald

tpmt.macdonald@gmail.com

(Chair)

Born in Glasgow, Scotland, Alistair MacDonald is an economist and economic historian by training. He recently retired from the external service of the European Union, after a diplomatic career spanning 35 years, and including two postings in the Philippines (most recently as EU Ambassador, from November 2006 to January 2011), as well as postings in Myanmar, Fiji, Libya and Thailand, and headquarters assignments in Brussels covering SE Asia or Eastern Europe.

Rahib Kudto

tpmt.kudto@gmail.com

(United Youth for Peace and Development, Inc.)

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

Huseyin Oruç

tpmt.oruc@gmail.com

(IHH)

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

Karen N. Tanada

tpmt.tanada@gmail.com

(Gaston Z Ortigas Peace Institute)

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

Sam Chittick

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(The Asia Foundation)

Sam Chittick is an Australian based in the Philippines, and currently the Philippines Representative of the Asia Foundation. He has ten years' experience in the Philippines, and more than twenty years' experience on issues of government and decentralization; peace, security, and conflict; local economic development; and human rights and the rule of law. He has worked within NGOs, the World Bank, Australian Aid, the United Nations, and GIZ in 14 countries across Asia and Africa.

Annex III

Calendar of TPMT sessions

During 2017, the TPMT convened thrice in the Philippines, and in 2018, the TPMT has so far convened five times and once in 2019 (see schedule below). In addition, some TPMT members attended as observers some peace process-related meetings and events.

In addition to meetings in Manila, in Darapanan and in Cotabato City, the TPMT has also travelled in neighbouring areas such as Cagayan de Oro and Zamboanga Cities.

19 to 28 July 2017

Meetings in Manila, and in Darapanan and Cotabato City

28 September to 04 October 2017

Meetings in Manila, and in Cagayan de Oro City, Iligan City and Cotabato City

20 to 28 November 2017

Meetings in Manila, and in Cotabato City

22 to 31 January 2018

Meetings in Manila, and in Marawi City and Cotabato City

19 to 27 March 2018

Meetings in Manila, and in Cotabato City

15 to 22 May 2018

Meetings in Manila, and in Cotabato City

12 to 21 September 2018

Meetings in Manila, and in Kidapawan City and Cotabato City

12 to 23 November 2018

Meetings in Manila, and in Isabela City in Basilan Province, Zamboanga City and Cotabato City

20 to 31 January 2019

Meetings in Manila, and in Cotabato City