

Independent Study on the Status of the Implementation of the 2016 Recommendations of the Transitional Justice and Reconciliation Commission

July 2024

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Scenes from Mindanao archipelago in the Philippines © TJRC.

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Acronyms

AFP	Armed Forces of the Philippines
BAA	Bangsamoro Autonomy Act
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BHRC	Bangsamoro Human Rights Commission
BOL	Bangsamoro Organic Law
BTA	Bangsamoro Transition Authority
BYC	Bangsamoro Youth Commission
CAB	Comprehensive Agreement on the Bangsamoro
CHR	Commission on Human Rights
DAR-OMA	Department of Agrarian Reform – Office for Mindanao Affairs
FDFA	Federal Department of Foreign Affairs
GPH	Government of the Philippines
ICCMN	Inter-Cabinet Cluster Mechanism on Normalization
IGRB	Inter-Governmental Relations Body
IHL	International humanitarian law
IHRL	International human rights law
JNC	Joint Normalization Committee
LGU	Local Government Unit
MCB	Marawi Compensation Board
MILF	Moro Islamic Liberation Front
MIPA	Ministry of Indigenous Peoples’ Affairs
MPOS	Ministry of Public Order and Safety
NAP-WPS	National Action Plan on Women, Peace and Security
NMIP	Non-Moro Indigenous Peoples
NTJRCB	National Transitional Justice and Reconciliation Commission on the Bangsamoro
OPAPRU	Office of the Presidential Adviser on Peace, Reconciliation and Unity
PIP	Peace Implementing Panels
RAP.WPS	Regional Action Plan on Women, Peace & Security
TJ	Transitional Justice
TJR	Transitional Justice and Reconciliation
TJRC	Transitional Justice and Reconciliation Commission
TPMT	Third Party Monitoring Team
TWG	Technical working group
UN	United Nations
WG	Working group

Author biographies

Dr. Nora Refaail is a mediator and an expert on transformation as well as dealing with the past and reconciliation processes. She advises the international community, governments, civil society and victims' organizations on a broad range of transitional justice topics such as accountability and justice, gender justice, reparations, truth-seeking, institutional reform and reconciliation. Nora teaches at the University of Basel (transitional justice) and Bern (conflict management and communication) as well as various other institutions. She is a senior associate for Interpeace's consulting team in Geneva. Nora is an attorney and holds a PhD from the University of Basel and an LL.M. from Columbia University in NY.

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She obtained her bachelor's degree in political science from the Mindanao State University, Marawi City, and her master's in Governmental Science from the School of Jusuf Kalla, Universitas Muhammadiyah Yogyakarta, Indonesia. Ms. Moner served as a consultant of international non-governmental organisations like the United Nations Development Programme, The Asia Foundation, Centre for Humanitarian Dialogue, and Non-Violent Peace Force on peace and security issues such as gender-responsive preventing/transforming violent extremism, and culturally appropriate peace mechanisms.

I. The Mandate and Objective of the Independent Study

Eight years have passed since the Transitional Justice and Reconciliation Commission (TJRC) issued 90 recommendations in February 2016 to support the right to truth, justice, reparations, and guarantees of non-recurrence for the Bangsamoro people in the Philippines.

As we take stock of what has happened and a way forward, the following key questions come to mind: Where do we stand today regarding the implementation of those recommendations? Have appropriate mechanisms been created to address and correct historical grievances of the Bangsamoro people, human rights violations as well as marginalisation through land dispossession? Has healing and reconciliation been promoted among the different communities affected by the conflict in Mindanao and the Sulu archipelago?

The purpose of this study is to:

1. Provide an overview of the relevant developments since the TJRC report was published in 2016 (with a focus on changes in context and political landscape).
2. Assess progress in the peace process and normalization track regarding transitional justice (TJ).
3. Review mechanisms introduced and measures taken to advance TJ in the Bangsamoro context.
4. Identify elements hindering comprehensive progress of the dealing with the past process.
5. Offer suggestions on how to advance TJ as proposed by the TJRC.

This independent study was commissioned by the Peace and Human Rights Division of the Swiss Federal Department of Foreign Affairs (FDFA) and the Embassy of Switzerland in the Philippines. The findings of this publication do not necessarily reflect the views of the FDFA.

The study aims to serve as a resource for stakeholders to enable dialogue on the next steps to advance TJ measures building on the TJRC report. The government of the Philippines (GPH) and the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) authorities are aware that progress in this regard is needed to conclude the exit agreement foreseen by the Comprehensive Agreement on the Bangsamoro (CAB).

This study does not aim to assess, add or remove recommendations, nor will it uncover or investigate new grievances that have taken place since 2016.

We want to thank and acknowledge the expertise, time and engagement of all the interlocutors we interviewed. We have heard their stories, their efforts and struggles, sometimes desperation, mostly a lot of pain, and seen tears. With this report, we hope to echo their wish for a prosperous Bangsamoro and just peace for the Philippines. We specifically extend our appreciation to Mags Maglana, expert on TJ, for accompanying us during the first interview phase of this study.

After a brief presentation of our methodology and approach (II.), this study contains three main chapters:

- III. Starting point: TJRC mandate, approach, and recommendations
- IV. Current situation: Developments and remaining challenges in the implementation of the TJRC recommendations since 2016
- V. Looking ahead: Assessment and Recommendations

II. The Methodology and Approach

This study uses a mixed methodology consisting of:

1. A review of existing literature, including official and, when available, internal documents.
2. Interviews with a broad range of stakeholders (including GPH and BARMM authorities, civil society organizations, Third Party Monitoring Team (TPMT), international partners, experts on national and regional levels etc.). With the permission of our interlocutors, we have included quotes that we gathered. As promised, these have been presented anonymously so as to maintain the confidentiality of our conversations.

A list of all consulted institutions is available in Annex 1.

III. Starting Point: TJRC Mandate, Approach and Recommendations

After 17 years of negotiations, the CAB was signed on 27 March 2014, by the GPH and the Moro Islamic Liberation Front (MILF) for just and sustainable peace in the Bangsamoro.

The CAB's normalization track stipulates the creation of a TJRC to protect and enhance the rights of the Bangsamoro people and other communities in the Bangsamoro to live in dignity and peace. The TJRC was mandated to “undertake a study and recommend to the panels the appropriate mechanisms in addressing the legitimate grievances of the Bangsamoro people, human rights’ violations and correct historical injustices”.¹

The TJRC was mandated to study and recommend appropriate mechanisms to address:

- Legitimate grievances of the Bangsamoro people.
- Historical injustices.
- Human rights violations.
- Marginalisation through land dispossession.

The TJRC was composed of representatives from the GPH and the MILF and chaired by an international expert.²

Subsequently, the TJRC conducted an elaborate consultation that has been assessed as an inclusive and extensive listening process. It was explicitly framed and understood as a dialogue to encourage victim/community ownership, build social capital, and create a collective narrative to formulate context-specific recommendations.³



Photos from meetings and working groups of the TJRC © TJRC

¹ CAB, 2014 p. 8.

² Chair: Ms. M^o Bleeker, Special Envoy, Swiss Federal Department of Foreign Affairs; GPH Delegate: Atty. Cecilia Jimenez- Damary; MILF Delegate: Atty. Ishak Mastura; GPH Alternate Delegate: Atty. Mohammad Al-amin Julkipli; MILF Alternate Delegate: Atty. Abdul Rashid Kalim; Senior Adviser: Mr. Jonathan Sisson, Swiss Federal Department of Foreign Affairs, and Senior Gender Adviser: Dr. Ma. Lourdes Veneracion.

³ ICTJ, Transforming Social Relations, Restorative Responses to Massive Human Rights Violations, April 2024, p. ES 3.

The Bangsamoro Opportunity

The TJRC concluded that implementing the CAB, including its TJ provisions, is a ‘Bangsamoro opportunity’. It is not just of unique and extraordinary significance for the Bangsamoro, but for the whole Filipino nation because it offers an opportunity for the:

- Recognition of the historical and cultural resilience of the Bangsamoro and indigenous peoples as a vibrant and constructive part of the Philippines, based on the acknowledgment of plural identities.
- Philippine State to assume political and moral responsibility for all its peoples by opening and strengthening spaces for political debate and for the nonviolent management of conflicting views and interests.
- Philippines to join hands with the Bangsamoro and indigenous peoples to promote the rule of law, security, and development in the Bangsamoro. This is a potential model for the rest of the country.
- Philippines and Bangsamoro to embrace diversity as a key human resource for its society.
- Philippines to become a champion in the protection of diversity and territorial integrity at regional and international levels.

