

TPMT

28 July 2017

Third Party Monitoring Team Fourth Public Report, March 2016 to June 2017

1) Summary

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

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

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

- a new roadmap was put forward by the Philippine government, and agreed by the MILF, that proscribed a “Two Simultaneous Tracks: Federalism + Enabling Law Approach,” where an expanded Bangsamoro Transition Commission would work to draft an “Enabling Law” and also propose constitutional amendments to be taken up during a change to federalism. Subsequent discussions affirmed the MILF position that the BBL should be enacted ahead of constitutional change. The roadmap also envisions a more inclusive process of drafting the new law, with convergence in the participation of the Bangsamoro fronts;
- the peace panels were re-styled as “Peace Implementing Panels” in a formal launch on August 13-14, 2016 in Kuala Lumpur, focusing more on the tasks of implementing the CAB rather than negotiation;
- a new and expanded Bangsamoro Transition Commission (including three members endorsed by the MNLF group led by Sema and Jikiri) was created through EO No. 8 on November 7, 2016, with eventual oath-taking of its 21 members on February 24, 2017;

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

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

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

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

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1) TPMT mandate, members, activities

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

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

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

The TPMT is supposed to have at least five members – two representatives from Philippine NGOs and two representatives from international NGOs (one of each being nominated by each Party, all being agreed by the two Parties), and one “eminent international person” (jointly nominated by the two Parties) as Chair. Currently, there are four members: the local members are Karen Tañada (Gaston Z. Ortigas Peace Institute) and Rahib Kudto (UNYPAD), the international member is Huseyin Oruc (IHH) and the Chair is Alistair MacDonald (former EU Ambassador to the Philippines, now retired). Brief CVs of the TPMT members are given in Annex II. Former international member Steven Rood (The Asia Foundation) left the TPMT in February 2017, and the Government Panel has yet to nominate his replacement (to be agreed by the MILF).

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

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

TPMT reporting during 2016/17, in addition to the third Public Report released in February, included one Quarterly Report submitted to the Panels in August 2016, detailing our principal observations and recommendations, as well as seven shorter “Exit Letters” transmitted to the Panels at the close of each TPMT session, providing some immediate impressions gathered during each of these visits. In line with our ToR, the Quarterly Report (and the Exit Letters) is confidential to the Panels.

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

In line with our ToR, this fourth TPMT Public Report, covering the period from March 2016 to June 2017, is intended to provide “an overall assessment of developments in the implementation of the Agreements” during this period.

2) Developments in the Implementation of the Agreements

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

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

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

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

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

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

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

Early on, Presidential Adviser on the Peace Process Jesus Dureza (who had served in that capacity during the administration of President Gloria Macapagal-Arroyo, as well as having previously been Chair of the government's panel for negotiations with the MILF) strove to develop a roadmap that would resolve such ambiguities as well as fulfill President Duterte's desire for an inclusive peace process involving more stakeholders. On July 18 2016 President Duterte approved a "Peace and Development Roadmap" in the presence, among others, of Speaker Alvarez.

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

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

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

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

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

The MILF Implementing Panel is chaired by Mohagher Iqbal, with Aboud Syed Lingga, Abdullah Camlian, Said Shiek and Timuay Melanio Ulama as members. Recently,

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

Marjanie Mimbantas and Mahmoud Estino have replaced Said Shiek and Melanio Ulama, bringing a younger generation into the peace leadership.

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

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

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

The work of the BTC

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

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

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

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

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

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

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

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

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

Musolini Lidasan, an Iranun-Maguindaoan, is director of the Al Qalam Institute of Islamic Identities and Dialogue in Southeast Asia at the Ateneo de Davao University.

Romeo Saliga, a Teduray from Maguindanao, was executive assistant to former BTC Commissioner Froilyn Mendoza. He also served as Executive Director of the defunct Lumad Development Center.

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

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

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

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

pending the release of the BTC budget by the Department of Budget and Management, in order that all committees could begin work immediately.

