

## **Summary of the conversations during the “ 10<sup>th</sup> Pakighinabi Peace Lens: Transition Process in the Bangsamoro” (18 August 2014)**

The 10<sup>th</sup> 'Peace Lens' conversation which focused on the “Transition Process in the Bangsamoro” was held on last August 18, 2014 and appropriately concluded the Pakighinabi/Peace Lens series after exactly one year.

Three weeks before the the actual submission of the final draft of Bangsamoro Basic Law to Congress, the vagueness, the lack of transparency and the abundance of rumors concerning the mechanisms of the BBL drafting and its submission had begun to hamper the initial enthusiasm that had followed the signing of the Comprehensive Agreement on the Bangsamoro (CAB) in March 2014. However, the BBL was only one factor in the Bangsamoro Peace process, argued this conversation's lead discussant Atty. Camilo 'Bong' Montesa, and a thorough analysis of the transition process called for a holistic view and a willingness to start working on a broad range of issues now.

Atty. Montesa served as UNDP Senior Stakeholder Advisor providing Bangsamoro Transition Commission (BTC) key technical and legal advice. In previous years, he worked with the government as Assistant Secretary Peacemaking and Peacekeeping and as Senior Negotiations Advisor of government in the GRP/GPH-MILF peace process.

*Please find below the main ideas and key questions discussed among the representatives from civil society groups, government agencies and academic institutions.*

**The transition process is not a straight line and should not be all too focused to the BBL** because there are other non-BBL mechanisms that need to be taken into account parallel with the passing of the law:

- Constitutional amendments
- Establishment of the Bangsamoro Transition Authority
- Establishment of the Joint Management Committee
- Establishment of Joint Peace and Security Committees
- Redeployment of AFP and PNP personnel
- Disposal of landmines and other explosive devices
- Dismantling of private armed groups
- Socio-economic programs for the combatants
- Decommissioning of the Bangsamoro Islamic Armed Forces (BIAF)
- Transitional Justice Programs
- Rehabilitation of the camps and preparation of amnesty programs and similar measures
- Signing of the exit document.

**What is the plan B of the government on this peace process? What happened to the BBL when it was submitted to the Office of the President?**

Publicly, both parties will not see that there is a Plan B because it seems like giving up on Plan A. The MILF was saying that if the BBL will not be pushed through, other transitional arrangements will not be implemented neither. The hard topics are now basically within the committees that were created for the normalization process. They were not convened yet because of the current status of the BBL. But for those who are interested in peace, security and transitional justice, there will be some windows of hope now that the BBL will be going to Congress soon.

**Is there a plan beyond 2016 since we know that the transition mechanisms might not end in 2016? What are the possible scenarios from now (August 2014) until January 2015?**

The original plan and roadmap is for the BBL to be approved by Congress late November or first week of December. 120 days later (i.e., April), a plebiscite will be scheduled. Once the BBL is approved, maybe in June, the official Bangsamoro Transition Authority will be installed.

- Possible scenarios are the following: 1) What the President will give to the Congress will not be passed or 2) the passed version will not be acceptable to the MILF.
- Another scenario is that this will be a start of a good conversation for the whole country, as well. And in these conversations, there is a need to discuss and explain the antecedents of the current Bangsamoro context especially among the younger generations, the non-Moro populations outside the Bangsamoro territory and the islands outside of Mindanao.
- Again another scenario is that the Congress will just approve a version of the BBL even though it might differ from the MILF's original draft. The MILF knows that when you give a draft to Congress, there is a possibility that it will be changed and there will be other issues that will be laid down.
- Another scenario is for the government to say "*It's enough, let us not go to war, let us stop where we are.*"
- On the other hand, another possibility is that the Congress will accept the whole package and then the process will roll out as expected (i.e., BBL comes out in December, plebiscite by April, then June you have the Bangsamoro Transition Authority).

But these scenarios only cover the context at the political level and render the peace process a very elitist process . The conversations should also touch on the possible scenarios that would happen on the ground, to the Mindanaoans, to the communities within the Bangsamoro core territory and the adjacent communities, to the local government units within the ARMM and so on. Are they prepared to be part in the transition process and to the arrangements in the future political entity?

The good thing with the current GPH-MILF peace process compared to the GRP-MNLF peace process are the mechanisms that were put in place which would guarantee that both peace panels can continue to talk for further options even when the BBL will not be passed in Congress or when things go beyond what has been imagined in the Bangsamoro roadmap.

**The Bangsamoro is a novelty for the Filipino public.** The Bangsamoro and the discussions surrounding it are not only part of a Mindanao project but a Filipino project, a conversation that should not be dominated only by the politicians. This peace process is becoming a real project for the whole country since the Bangsamoro will have implications not just in the Bangsamoro territory but also to the Philippines, e.g., in terms of economical and political implications.

So far, most people within the Philippines consider the ARMM status quo unacceptable even though they are not aware of the actual configuration of the political entity. However, with a successful transition process there is a real chance that there'll be a real change in the usual understanding of the Bangsamoro.

Among the politicians it would be helpful for the government to appoint somebody to talk to the congressmen, to the governors and mayors of Mindanao in order to find out their mood and perspectives of this current political process.