In its 2016 report, the TJRC recommended the creation of the National Transitional Justice and Reconciliation Commission on the Bangsamoro (NTJRCB) with 4 Sub-Commissions dealing with:

- Historical Memory.
- Impunity, Accountability, and Rule of Law.
- Land dispossession.
- Healing and Reconciliation.

Based on the United Nations (UN) principles against impunity defined by Louis Joinet & Diane Orentlicher (see box), the TJRC issued specific recommendations under the following four principles:

- Right to truth.
- Right to justice.
- Right to reparation.
- Guarantee of non-recurrence.

Following these fundamental principles for justice and peace (see box on next page), the TJRC issued recommendations, acknowledging that such a process needs time and strategic orchestration. For a truly strategic approach to dealing with the past, the TJRC recommended that political will and decision at the highest level is needed.



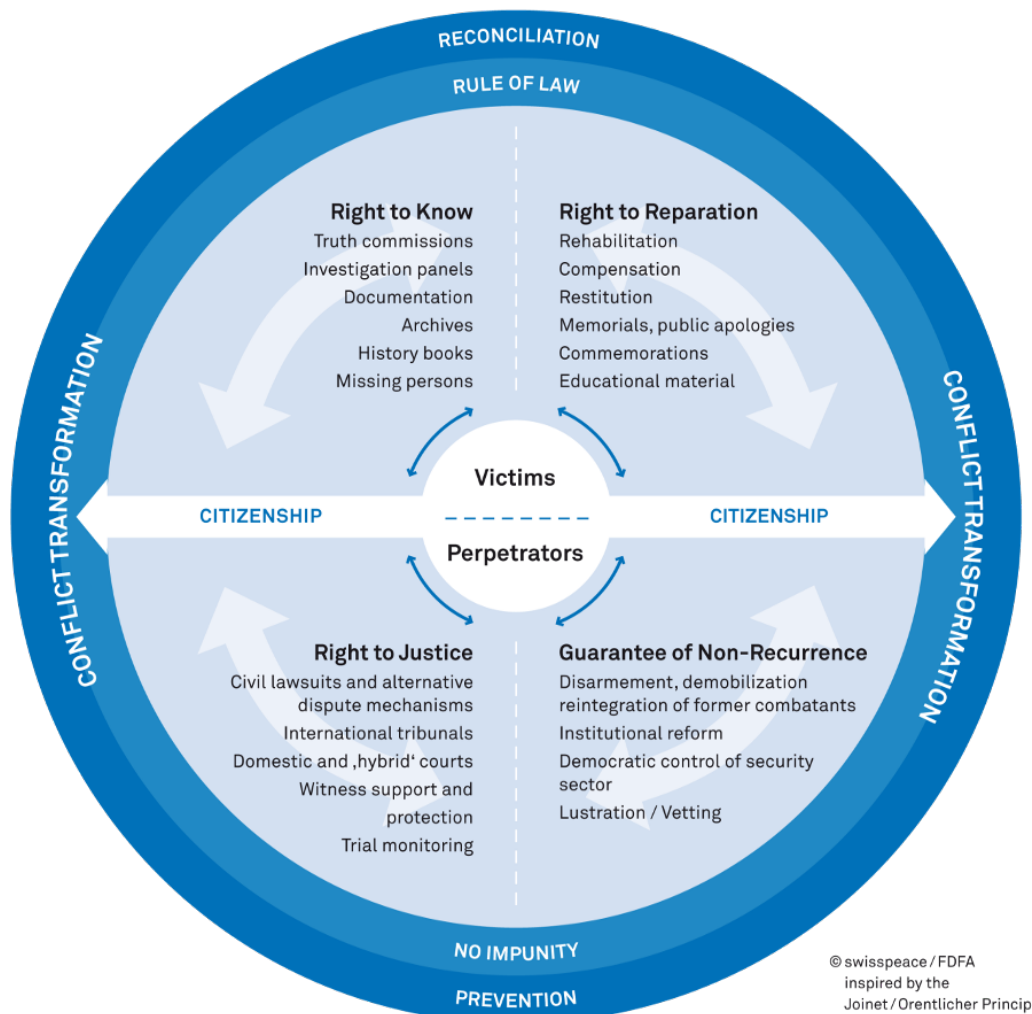
Landscapes from the Mindanao archipelago in the Philippines © TJRC.

ABOUT the UN principles against impunity

The UN principles against impunity defined by Louis Joinet & Diane Orentlicher were used by the TJRC as a conceptual and analytical framework for TJ (also referred to as ‘dealing with the past’).

Developed to combat impunity for gross human rights violations, these principles are founded on both the State’s role in ensuring accountability for wrongs committed, and the rights of victims to seek redress for past abuses.

Initiatives related to truth-seeking, justice, reparations, and guarantees of non-recurrence offer a mutually reinforcing framework to ensure accountability and redress the rights of the victims and establish the rule of law. The process of ‘dealing with the past’ puts in place conditions to address the underlying causes of violent conflict, contribute to establishing democratic norms of tolerance and power sharing that will reflect the social, economic, and cultural diversity of a country. In turn, this contributes to civic trust between communities and state institutions as well as within communities, which furthers peace and reconciliation efforts.



“Dealing with the past” framework based on the principles against impunity by Louis Joinet & Diane Orentlicher © swisspeace and FDFA.

IV. Current Situation: Developments and Remaining Challenges in the Implementation of the TJRC Recommendations since 2016

A. Establishment of the BARMM

While the CAB formally recognised the Bangsamoro identity, acknowledged legitimate grievances, and provided for the establishment of a new political entity in the form of a representative government, it was the Bangsamoro Organic Law (BOL) ratified as Republic Act No. 11054 that led to the creation of the BARMM in 2019.

The (1) existence of the BOL, (2) the establishment of the BARMM and, (3) the MILF-led Bangsamoro Transition Authority (BTA) in Cotabato, laid the foundations for meaningful self-governance in the Bangsamoro. The MILF leadership stated, “the establishment of the BARMM with a parliamentary form of government is the crowning glory in the implementation of the peace agreement.”⁴

Following national and local elections, in June 2022, President Ferdinand R. Marcos Jr. appointed the second BTA Parliament. The 80 members of the BTA will serve until the first democratic elections which take place in May 2025. The BTA has focused on essential legislative work. However, the Indigenous Peoples Code has not yet been adapted.

The establishment of the BARMM as the political and institutional infrastructure for the self-determination of the Bangsamoro people, and the recognition of the Moro identity and their distinct social and cultural heritage, can be considered as the successful realisation of TJRC’s Recommendation 7.a. linked to the “Guarantee of non-recurrence” principle.

The existence of the BARMM can be qualified as a redress for historical injustices and legitimate grievances. According to the TJRC recommendations, the existence of the BARMM is an official recognition from the GPH that it allows for the diversity of peoples and communities. This recognition is inherent to any modern democracy based on equality of opportunity and on the rule of law. Simultaneously, the political and legal framework lays the foundation for the good governance of the Bangsamoro: to develop the Bangsamoro region and people, to proudly assert their identity, and constructively engage with their own multiethnic constituency (see TJRC report⁵). However, the GPH, MILF and the BARMM authorities still need to demonstrate the real-life implementation of these foundational principles for good governance. The completion of TJRC’s substantial recommendations and components of the normalization track is thus still necessary.

In the following section, we highlight relevant elements of the normalization process to be considered.

B. Normalization Track within the Bangsamoro Peace Process

The normalization track focuses on the gradual transformation of conflict-affected areas into peaceful and progressive communities. Components of the normalization process include:

- Policing.
- Decommissioning of combatants.
- Redeployment of the Armed Forces of the Philippines (AFP).
- Demining.
- Disbandment of Private Armed Groups.
- Socio-economic development (Camp transformation).
- Transitional Justice and Reconciliation.
- Confidence-building measures.

⁴ 2024 Status Report on the Accomplishments, Gaps and Challenges in the Implementation of the Comprehensive Agreement of the Bangsamoro (CAB) on the occasion of the Tenth Anniversary Celebration of the Signing of this Agreement on March 2014, presented by Mohagher M. Ighbal, p. 5.

⁵ TJRC Report, p. 15.

Progress of the normalization track has been assessed as slower compared to the political track which has showed solid progress with the establishment of the BARMM.