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

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

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

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

From May 30 to June 1 the various BTC Committees met to work on their final committee reports, in time for a meeting of the Coordinating Committee (composed of all Committee heads) on June 2-3 in Davao City that consolidated the Committee reports and finalized the

new draft law. By June 5, the en-banc BTC at its 4th session, put their initials on the new draft law, being called the “new BBL” However, further sessions on 5 to 7 June were held by the BTC in Makati City in preparation for submission of the draft law to the Office of the President. After some “final changes”, the en-banc BTC formally signed the new draft BBL at its 7th Session on June 16, 2017.

One of the most important challenges in the work of the BTC would have been in deciding how to deal with the issue of “constitutionality”. The President has on several occasions said that he would support the BBL, “minus the unconstitutional provisions”, which would have to be “parked” and be pursued in the constitutional change process. He cited the example of regional armed forces and even regional police in the previous BBL. However, In point of fact, the BBL did not provide for regional Armed Forces, only for the AFP to have a separate regional command for the Bangsamoro region, comparable to the Western Mindanao Command or Eastern Mindanao Command. It did call for a Bangsamoro police, but in a way that the drafters felt was constitutional.

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

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

After several postponements in the schedule for formal submission by the BTC of its final new BBL Draft to President Duterte, this event took place on July 17, 2017. Moreover, the occasion was designed as a simultaneous turnover of the BBL Draft to Congress through Senate President Pimentel and Speaker Alvarez. This arrangement implies that there may

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

no longer be review of the draft by the Office of the President, particularly the legal team, to avoid further delay of the process. The BTC's choices in terms of constitutionality would then be affirmed or rejected in the deliberations and in the final versions of the draft law that will come from the houses of Congress. The same thing is likely to happen on the effort to converge the CAB, the Final Peace Agreement with the MNLF, and the IPRA in the new law.

Moro National Liberation Front (MNLF) and convergence

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

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

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

On the other hand, Nur Misuari's historically good relations with Rodrigo Roa Duterte were well-known (he gave an interview during the campaign endorsing Duterte⁴) and there was constant talk of a meeting between the two men. Such a meeting was complicated by the fact that Nur Misuari faced arrest warrants over the September 2013 siege in Zamboanga City, so the administration had to arrange a temporary suspension (originally for 6 months) of the arrest warrant. This allowed Misuari to be brought to Malacanang on November 2 to meet with President Duterte.

Misuari made it clear he would not be participating in the Bangsamoro Transition Commission specifically, nor a peace process associated with the MILF. He named a five-member panel to finalize the full implementation of the 1996 Final Peace Agreement, headed by Attorney Randolph Parcasio.⁵ In turn, the government named Nabil Tan, OPAPP

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

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

Undersecretary and member of the government's Peace Implementing Panel for the MILF, as Chair of their panel for talks with Misuari's panel. It had been anticipated that discussions thru this process would result in draft amendments to Republic Act 9054 and other proposals that would then have to undergo "convergence" with the new BBL draft. However, by the time that the BTC had finished their final draft BBL, in June of 2017, there had still been no formal meeting between the panels led by Parcasio and Usec Tan. Instead interviews and statements by Nur Misuari, as well as by Atty. Parcasio focus on their proposals for federalism features and arrangements.

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

In short, while other elements of the MNLF were immediately willing to follow the Peace and Development Roadmap, MNLF Founding Chair Nur Misuari seemed to have other plans. There had been worries that Congress would thus be faced with two draft laws – one from the viewpoint of the Roadmap to abolish the ARMM and institute a Bangsamoro that complies with the CAB, along with the 1996 FPA and IPRA, and one from the viewpoint of Nur Misuari to amend the current ARMM to bring it into compliance with the 1996 FPA. However, after a meeting between President Duterte and Misuari and on July 18, 2017, the day after the BTC submission of the new BBL draft, Atty. Parcasio announced that the MNLF would no longer submit their draft "New Autonomy Law". Instead they were ready to participate in the establishment of a federal government, to include a One-Mindanao (MinSuPala) Federal State based on the totality of GPH-MNLF peace agreements.