Another good way of looking at this new Filipino conversation is that new model might emerge from the process, that would be applicable not just for the Bangsamoro but for the IPs within the Bangsamoro areas and elsewhere.

**What is needed is the strengthening of grassroots' participation who will push for the peace agreement whatever happens in this political process dominated by the political elites.** Huge mobilizations and any form of public clamor in the whole of Mindanao that would buy-in support from the politicians and might influence the decision-making process of the Congress and the Supreme Court remain to be seen.

Civil society organizations in Mindanao have tried to broaden the debate and ensure people's participation when they conducted thousands of consultations on the Bangsamoro Basic Law. However, it is (yet) unclear how the results of these consultations submitted to the BTC will be reflected in the BBL.

**Push for longer transition period.** The challenge now is how to realize the transition, especially since the period of one year to prepare the ARMM will not be enough time. What would Congress need to allow a longer transition period? If it would be allowed that the transition period was from 2016 to 2019, then 2019 would be the year of the first regular elections for the Bangsamoro. A prolonged transition period would allow the other twelve non-BBL transitional mechanisms mentioned by Bong Montesa, such as the transitional justice or the decommissioning process to take place before.

It remains to be seen whether the change of presidency and administration will provide another opportunity to call for a longer transition period. However, this might mean engaging the potential 'presidentiables' already at this point on the Bangsamoro issue.

### **The constitutionality of the BBL.**

Before the GRP-MILF started their negotiations in 1998, they agreed that on the one hand the MILF would not insist on their claim for independence and on the other hand the Philippine government should not insist on the issue of constitutionality. But now that the BBL is in Congress, it seems that the question regarding the legal status of the BBL has now again resurfaced, despite observable compromises from the side of the MILF. When the MILF agreed to this peace process, it also meant that they acceded to the Philippine constitution. But one cannot forgo the Bangsamoro's dream for independence. It is only in this current peace process, that independence is not on the table.

The Philippine government promised the MILF that the constitution was flexible. But this flexibility is not in the constitution but in the minds of the justices who will make those decisions in the future. The question is not so much on the flexibility of the Philippine Constitution but on how the Supreme Court will determine and interpret it.

If the President is serious about constitutional change, he can actually entrench the CAB in the Philippine Constitution. Once the BBL is passed by the Office of the President to the Congress, it becomes a joint project by the government and the MILF. This means the need to work together for the approval of the Congress.

**Dismantling private armed groups, decommissioning and reintegration of combatants.** How will the MILF and the government address these issues in the transition process? It is foreseen that a joint Normalization Committee will be established to study the mechanisms to implement these projects.

*A project by forumZFD, Bread for the World EED-ZFD (Civil Peace Service), and the Al Qalam Institute for Islamic Identities & Dialogue in Southeast Asia, Ateneo de Davao University*

For the combatants, surrendering their weapons should be put in a better frame. Most of them would never agree of the idea to be reintegrated in exchange of surrendering their weapons since they were never separated from their communities as combatants. Imagining normalization in terms of detaching combatants or communities from their weapons implies to look at tangible incentives .

The relevant questions to be asked to the government on this are: Is it willing to give up private armed groups? Is it willing to change the gun law to pave the way for the dismantling of private armed groups? How does the government entities prepare itself for these upcoming changes?

Defining who are considered as private armed groups would be important. For example here in Mindanao, the Civilian Armed Force Geographical Unit (CAFGU) and Civilian Voluntary Organizations (CVO) are considered public forces. But in operation, once the entire process is politicized, they operate as private actors.

On the other hand, in the context of the island provinces of the ARMM and in Lanao Sur, private armed groups are created not to fight with the government but they are engaged in feudal conflicts or rido. Their guns are even more sophisticated than those of the MNLF or MILF. How can these groups be disarmed?

Another aspect is how to connect the discourse on disarmament to the discussion on justice or the existence of effective conflict resolution mechanisms on the ground. People carry guns because their lack of trust in the existing justice system. They might be pushed by the idea that they cannot entrust their sense of security to the police or government forces.

**Engaging the hard-to reach actors.** Talking about transition process should also focus not only on the mechanisms but also on further actors who are important to be engaged. This means the need to bring on board the MNLF, the BIFF, ASG, and the other armed groups. It requires some deeper thinking on how to bring in those who are out of the table. Most of the time it is the voiceless actors excluded from the negotiating table that will later become the spoilers.

If another group comes in after the signing of the exit document and assert their right to self-determination, they have the right to do so since it is a political exercise. This must be separated from the discussion of private armed groups.

Especially in dealing with the island provinces in ARMM which are mostly the clout of the MNLF and Abu Sayyaf Group, the questions remain how the normalization process will be implemented there?

**The need to create bigger platforms of conversation and the need to bring the conversations upward and downward.** There is a need to create a bigger platform, a Mindanao platform or even a national platform to discuss the whole Bangsamoro question and to explain the need for this kind of new set-up.

The aim of this would not only be to make the conversation bigger but also a to bring up the controversial issues from the ground to a higher level where it can be addressed in the proper fora. On the other hand, the conversations need to be brought downwards in order to stronger involve the communities..