So far, we observe:

1. An emphasis on the decommissioning of the MILF members of the Bangsamoro Islamic Armed Forces through the Independent Decommissioning Body and the transitional cash assistance to the decommissioned.
2. The implementation activities on other elements of the normalization track are limited to planning, study, development of a road map, formation of committees and study groups and fund sourcing.
3. A lack of coordination between components. Our interviews indicated that each component is dealt with in silos. Efforts come across as single-handed without establishing the necessary links between and across the different components of the normalization track and especially not with the TJ component.

This independent study will not provide a detailed assessment of all the components of the normalization process. In this regard, the TPMT report 2023 and the 2024 Status Report on the CAB provide a useful overview.⁶

From a TJ perspective, it is important to state that all the components of the normalization track are critical for a successful dealing with the past process. Questions around amnesty, camp transformation, disbandment of private armed groups, decommissioning, policing and redeployment of the AFP - handled appropriately – are all enabling conditions for the sustainable implementation of the TJ measures recommended by the TJRC. This is indispensable to achieve the goals of the TJ framework namely combating impunity, strengthening the rule of law by acknowledging violations, redressing harm, establishing accountability, and reforming the system so that violations will not occur anymore. The different components of the normalization process are “mutually reinforcing imperatives” and it is only through their inter-coordination that they will contribute to sustainable peace, justice, and prosperity.

The following examples demonstrate the importance of a coordinated and comprehensive approach:

- Decommissioning and camp transformation contribute to the required stability for the fruition of TJ initiatives around truth, reparations and community healing. The implementation of TJ measures for accountability, truth, redress and institutional reform will on the other hand increase the likelihood that decommissioning, and reintegration programs achieve their aims, because it strengthens the legitimacy of the reintegration program from the perspective of victims of violence and their communities.
- The lack of coordination between TJ and decommissioning, camp transformation or amnesty may lead to unbalanced outcomes and missed opportunities. One outcome, for example, is that victims receive markedly less attention and resources than ex-combatants. This inequity is most stark when comparing benefits for ex-combatants with reparations for victims. As of today, the decommissioning and reintegration of combatants is an area where the absence of a restorative TJ lens has left some communities feeling excluded⁷.
- Regarding the granting of amnesties, how much truth a perpetrator reveals within the process for amnesty is not irrelevant. From a TJ perspective, granting someone amnesty should not relieve that person from the responsibility of telling the truth. Amnesties may not compromise either individual victims’ or societies’ right to know the truth about human rights violations.⁸
- The vetting and disbandment of private armed groups is important to dismantle networks of criminal activity which will otherwise persist, may destabilise the transition, and can eventually pose a serious threat to democratic institutions and to the rule of law. Vetting is not only about

⁶ TPMT Report 2023; 2024 Status Report.

⁷ ICTJ, Restoring Social Relations, Restorative Responses to Massive Human Rights Violations, April 2024, p. 9.

⁸ OHCHR, Rule of Law Tools for Post-Conflict States, Amnesties, 2009, p. 30 f.

detering individuals from criminal behaviour, but also an important institutional reform. Vetting disables structures within which individuals carried out criminal acts. If institutions (police, army, etc.) responsible for human rights violations are vetted early on in a transition process, other TJ measures will work better. The lack of vetting of the military for example can hamper collaboration between the military and judicial investigations of violations. Vetting is a mechanism to manage spoilers in a transition.

- The lack of a coordinated approach between the decommissioning of former combatants, policing and the redeployment of the AFP could lead to further violations, such as the reappointment of human rights abusers into roles part of the legitimate security sector. Such cases undermine public faith in security sector institutions and can lead to distrust within the armed forces.
- A specific focus on gender, youth, indigenous peoples and their specific needs in the process of accomplishing any of the normalization track is crucial to avoid re-victimisation and re-traumatisation.

To avoid one process negatively impacting another, there is a critical need to understand how the different components of the normalization process link with each other, with the different TJRC recommendations and other aspects of a peace consolidation process - be they political, humanitarian, security or justice related.

The CAB's annex on normalization stipulates the milestones which the GPH and the MILF must accomplish before an "Exit Document" can be signed. With this agreement, the parties certify that all requirements have been met and that the Bangsamoro peace process has come to a successful conclusion. Considering the first democratic parliamentary elections in May 2025, the parties contemplate signing the exit agreement around this time. It is evident that the parties need to demonstrate substantial development on all elements of the normalization components and on TJ for the peace process to be concluded. Many stakeholders on the BARMM side have emphasized that an exit agreement will not be signed until the GPH has made substantial steps towards fulfilling the TJ component, especially establishing a National Transitional Justice and Reconciliation (TJR) mechanism.

Recommendations:

- Peace Implementing Panels (PIP), GPH, BARMM authorities, TPMT and the International Community should focus on implementing all aspects of the normalization track, including the TJR aspects.
- Improve strategic communication between national and regional governments: PIP, GPH and the BARMM and the Local Government Unit (LGU) should specifically engage to ensure the implementation and continuity of the normalization processes and pay specific attention to the TJ related aspects of the process.
- The Joint Normalization Committee (JNC) and the different bodies working on different components of the normalization process should:
 - Conduct a mapping of (1) how each component is linked with the other and (2) how they are linked to the different TJRC recommendations and other aspects of a peace consolidation process, be they political, humanitarian, security or justice related, to avoid unintended negative impacts of processes between each other.
 - Ensure the different components of the normalization process are designed in a way that is mutually enforcing and enables the implementation of the TJRC recommendations.
 - Appoint a TJ focal point for each component and plan for regular exchanges and briefings among each other and the subclusters and working groups on TJR. These exchanges should allow to deal with possible tensions and help explore the possibilities for effective coordination between the different processes and how these processes can be connected in ways that contribute to stable, just and long-term peace.

In the following section, we take a closer look at the specific aspects of the TJ component within the normalization track and the status of the implementation of the recommendations of the TJRC.

C. Transitional Justice Governance Structures within the Peace Implementation Architecture

The TJ governance structure is anchored at two levels: (1) within the peace implementation architecture, and (2) positioned within the administration at the national and regional level.

Key structures include:

- **PIP**: responsible for the implementation of the peace process and bringing it to a successful conclusion.
- The **GPH-MILF technical working group (TWG)** on TJR, formed in 2019 by the PIP, with the mandate to review TJRC recommendations and ascertain priorities for the implementation of TJR interventions. The TWG was also tasked with developing a roadmap to operationalise the TJR component of the normalization process.⁹
- The **JNC**, established in May 2014, with the mandate to coordinate the implementation of the peace agreement and the resolution of disputes.
- The **Inter-Governmental Relations Body (IGRB)** is the main forum to coordinate and resolve practical questions on intergovernmental relations between the National government and the Bangsamoro government with regular consultations and continuing negotiations in a non-adversarial manner. According to TPMT, the IGRB is a success story of the peace process, and its role has been invaluable.¹⁰ But until today, both the JNC and the IGRB have yet to demonstrate their championship on TJR issues.
- The **Office of the Presidential Adviser on Peace, Reconciliation and Unity (OPAPRU)** was established by GPH and mandated to manage, direct, integrate, and supervise the implementation of the comprehensive peace process through promoting and reinforcing reconciliation and unity among the Filipino people.
- The **Inter-Cabinet Cluster Mechanisms on Normalization (ICCMN)**, created in 2019 by GPH, is as a national governmental mechanism working under the OPAPRU to ensure timely, appropriate and efficient delivery of the normalization program. ICCMN coordinates and mobilises a variety of government agencies. According to the TPMT, ICCMN is acting unilaterally on topics related to normalization and is being asked to investigate issues that cannot be resolved by the PIP.¹¹
- The **ICCMN Sub-Cluster on TJ** was formed by virtue of Executive Order 79 to initiate the formulation of a roadmap for the implementation and delivery of TJR programs/initiatives/activities geared towards addressing the historical injustices, human rights violations, and marginalisation through land dispossession towards healing and reconciliation in the Bangsamoro.
- The **ICCMN-Subcluster on TJ has four working groups (WG): WG on truth/history, WG on justice/reparation, WG on land, and WG on guarantees of non-recurrence.** The composition of the Working Groups can be found in Annex 2.
In general, we observe that in the absence of a jointly approved TJR Roadmap, the national government through the ICCMN has unilaterally made steps to advance TJ within the Government structures on a national and regional level. Such steps include capacity building as well as advocacy, information and education campaigns for the concerned BARMM ministries and BTA as well as selected communities.
- The **Peace, Security, and Reconciliation Office**, a BARMM structure, was established in 2022. It is tasked with supporting the operation of peace mechanisms, coordinating, and attending to the needs of transitioning combatants, conducting regular dialogues with peace partners, promulgating guidelines in the prevention and resolution of *ridos* (clan feuds) involving MILF, the Ministry of Public Order and Safety (MPOS), LGUs, the security sector,

⁹ GPH-MILF Technical Working Group on Transitional Justice and Reconciliation, Transition Report, 30 June 2022, p. 5.