Federalism

Apart from the issues of constitutionality and convergence, a question remains on the Peace Roadmap regarding the relationship between the Legislative Track toward the BBL and the Federalism track. Of serious concern for the MILF and the Bangsamoro constituency that firmly believe that the BBL must come first to ensure compliance with the CAB, is that the leaders of the House of Representatives and the Senate President seem to have little appreciation for the BBL. Rather, their political party the Partido Demokratiko ng Pilipinas-Laban (PDP-Laban), and the movement that led the electoral campaign for President Duterte have been campaigning intensively at grassroots levels for the Federalism option, working

together with the DILG. The perceived growing popularity of federalism even in areas like Lanao del Sur has alarmed BBL-first advocates, even though the 25 members of the Committee to study proposals for constitutional change created by EO No. 10 have yet to be named. Other politics and governance experts have on the other hand suggested that the MILF should also proactively consider how they can engage the constitutional change process to pursue the CAB.

Normalization

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

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

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

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

The Independent Decommissioning Body, headed by a Turkish Diplomat and having members from both the AFP and the MILF, has been supported both financially and with technical assistance from Turkey, Brunei and Norway. Given that the passage of the BBL would trigger decommissioning of 30% of the strength of the MILF’s Bangsamoro Islamic

Armed Forces (BIAF) by the time of the plebiscite (some 90 days after passage), very rapid action would be necessary after passage of the BBL.

The IDB has used the time since the 2015 symbolic decommissioning to build out its organization and ability to decommission combatants in their thousands. There was also a study undertaken by the Institute of Bangsamoro Studies of the background, experience, education, and socio-economic needs of the BIAF members to help in the design of packages for those decommissioned. However, given the lack of progress on passing the BBL, movement on the decommissioning stream has stalled. In the meantime, a new Chairman of the IDB has been named, Ambassador Salim Levant Sahinkaya (from Turkey) and he paid a call on both parties in February, 2017.

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

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

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

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

Another element of the normalization process that has not so far been accomplished is devising the parameters for amnesty for persons charged with offenses having to do with the Moro conflict. Under the previous administration, this had reported awaited some proposals by the MILF, while under the current administration the topic has yet to be addressed in talks between the implementing panels. The contrast with movement in the peace process with the National Democratic Front of the Philippines is striking. Since the accession of President Duterte, some 20 detainees have been released so as to be able to participate in the GRP-NDFP talks

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

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

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

The security situation and the Marawi Crisis

Despite the disappointment as the proposed BBL was unable to be passed under the Aquino administration, and the slow start to the overall process under the new Duterte administration, the lack of hostilities between the government and the MILF is striking. For the period from ... to ..., The International Monitoring Team (IMT) only identified one encounter between the Armed Forces of the Philippines (AFP) and the Bangsamoro Islamic Armed Forces, in February 2016, and this was characterized as a “misencounter” in the course of AFP operations against the BIFF in Datu Saudi Ampatuan in Maguindanao.

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

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

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

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

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

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

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

Abu Sayyaf Group in Basilan who has been named by ISIS as the “amir” of ISIS groups in the Philippines and beyond.

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

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

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

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

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

The armed conflict in Marawi will eventually be brought to an end, but it is now evident that extremism has emerged especially in Mindanao, and will not be eradicated by military action alone. Some efforts to address the issue have begun, such as the MILF Ad Hoc Committee on Radicalism, the ARMM Ulama Summit discussing terrorism, and various women and

youth programs on transforming violent extremism. However, much needed still are basic governance reforms particularly at local government level that address the conditions creating unrest, including by providing education and dignified livelihood especially for the youth.

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

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

Socio-Economic Development

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

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

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

3) Comments

As we had noted in previous reports, the challenges to the peace process are formidable, but the prizes are great. And clearly, the alternative of an unresolved conflict providing ground for increased terrorist actions is unacceptable. The current crisis in Marawi is a stark picture of the dangers that have emerged as the Mindanao and the Philippines are not immune from global trends of radicalism interplaying with local dynamics.