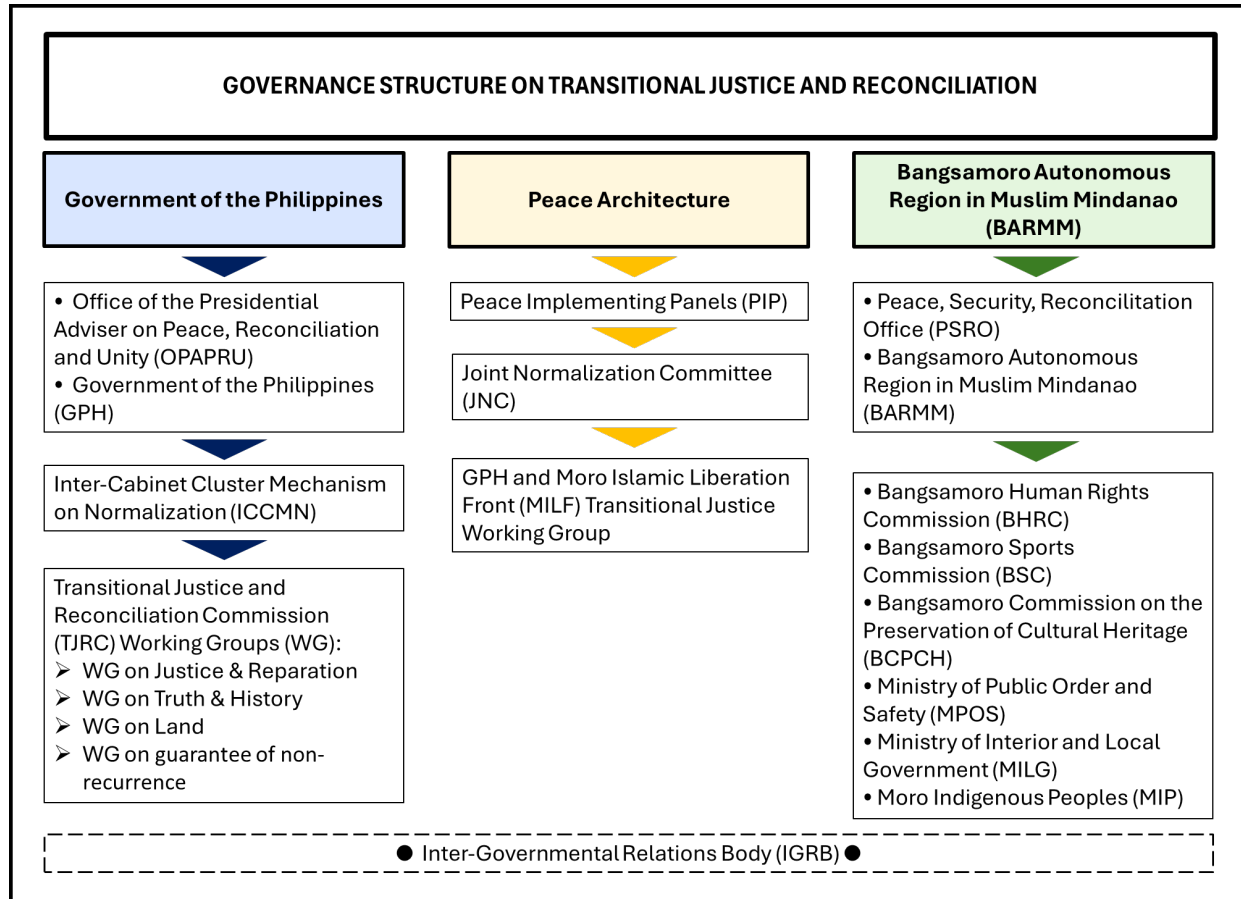
¹⁰ TPMT Report 2023.

¹¹ Executive Order 79.

and other stakeholders, conducting training, accrediting community peace mediators, and carrying out information campaigns.

- Additional regional-level agencies have been mandated to promote and implement TJ programs and initiatives. This includes the **Bangsamoro Human Rights Commission (BHRC)** and the **Bangsamoro Sports Commission**.

The figure below shows the schematic diagram of the governance structure on TJR:



Schematic diagram on the TJR governance structure.

A crucial step forward towards implementing the TJRC recommendations would be a TJR roadmap agreed by the parties (GPH and BARMM authorities) that lays out a comprehensive approach towards dealing with the past. Although a roadmap has been drafted, it has not yet been formally endorsed or disseminated. If/When submitted by the PIP and publicly endorsed, the roadmap could inform all stakeholders at the national and regional level on how to advance TJ.

In 2019, the ICCMN Sub-Cluster on TJ produced a roadmap which the ICCMN approved in 2021 (ICCMN Resolution No. 2). According to our interviews, the government proposed the ICCMN-approved Roadmap to the MILF counterparts for comments received in October 2021. To our knowledge, there is an enhanced version of the roadmap, but the parties have not yet endorsed a final version. It appears that the GPH regularly refers to the roadmap, however none of our interviewees have ever seen it. They indicated that the government mentions it and that a roadmap exists, but they don't know what it entails, what programs and initiatives have been foreseen and who is responsible for implementing them. Based on our findings, the PIP needs to swiftly agree on a final version of the roadmap, publish and disseminate it and inform all relevant stakeholders about it. This will support a common approach towards implementing the TJRC recommendations.

“The GPH does not refer to the TJRC report and recommendations but only to the roadmap. But no one has seen the roadmap”

“Nobody knows about the roadmap. Maybe it is a mystical creature, maybe a unicorn?”

Interviewee quotes

Recommendations:

- PIP, JNC and the IGRB should prioritise TJ within their mandates.
- PIP should adopt, publish, and disseminate the TJ Roadmap.
- PIP, IGRB and JNC should adopt a strategy on how to advance and put forward enabling conditions for the TJ Roadmap to be implemented.
- PIP should reactivate the GPH-MILF WG on TJ.
- Build TJ knowledge and promote the impact of collective TJ activities: The ICCMN WG on TJ, the GPH-MILF WG on TJ and the relevant agencies at the regional level shall each build relevant TJ knowledge and come together to discuss how to leverage collective impact on the implementation of the TJ Roadmap and the TJRC recommendations.
- IGRB shall prioritise TJ and promote, mainstream, and institutionalise TJR in the national line agencies and the regional ministries of Bangsamoro.

In the next section, we delve into the substantial recommendations of the TJRC and elaborate on the elements that have been fulfilled and the challenging conditions that hinder appropriate implementation of the TJRC recommendations.

D. Establishing a National or Regional TJRC on the Bangsamoro

1. National Mechanism

The creation of a NTJRCB was TJRC’s first and one of the main recommendations. The TJRC highlighted the need to combine efforts in the fields of truth-seeking, criminal accountability, reparations, and institutional reform on a national “whole of government” level. A national commission would ensure the implementation of the ‘dealing with the past’ framework with multiple initiatives at the regional and local level. The commission would also oversee and support the operations of four sub-commissions¹².

There have been a variety of attempts to establish a national commission through legislation. To our knowledge, a total of 4 House Bills¹³ and 2 Senate Bills¹⁴ have been submitted but none have passed (see Annex 3) beyond committee deliberations.

The BTA also called for the creation of the NTJRCB (resolution 56, 2020); and called on the ICCMN to include in its priorities the creation of a national mechanism and the formulation of a TJRC program for implementation not only in the BARMM but across the whole nation. Our interview partners on the

¹² Sub-Commission on Bangsamoro Historical Memory; Sub-Commission against Impunity and on the Promotion of Accountability and Rule of Law in the Bangsamoro; Sub-Commission on Land Dispossession in the Bangsamoro, Sub-Commission on Bangsamoro Healing and Reconciliation.

¹³ House Bill Nos. 4330 and 2975, filed by Cong. Hataman and Zia Adiong respectively. HB Nos. 5669 and 4003 filed by Reps. Christopher “Kit” Belmonte and AMIN Rep. Amihilda Sancopan in 2018 and 2019, respectively.

¹⁴ SB Nos. 2043 & 2392 filed by Sen. Hontiveros and Tolentino in 2023, respectively.

BARMM side have revealed that they deem the creation of a national commission as an enabling condition to sign the exit agreement.

In addition to the requirement of a national commission, the BOL also defines a path forward for a regional approach to dealing with the past.

2. Regional Mechanism

The BOL requires the Bangsamoro Parliament to enact a TJ mechanism and provide for reparations.

Art. IX, section 1 of the BOL refers to the TJRC's recommendations and obliges the Bangsamoro Parliament to enact a TJ mechanism:

“Transitional Justice. - The Bangsamoro Parliament, taking into account the report of the Transitional Justice and Reconciliation Commission, shall enact a transitional justice mechanism to address the legitimate grievances of the Bangsamoro people and the indigenous peoples, such as historical injustices, human rights violations, and marginalization through unjust dispossession of territorial and proprietary rights and customary land tenure.”

Art. IX, section 2 requires the Bangsamoro Parliament to enact laws providing for adequate reparation for unjust dispossession:

“The Parliament shall enact laws providing adequate reparation to the Bangsamoro people affected by unjust dispossession of territorial and proprietary rights and customary land tenure, which may include payment of just compensation to and relocation of such people. No land title issued by the National Government under the Torrens System shall be invalidated.”

Furthermore, the BOL created the BHRC (Article IX, Section 7), with the specific mandate to perform the human rights component of the TJ mechanism ad interim. In this regard, the Bangsamoro Autonomy Act (BAA) specifies:

“Transitional Justice Mechanism. - Until such time that a law establishing the transitional justice mechanism for the Bangsamoro is enacted, the Commission shall perform the human rights component of the transitional justice mechanism as provided in Section 1, Article IX of Republic Act 11054. In this capacity, the Commission shall document and investigate past human rights violations; collect testimonial, object, or documentary evidence; provide information, data, and documents in relation thereto; provide research and technical support; and promote the transitional justice mechanism. It may also, at its discretion, conduct public inquiries on transitional justice. Once the transitional justice mechanism is established, the Commission shall make its terminal report and transfer the documents and other data on transitional justice thereto.” (Article IX, section 51 BAA)

The provisions cited clearly demonstrate the intention of the national legislation to promote a regional approach to dealing with the past as part of the accomplishment of the BARMM. During our interviews, various stakeholders raised the question whether a national commission is still relevant and whether a regional commission might be more appropriate. In the following section, we elaborate on the question whether a national or regional mechanism is better suited to implement the TJRC's recommendation.

3. Assessment

At a broader national level, some of our interview partners stated that with the establishment of the BARMM and the enactment of the BOL, the necessary groundwork has been laid for a regional mechanism. It is argued that since the people in the Bangsamoro are closer to the occurrences and have been directly affected, they are the ones really qualified to deal with their past.

On the other hand, many of the stakeholders we spoke with (TJ experts, academia, and members of the CSO) stated that a National Commission is still necessary to advance TJ in a meaningful way.

“As long as there is not a national law, regional approach on transitional justice has no prospect.”

Interviewee quote

From a BARMM perspective, the GPH oversees the “dealing with the past” component as they see it as the responsibility of a national authority to take responsibility for the human rights violations that occurred.

Arguments in favour of a national commission include the following:

- It is part of the TJRC recommendations.
- It is at the heart of the Bangsamoro normalization track.
- The main responsibility for human rights violations and land dispossessions lay with the national government.
- Human rights violations have been committed across Mindanao, including in some areas which lie outside the jurisdiction of the BARMM and therefore the governmental authorities of the Bangsamoro alone cannot substitute the creation of a national mechanism.
- There needs to be a national, holistic approach to dealing with the past.
- The history is national, and it needs to be re-written on a national level.
- Any reparation process needs a national legislation and a national budget.
- The reform of the security sector and the police is a national task.
- The broader education agenda needs to be dealt with on a national level.
- Healing and reconciliation cannot be concentrated in one region alone and should involve the Filipino society as a whole.
- Peace and justice are a collective responsibility and must happen at the local, regional, and national level.

TPMT states the following in this regard:

“TJR is one of the most crucial tasks of the peace process and necessary to address historical injustices, achieve healing, and build sustained peace. Many human rights violations took place outside the BARMM, hence the need for a national approach. It would be inappropriate to shift responsibility for historical injustices from the national government to the Bangsamoro government. There has been little progress on passing legislation to establish a National Transitional Justice and Reconciliation Commission for the Bangsamoro (NTJRCB), the main recommendation of the Transitional Justice and Reconciliation Commission (TJRC).”¹⁵

Based on the interviews conducted, analyses made, and the variety of reasons listed above, we conclude that both a national and regional mechanism are needed:

- The national mechanism will adopt a whole government approach: working on a national level and complying with the recommendations of the TJRC. It will ensure continuous awareness raising, learning, and reform on a national level.
- The BOL foresees a regional mechanism that will benefit from the vicinity of the stakeholders present in the region. Constituency building and community-oriented mechanisms at the BARMM level will complement the national mechanism. In this regard, to further advance TJ, LGUs should be engaged to provide context-specific strategies and mechanisms for a localized TJR. It is up to the parties to come up with a strategy that allows for collective impact where a national and regional mechanism will contribute to a national TJ approach to dealing with the past.

¹⁵ TPMT Report 2023, p. 14.

“On a national level, a national commission and national agencies need to be provided. But it cannot be done by the national agencies alone. We are closer to the communities in the BARMM.”

“Why should we solve a problem that we did not create?” (BARMM perspective)

Interviewee quotes

While the ICCMN is proposing a national mechanism, there are a variety of reasons why until today, the different legislative initiatives were unsuccessful and none of the laws have been adopted. There is a lack of support in the House and the Senate, and a lack of ownership from the side of the GPH. While we acknowledge good intentions on all sides, we understand that until now, the national and regional level have been occupied with implementing the broader political track of the CAB. We have the impression, that on a broader level, the stalemate to enact a national mechanism reflects a symptom of the (momentarily) broader lack of focus, capacity, and agency in the GPH and the BARMM to advance TJ. The CSO-led accompaniment of a policy lobby on the legislative measure is also seemingly weak, if not lacking. The difficulty of legislating TJ might also be attributed to the lack of a broader discourse on TJR at the national level, marked by disillusionment caused by the mitigated success of previous TJR mechanisms in the country.¹⁶

“Interlocutors park TJR in the corner, on the national and the BARMM level.”

“In 2018 TJR was always mentioned yet when the BARMM was established, it became all about packages, amnesty, and decommissioning.”

“Not good to wait for something to happen on a national level. People in the BARMM know that they have a BARMM government that is accountable. They should do something for TJ and not wait for the national government.”

“You can forgive each other, cry together, but if you want a solution, you need national government, for example on land issues.”

“BARMM cannot undo the laws of the settlers. We cannot cancel titles and award land.”

Interviewee quotes

For some of our interview partners, the establishment of a national commission seems to be (mis)used as a “play ball” to avoid taking responsibility for dealing with the past and not initiating respective projects and processes altogether. The parties seem to pass the hot potato to each other. This observation was made at both the national and regional level.

¹⁶ Of the 75,749 claims that were filed under the RA 10368 aka Human Rights Victims Reparation and Recognition Act of 2013, including Bangsamoro victims, only 11,103, or 14 percent, were rendered eligible for compensation. In addition, 126 victims were recognized by the board motu proprio as human rights violations victims, bringing the total number of successful beneficiaries to 11,229. See: *Disrupting Cycles of Discontent: Transitional Justice and Prevention in the Philippines*, (June 2021) available at: https://www.ictj.org/sites/default/files/ICTJ_Report_Prevention_Philippines.pdf

While we acknowledge that the passage of the TJR law is the prerogative of the bicameral Congress, it also needs the government's ownership, support and drive. The GPH has yet to use its leverage to convey and push for the law. Another option for the government might be to move the TJRC agenda forward and create a national mechanism by the means of an executive order.

Recommendations:

- The Office of the President and ICCMN should assume ownership and leadership for creating a national mechanism according to the TJRC recommendations and sponsoring the respective legal framework.
- Bangsamoro Parliament should prioritise the TJ provisions of the BOL (including the establishment of a regional TJ mechanism to address the legitimate grievances of the Bangsamoro people and indigenous peoples).
- The national and regional governments should create a platform that meets regularly and exchanges and adapts a common understanding and strategy with clearly defined roles and responsibilities on how to advance the TJ and how to engage CSOs and broader LGUs and communities in the process.
- At all levels, capacities of the LGUs should be used and involved in community driven TJ processes.
- Harness existing mechanisms to push national discourse on TJ: While the national mechanism of the TJRC is pending, existing mechanisms can be harnessed to push a national discourse on TJ that will influence decision-makers, especially in both Houses and the Office of the President. For instance, OPAPRU can serve as an interlocutor between national and regional government agencies, to mainstream the TJR agenda beyond the BARMM and make the process more inclusive of stakeholders and communities.