The past eighteen months have been marked by important developments:

- there was a strong sense of optimism based on the first Mindanaoan President's repeated pledges to bring peace to Mindanao, coming from an inherent understanding of historical injustice;
- there had been a natural delay in the process because of the transition in administrations, but a quicker re-start than in the previous administration;
- a new roadmap for Peace and Development was early on revealed, with the Two-Track approach of Legislation of a Bangsamoro Enabling Law and Federalism;
- more visible efforts on inclusivity were incorporated into the roadmap, and pursued especially in bringing in the MNLF faction of Nur Misuari as well as of Sema-Jikiri (and of Alonto);
- the new Bangsamoro Transition Commission accomplished its work of drafting a new BBL in a very timely manner, despite the delay in their establishment and shortened period for their work;
- the ceasefire mechanisms have remained smooth and effective, generally preventing mis-encounters between the forces despite intensive AFP operations against other armed groups ;
- domestic and international support for peace remain strong and evident even in financial terms - the Philippine Congress readily granted a huge increase of Php 7 billion to the OPAPP budget for implementation of development projects; International agencies and countries are renewing support for through new mechanisms as old ones close. The EU just for example recently pledged to provide Php200 million support to the peace process for the coming 18 months;
- the two parties continue to be firmly engaged, now in a mode of "implementation" rather than negotiation of the CAB, aiming to focus on the details that bedevil the accomplishment of peace

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

- the slow start in constituting the BTC brought further anxiety for key stakeholders who believe that the passage of the BBL must precede moves to change the constitution to establish a federal form of government. There remains some confusion and concern on the timing and relationship of these two tracks;
- there has been slow progress on Normalization, given that major elements are dependent on corresponding milestones on the BBL. But also more attention could be given to

providing improved benefits for the decommissioned combatants and on anticipated socio-economic programs. More action could also be taken on the TJRC recommendations, particularly steps to create the NTJRCB as the body that will carry through on implementation.

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

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

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

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

The destruction has been tremendous, in terms of human lives, property, businesses and heritage and will require an enormous process of rebuilding. It will not be enough that billions are made available; Marawi should rise again based on the design and participation of its citizens and communities.⁹

However, beyond the actual conflict is the alarming emergence of terrorism as the force behind this crisis. Despite many warnings on reports of intensifying recruitment by extremist groups, as well as the evidence of actions like the Davao bombing perpetrated by these groups, there had been a failure by government analysts to appreciate the capacity of the terrorists for massive armed action. There is then the urgent need to address this problem with sufficient police/ military action, yet also with strictly proportionate force and with utmost care for civilian lives and their rights. It is well known that abuse of force and perceived injustice tend to draw more resistance and counter-violence. Rather, intensive affirmative measures should be taken to provide socio-economic opportunities, and to promote religious and cultural pluralism and inclusivity. Instances of discrimination

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

against evacuees, and security profiling based on religion and ethnicity should not be allowed to continue.

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

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

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

As the fighting subsides, it should be clear that a comprehensive approach that addresses the Bangsamoro aspirations by installing a Bangsamoro government exercising the fullest autonomy is the path to sustainable peace. The Comprehensive Agreement on the Bangsamoro that has been the product of 17 years of difficult negotiation as the other form of struggle for self-determination, remains the cornerstone of peace.

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Karen Tañada

Huseyin Oruc

Rahib Kudto

Alistair MacDonald

TPMT

28 July 2017

**Third-Party Monitoring Team
Fourth Public Report, March 2016 to June 2017**

Annexes

- I. Terms of Reference of the TPMT**
- II. TPMT Members**
- III. Calendar of TPMT sessions, March 2016 to June 2017**
- IV. Researching and monitoring activities** carried out by GZO Peace Institute and UNYPAD in support of TPMT activities

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
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

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(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.