E. Bangsamoro Human Rights Commission – The Interim Mechanism

The BHRC is the only Bangsamoro institution mandated by BOL and BAA to function as an interim TJ mechanism.

BHRC has three core and mutually reinforcing mandates: human rights protection, human rights promotion, and fulfilment. BHRC will perform the human rights component of the TJ mechanism. More specifically, the BHRC will focus on documenting and/or investigating past human rights violations, promoting the TJ mechanism, providing research and technical support, and conducting discretionary public inquiries on TJR (BAA No. 4). Once operational, the BHRC will fulfil several important TJRC recommendations linked to the right to justice (recommendation 1b, 3a, 4), right to truth (recommendation 1d), right to reparations (recommendation 4, 8, 9) and the guarantees of non-recurrence (recommendation 1, 4).

Our interviewees shared that some initial documentations of injustices led by the BHRC has begun, however they lack the human resources and funding to significantly advance this important task.

It is important to note that the work of the BHRC as an interim mechanism should not be interpreted as a waiver for pursuing accountability and remedy for past human rights violations at the national level. The BHRC views its mandate as an opportunity to support and advocate for future TJR mechanisms or processes that are broader, more holistic, and comprehensive. The findings and recommendations will serve as a reference for the Bangsamoro and national government, and other institutions and actors initiating TJR, human rights, and peacebuilding efforts for the Bangsamoro.

In this regard, collaboration with the National Commission on Human Rights (CHR) seems crucial, especially since the BHRC's jurisdiction is limited to the territory of the BARMM. Our interviews showed that there is still a gap to be filled. A clear strategy between the two agencies and an understanding of the roles and responsibilities are crucial. Collaboration with other regional agencies is necessary. This could include the Ministry of Interior and Local Government and the Bangsamoro Women Commission, the Bangsamoro Commission on the Preservation of Cultural Heritage, the Ministry of Basic, Higher and Technical Education, and MPOS.

Recommendations:

- The national and BARMM authorities should provide BHRC with sufficient funds (personnel and resources) so that it may fulfil its mandate according to BOL and BAA.
- BHRC personnel should receive capacity building on context-specific and gender-sensitive TJR.
- The National CHR and the regional BHRC should coordinate their work, programs and initiatives and define their respective roles and responsibilities regarding the advancement of TJR.

F. Land Dispossession

The TJRC report describes the complex phenomenon of land dispossession of the Moro and Non-Moro Indigenous Peoples (NMIP)¹⁷. This encompasses enforced privatisations and titling, settlements and enforced colonisation through land laws. These state-led policies and practices of dispossession, employed since the late colonial period until the present time, have led to marginalisation, and impacted cultural identities, ways of living, and political, social and economic conditions of the concerned groups and their ancestral domains. They have resulted in a cycle of poverty that perpetuates insurgency, internal displacement, environmental degradation, and severe distress among women and children.¹⁸

The TJRC called for the creation of a specialised Sub-Commission on Land Dispossession in the Bangsamoro. Responsibilities of the Sub-Commission include developing a database to be used for legal proceedings and reparation programs, redesigning land services, changes in legal frameworks, and implementing a dispute resolution mechanism for land conflicts with specific reference to indigenous peoples' claims on ancestral domains.¹⁹

The consequences of land dispossession remain a significant concern today. Our interviews revealed a persistent lack of common understanding and commitment to address marginalisation caused by land dispossession. The absence of a comprehensive land governance framework means there are no management processes to deal with land conflicts. Increased killings, destruction of homes and crops, multiple displacements, and vulnerabilities resulting from land dispossession and land conflict continue to produce new human rights violations and grievances.²⁰

The BOL addresses the collective aspiration of the NMIPs to access their ancestral domain. Sec. 3 par. 4, Art. IX of BOL states that *“this Organic Law shall not in any manner diminish the rights and benefits of the non-Moro indigenous peoples in the Bangsamoro Autonomous Region under the Constitution, national laws, particularly Republic Act No. 8371, otherwise known as the “Indigenous Peoples Rights Act of 1997.”*

In April 2024, the Department of Agrarian Reform – Office for Mindanao Affairs (DAR-OMA) proposed the Research Confluence on Land Governance in BARMM. This initiative *“seeks to delve into the complexities of land governance within the region aiming to harmonize the layers of land rights and tenure system in a manner that respects the identity of the Bangsamoro people while aligning with national policies and legal frameworks.”*²¹ The objective is to create a comprehensive, inclusive, and sustainable land governance framework that respects both the unique cultural heritage of the Bangsamoro people and the statutory requirements of the Philippine's legal system. The targeted outputs include a) a research report, b) policy recommendations, c) a legislative framework proposal, d) a

¹⁷ NMIP constitutes about 2% of the BARMM which includes the following distinct ethnic groups: B'laan, Teduray, Lambangian, Erumanun ne Manuvu, Dulangan, Manobo & Higaonon.

¹⁸ TJRC Report, p. 49 sp.

¹⁹ TJRC Report, p. 49 sp.

²⁰ Land Rights, Displacement, and Transitional Justice in the Bangsamoro, March 2023.

²¹ Exploratory Conversation with International & National Partners in support to the Research Confluence on Land Governance in the BARMM, April 22, 2024, and DAR-OMA, Research Confluence on Land Governance in the BARMM, p. 1.

dispute resolution framework, and e) a socio-economic development plan. This new initiative aligns with the TJRC’s recommendations and will contribute to their implementation.

While the legal frameworks and the new research confluence on land governance (once passed and implemented) will fulfil TJRC’s recommendations, there is still an immediate need to address urgent human rights violations resulting from the current lack of a comprehensive approach to land dispossession. This requires the national and regional governmental institutions to put a conflict management mechanism in place to deal with immediate conflicts. The lessons learned from the government’s handling of the Marawi Siege can be helpful in this regard (see Section M).

Recommendations:

- DAR-OMA and Ministry of Indigenous Peoples’ Affairs (MIPA) should implement preventive mechanisms to hinder further human rights violations arising from land disputes including dispute resolution mechanisms.
- Once the Bangsamoro Indigenous People Development Act of 2024 has passed, the respective authorities should prioritise the implementation of the Act.
- Sufficient resources should be allocated to the Research Confluence on Land Governance to ensure that the objectives are met, and necessary results are provided in timely manner.
- Immediate focus should be given to humanitarian and psycho-social vulnerabilities and needs of the victims of land dispossession and displacement, with special attention to NMIPs by the respective government agencies at both the national and regional level.

“Land dispossession is continuing through development; injustice continues through development.”

“People are still being displaced. It is dealing with the past in the present.”

“The land issue is the elephant in the room in the current MILF-led interim BARMM government.”

Interviewee quotes

G. Indigenous Peoples-Related Initiatives

The TJRC highlighted the suffering and needs of NMIPs that emerged clearly during the listening process. These were described and addressed on equal footing with those of the Moro people in the report. While the TJRC’s recommendations do not explicitly differentiate between the Moro and NMIPs and their respective concerns, the report refers to interviews stating that when compared to Moro, the NMIPs feel they fared worse. This sentiment was echoed during our interviews in the BARMM.

The rights of the NMIPs are protected by the Constitution and laws, particularly, the Indigenous Peoples’ Rights Act of 1997 (Republic Act. No. 8371) at the national level. The BOL has a list of provisions recognising and promoting the rights of NMIPs (Article I, Section 3, Article IV, Section 9) for the Bangsamoro. The BOL also secures the freedom for indigenous peoples to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity and introduces a non-discrimination clause based on identity, religion, and ethnicity (Article IV, Section 10). In the Parliament, two seats are reserved for NMIPs. The government is asked to adopt measures for the promotion and protection of the rights of NMIPs in a variety of areas²². Furthermore, a MIPA at the

²² Article IX, Section 3: The Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of the following rights: (a) Native titles or fusaka inged; (b) Indigenous customs and traditions; (c) Justice systems and indigenous political structures; (d) Equitable share in revenues from the utilization of resources in their ancestral lands; (e) Free, prior and informed consent; (f)

BARMM level should have the primary responsibility of formulating and implementing policies, plans, and programs to promote the well-being of all indigenous peoples in recognition of their ancestral domain as well as their rights.

The Bangsamoro government has introduced Parliament Bill No. 273, or the Bangsamoro Indigenous People Development Act of 2024, which seeks to protect, promote, and preserve the collective rights of indigenous peoples in the region. The proposed Code reflects the regional context such as the establishment of a tribal university and local peace negotiators. The Bill also foresees a right to redemption in specific cases. This Bill has yet to be passed by the BTA.

While legal progress has been made to recognise the identity of indigenous peoples and grant them access to governmental and legislative bodies, our interviews revealed that on the ground, the reality of NMIPs is still characterised by marginalisation. NMIPs still feel discriminated against and their ways of being and living are not acknowledged or supported in practice. Access to basic services is largely limited for them. Existing conflicts between the Moro population and NMIPs are not effectively addressed. For example, the concept of dialogue and the way it is operationalised is foreign to them. Most NMIPs deem it is a “western concept” that is not adapted to their customs and needs. This can sometimes lead to re-victimisation, for example when they are expected to participate in dialogue. Regarding the process of the camp transformations, interview partners stated that for NMIPs, the issue is not only economic but also a question of land recognition. Furthermore, they stated that the security sector is not sensitised to the needs of indigenous peoples and in cases of violation, NMIPs are hesitant to call the police or security.

Recommendations:

- PIP, JNC and national and regional authorities should integrate a NMIPs lens in the roadmap and address their specific needs on all aspects of the normalization process.
- The BARMM authorities and the MIPA should provide spaces of agency and constituency building for the NMIP to enable them to state their needs and requirements.
- Strengthen existing social platforms for exchange and policy conversations on the forms of addressing internal displacements in the NMIPs communities in BARMM areas.

“We are weak, we cannot speak, if we are attacked, we cannot protect ourselves. It is the job of the GPH to protect us.”

“The elephant in the room is the issue of land dispossession and human rights violations committed against indigenous peoples.”

“Land grabbing needs to change in the mindsets. Indigenous peoples are unheard, belittled, threatened; basic needs such as schools, and basic education is not taken care of.”

“No indigenous peoples’ education is mainstreamed in the BARMM.”

Interviewee quotes

H. Gender-Related Initiatives

The TJRC consultation process revealed the pronounced gender dimension of historical injustices, land issues, patterns of (sexual) violence against women in the Bangsamoro, and their legitimate grievances. Women were victimised, not just because they were women, but because they were Moro women. The

Political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Parliament; (g) Basic services; and (h) Freedom of choice as to their identity.

TJRC report showed linkages between gender roles and access to resources as an important aspect in the dynamics of land dispossession. Acts of gender-based violence and sexual violence against Bangsamoro women and girls, committed by state security forces and their affiliates have also been documented.

The TJRC stated that “all recommendations shall take gender and cultural sensitivities into consideration and be informed by a perspective that promotes healing and reconciliation”²³. Some of the TJRC recommendations pertaining to gender include:

- Appointing a gender adviser within the office of the NTJRCB.²⁴
- The Sub-Commission on Bangsamoro Historical Memory should investigate conflict-related sexual and gender-based violence and determine whether such violence was practiced as a deliberate strategy of war in the Bangsamoro conflict.²⁵
- The database of violations of international humanitarian law (IHL) and international human rights law (IHRL) should be disaggregated according to gender.²⁶
- The Bangsamoro authorities in charge of education should develop culturally- and gender-sensitive educational material and establish gender-balanced TWGs in the field of education.²⁷
- Under the right to justice, the TJRC recommended culturally and gender-sensitive public services at community level.²⁸
- Under the right to reparation, the TJRC recommended a gender-sensitive reparation program,²⁹ the inclusion of gender studies in the curricula of all educational levels³⁰ and specialised care for individuals who may have suffered physical and mental disabilities linked to conflict-, gender-, and identity-based violence and gender-sensitive psychosocial healing services for the Bangsamoro.³¹
- Under the Guarantee of Non-Recurrence, the TJRC recommended a “full-fledged security sector reform (...) reflecting diversity, inclusion, and sensitivity to culture and gender (e.g. ‘women, peace and security’)³²”.

In the peace process and the political transition, women have played an active if not equal role: they make up a fifth of the Bangsamoro interim parliament and occupy key administrative positions, including an attorney general, a deputy parliament speaker, and heads of the interior and local government and social services and development ministries. Nevertheless, women still suffer high levels of violence.³³

On a policy level, TJ found an explicit reference in the Philippine’s National Action Plan on Women, Peace, and Security 2023-2033 (NAP-WPS). In Action Point 7, the NAP-WPS asks for the institutionalisation of a gender-transformative TJ and access to justice programs through the documentation of crimes, tribunals, institutionalisation of symbolic commemorations, and awareness-raising of communities. Furthermore, it calls for the enactment of gender-sensitive TJ policies at the national and local level. TJ and social healing initiatives should be attentive to the unique issues faced by women and men in all their diverse and intersecting identities who are survivors of atrocities and

²³ TJRC Report 2016, p. 80.

²⁴ TJRC Report 2016, part I, Recommendation A10, p.83.

²⁵ TJRC Report 2016, part I, Recommendation B1b, p. 84.

²⁶ TJRC Report 2016, Right to Truth, Recommendation 1b, p. 87.

²⁷ TJRC Report 2016, Right to Truth, Recommendation 3 a + d, p. 88.

²⁸ TJRC Report 2016, Right to Justice, Recommendation 5b, p. 90.

²⁹ TJRC Report 2016, Right to Reparation, Recommendation 8.b., p. 94.

³⁰ TJRC Report 2016, Right to Reparation, Recommendation 2.a.ii., p. 91.

³¹ TJRC Report 2016, Right to Reparation, Recommendations 4.a. and 5.a. and b., p. 92.

³² TJRC Report 2016, Guarantee of Non-Recurrence, Recommendation 10.

³³ International Crises Group, The Philippines: Keeping the Bangsamoro Peace Process on Track, January 2024.

human rights violations. Regarding the process of truth-telling and memorialisation, women should specifically be empowered.

Furthermore, Action Point 12 refers to legal solutions, including transitional and restorative justice for women in all their diverse and intersecting identities, and mentions initiatives related to protection, psychosocial support, healing programs as well as access to justice for children. Action Point 4 states that gender inequality shall be addressed in land and property rights.

The Regional Action Plan on Women, Peace & Security (RAP-WPS 2023-2028) addresses gender-specific issues in TJ, provides for community-based healing and reconciliation interventions for Moro National Liberation Front and MILF women, and ensures that TJ is attentive to unique issues of women survivors of atrocities and human rights violations (Action Point 8).

While TJ has been addressed at a policy level with a specific gender lens, there is no strategy or government-led initiative on the ground to address grievances from a gender perspective. The root causes of the injustices have not been dealt with and the legitimate grievances from the perspective of Moro and indigenous women have not been acknowledged through a comprehensive government-led approach to dealing with the past. There have been no reparation programs to redress gender specific violations. Since there is no real TJ process, there are no benefits of a TJ approach that can be felt by survivors of human rights violations. We do acknowledge that civil society, non-governmental organizations and partially academia have engaged in advancing women's rights, and a variety of topics from gender perspective.

Recommendations:

- PIP and national and regional authorities should implement the TJRC recommendations and the provisions at the policy level and integrate the gender aspect in the TJ Roadmap.
- The initiatives and programs envisioned in the roadmap should be implemented in collaboration with stakeholders working on gender issues. The capacities and initiatives on the ground, championed by civil society and women's group shall be harnessed and build upon by the governmental institutions at the national and regional level.

I. Youth

Since 1997, the diverse constituencies of the Bangsamoro, including youth, have been instrumental in sustaining peace gains in the region³⁴. In 2020, the BTA enacted BAA No. 10, known as the Bangsamoro Youth Commission (BYC). The BYC is responsible for institutionalising key elements of youth participation in education, peace and security, governance and civic engagement, environment, health, and socio-cultural development.

In one of our interviews, a youth representative narrated how the trauma experienced during the martial law in the 1970s has left a deep scar on the communities in Maguindanao which has impacted their children. The Bangsamoro conflict is intergenerational, hence healing and reconciliation requires intergenerational dialogue between elders and youth. The creativity, resourcefulness and energy of young people, as exemplified for example by the United Voice for Peace Network can serve as a platform to popularise TJR at both regional and national levels of governance.

Youth involvement in public advocacy on TJR is imperative. Capacity enhancement programs and initiatives help youth members engage in TJR initiatives including memory projects, narrative documentation activities, and rights awareness and information drives that can facilitate social cohesion and community resilience.³⁵

³⁴Alar, F. 2017. "Young People and their Role in the Government of the Philippines (GPH)" and Moro Islamic Liberation Front (MILF) Peace Negotiations, Progress Study on Youth, Peace and Security mandated by Security Council Resolution 2250. Available at: www.youth4peace.org.