Calendar of TPMT sessions

During 2016, the TPMT convened five times in the Philippines, and in 2017, the TPMT has so far convened thrice in the Philippines (see schedule below). In addition, some TPMT members attended as observers some peace process-related meetings and events.

In addition to meetings in Manila, in Darapanan and in Cotabato City, the TPMT has also travelled in 2016 to Tawi-Tawi as well as to neighbouring areas such as Davao and Zamboanga Cities.

16 to 26 February 2016

Meetings in Manila, and in Darapanan, Cotabato City and Davao City

25 April to 06 May 2016

Meetings in Manila, in Darapanan and Cotabato City, and in Tawi-Tawi and Zamboanga City

19 to 28 July 2016

Meetings in Manila, and in Darapanan, Cotabato City and Davao City

3 to 14 October 2016

Meetings in Manila, and in Darapanan, Cotabato City and Davao City

5 to 12 December 2016

Meetings in Manila, and in Darapanan and Cotabato City

6 to 14 February 2017

Meetings in Manila, and in Darapanan and Cotabato City

8 to 13 May 2017

Meetings in Manila, and in Darapanan and Cotabato City

19 to 28 July 2017

Meetings in Manila, and in Darapanan and Cotabato City

During these sessions, the TPMT has met regularly with both Panels and with other bodies associated with the peace process, with senior figures of the Government and of the MILF, with a number of MNLF leaders, with ARMM regional government executives and legislators, with AFP and BIAF commanders, with civil society organisations (including women's and youth groups as well as lumad organisations), and with representatives of the private sector and academe. The TPMT has also met with a number of independent local peace process observers as well as members of the diplomatic community.

**Research and monitoring activities carried out by UNYPAD and
GZO Peace Institute in support of TPMT activities**

These activities were implemented by the United Youth for Peace and Development (UNYPAD), Gaston Z. Ortigas Peace Institute (GZO Peace Institute) under their own responsibility but in support of TPMT activities, and drawing on modest support provided under the EU grant for TPMT activities (administered by UNDP).

UNYPAD activities, commencing in May 2016 up to February 2017, covered a number of focus-group discussions, key-informant interviews and community surveys, bringing together a wide range of stakeholders including local-government and national-agency officials, civil society organizations, women's, youth and lumad groups, students and academe, religion leaders, business, traditional, security and the private sectors. *Activities conducted were:*

- **30 focus group discussions**, in Central Mindanao (Maguindanao, Cotabato City and North Cotabato), Northern Mindanao (Lanao Del Sur, Marawi City and Lanao Del Norte) and in Western Mindanao (Basilan, Sulu and Tawi-Tawi), with a *total of 368 participants (59% male, 41% female)*;
- **30 key-informant interviews**, at various locations in Central Mindanao (Maguindanao and North Cotabato), Northern Mindanao (Lanao Del Sur and Marawi City) and in Western Mindanao (Basilan, Sulu and Tawi-Tawi), with a *total of 33 participants (70% male, 30% female)*;
- **Two (2) rounds of Community Surveys**, in Central Mindanao (Maguindanao, Cotabato City and North Cotabato), Northern Mindanao (Lanao Del Sur, Marawi City and Lanao Del Norte) and in Western Mindanao (Basilan, Sulu and Tawi-Tawi), with a *total of 383 participants (57% male, 43% female)*.

The activities done by the **GZO Peace Institute** from April 2016 to January 2017 in support of the monitoring tasks of the TPMT were the following:

- **three public forums** on updates regarding the Bangsamoro peace process were conducted with various stakeholders, with **four meetings** also held to discuss current issues;
- a **Conference on Women and Peace in the Bangsamoro** was held in Manila with 40 participants representing 28 organizations;
- a **National Youth Conference on the Bangsamoro** was also done generating nationwide support among youth organizations;
- **two conferences were done on Transitional Justice and Reconciliation**, with one conference drawing 95 participants to discuss this significant aspect of normalization;
- and **social media platforms** were maintained to support networking and information dissemination.