³⁵ Bangsamoro Women and Youth, emerging leaders from the ground up, (October 11, 2023) accessed at: <https://care-philippines.org/2023/10/11/bangsamoro-women-and-youth-emerging-leaders-from-the-ground-up>

The presence of young people on social media and online platforms can help facilitate the popularisation of the TJRC recommendations with, through and for youth's increased participation towards institutionalising TJR as a national discourse and a national program.

Recommendations:

- PIP, GPH and the Government of the BARMM should include a youth angle to achieve a comprehensive dealing with the past process and TJ Roadmap to ensure that forward looking and future oriented perspectives are captured. In this regard, institutionalising intergenerational dialogue will contribute to truth-seeking aspects.

J. Rule of Law and Addressing Impunity and Human Rights Violations

The TJRC recommended creating the Sub-Commission against Impunity and on the Promotion of Accountability and Rule of Law³⁶ in the Bangsamoro. Its mandate would include:

- a. Identifying, investigating, and recommending policies, operational means, and concrete measures to address and overcome practices of impunity at all levels, whether of a technical, political, or financial nature and whether related to past or present wrongdoings
- b. Requesting disciplinary procedures against public officials who fail to cooperate or who obstruct justice and the rule of law.

Furthermore, under the heading “The Right to Justice”, the TJRC addressed a set of recommendations to combat impunity and enforce the rule of law by the Department of Justice, the GPH and MILF Peace Panels, the AFP, the Philippine National Police, the National CHR and the BHRC.

To our knowledge, while some capacity building has taken place within the AFP, no attempts have been made at the national level to map cases or investigate past crimes. The whole aspect of justice is dealt with through the lens of amnesty. However, amnesty was meant as a confidence-building measure to be given on the basis of membership in an armed group and using violence for political ends in accordance with the Geneva Conventions. Amnesty however does not cover grave violations of human rights.

“There is a sense of impunity to the detriment of the communities in the BARMM. The reason for impunity is that they want to preserve the PH national police. How can we have trust?”

“Reconciliation we can do alone, the problem is justice. If justice is not done the conflict will resurrect.”

“On justice, maybe they have given up.”

“The duty bearers don't feel their obligation. It is more move on and forget instead of move forward. This is why we don't have accountability or the rule of law. We don't have that experience.”

Interviewee quotes

At the BARMM level, BHRC has promoted human rights education and recorded some cases, but it still needs to become fully operational in promoting broader accountability measures. However, our interviews revealed two specific challenges regarding amnesty. The first is that the Amnesty Commission is taking time to process claims, which means that MILF fighters who are decommissioning may still be facing criminal charges and may not have their civil and political rights restored. This is an impediment to peace and reconciliation. The second is that serious crimes (which can't be amnestied)

³⁶ TJRC Report, p. 84.

are not being prosecuted (whether committed by MILF, the military or private armed groups). From what we gathered, the sense is that impunity prevails and further enables a variety of crimes and killings in the region (such as family and clan feuds known as *ridos*) without sustainable accountability measures, and victims have no means for redress.

Recommendations:

- In the Roadmap, PIP should include TJRC recommendations and/or how they want to tackle the issue of impunity.
- TJRC's recommendations regarding justice should be complied with.

K. Community Healing and Reconciliation

The TJRC consistently highlighted the necessity of implementing a comprehensive approach to dealing with the past, especially with initiatives related to truth, justice, reparation, and the guarantee of non-recurrence that can provide a process-oriented and mutually reinforcing framework promoting healing and reconciliation in the Bangsamoro as well as between the Bangsamoro and Filipino society at large.

The TJRC assigned the Sub-Commission on Bangsamoro Healing and Reconciliation with the mandate to:

- a. Identify and support traditional practices of reconciliation at the community level;
- b. Develop and promote a meaningful process for national reconciliation that encourages cultural and attitudinal change; and,
- c. Support the different sub-commissions in the implementation of their mandate by shaping and promoting a reconciliatory vision for each of them.³⁷

Our interviews revealed that the TJRC recommendations have not cascaded down to the community level. Division, stereotyping, hatred, conflict and violence still shape communities. While there has been some listening and dialogue projects initiated by civil society and non-governmental organizations in the BARMM, there is no strategy around reconciliation or unification. Amongst our interviewees, it was common to view the TJRC as a mere checklist menu of the different national agencies (ICCMN, etc.). It is perceived that mandates are not seriously considered as a guiding principle to ensure programs and initiatives contribute to transformed relationships between and among the peoples of the Bangsamoro, and the rest of the country, in the spirit of national healing and reconciliation.

In Bangsamoro, one area of the peace process where a restorative justice approach would be valuable but has been neglected is the decommissioning and reintegration of combatants and the transformation of their camps. The dependence of reintegration on repairing relationships with affected communities and cultivating acceptance makes the inclusion of those communities particularly relevant. This is a missed opportunity that leads to perceptions of neglect, favouritism, and mistrust.

Recommendations:

- PIP and national and regional governments should include their respective reconciliatory vision and targeted initiatives for attitudinal change in the roadmap.

³⁷ TJRC Report, Recommendation B4., p. 85.

- Relationship building between the regional government and the LGUs of BARMM is necessary for the sustainability of local TJR initiatives like community dialogue, peace education, and access to basic social services.
- Coordinated mechanisms such as the IGRB are an entry point to influence governmental programming at the national, regional, and local levels of government.

“How do we talk about transitional justice with injustices and continuing displacements remained prevalent in the Bangsamoro?”

“TJ is not felt. Not on a community level, not for women. Governmental approach is viewed as technical, working in silos. There is no reference to it (TJ), there is no language for it.”

“Reconciliation and unification doesn’t exist anywhere.”

“There is still fighting between the settler families and Moro families. There is still stereotyping, hatred is still there. The wounds are still fresh.”

“You are speaking about a successful peace process, but we are in deep pain.”

“Why is there so much othering? Healing makes the outgroup your ingroup. When is the time?”
“Government is ignoring how people feel.”

“We have the report but the cascading of the report to the communities did not happen.”

Interviewee quotes

L. Compilation of the Implementation of the TJRC Recommendations

Annex 4 presents three lists containing the following information:

1. A list of the 90+ TJRC recommendations following these principles: right to truth, right to justice, right to reparations and the guarantees of non-recurrence.
2. A list linking initiatives on the ground to the recommendations they support. This was done based on the interviews we conducted and the documents we reviewed.
3. A classification of the recommendations as “implemented”, “not implemented”, “partially implemented” and “some initiatives”.

This list provides an overview of the main initiatives that have already been acted upon and indicates where further attention is needed to bring the recommendations to fruition. It should be noted that we do not and cannot claim that all possible measures and initiatives on the ground have been completely captured. This would go beyond the frame of this report.

Under the **right to truth**, we observe the existence of some initiatives on human rights education, dialogue sessions and undertakings around oral history. We do not see a meaningful implementation of the Sub-Commission on Bangsamoro Historical Memory’s mandate, nor of the recommendations under the right to truth (for example: the testimony of victims in closed or public hearings; investigating serious violations of international human rights and international humanitarian law; focusing, inter alia, on specific emblematic cases of mass atrocity crimes, of land dispossession, and of conflict-related sexual and gender-based violence; analysis of the findings and recommendations related to individual, collective, and symbolic forms of reparations, accountability for crimes committed, institutional

reforms, and reconciliation; establishing archives and a database on violations of international human rights and international humanitarian law in the Bangsamoro from 1948 until the present).

Under the **right to justice**, we see some implementation regarding amnesty proclamations, prevention of corruption and capacity building to address impunity and corruption. We see no progress around addressing impunity through the prosecution of perpetrators of grave, nonprescriptive IHRL and IHL violations, nor any mapping or inventory of criminal cases related to the Bangsamoro conflict, or any endeavours to identify, investigate, and recommend ways, policies and initiatives to overcome practices of impunity at all levels whether related to past or present wrongdoings or linked to war crimes including those involving civilian police or military personnel. Furthermore, our analysis shows no progress of any investigations or prosecutions to address the proliferation of paramilitary groups and private armies and the human rights violations they are committing. We also do not see any progress on making recommendations to ensure the efficient delivery of culturally and gender-sensitive public services at community level.

Under the **right to reparation**, we notice some progress around the inclusion of Bangsamoro history in the curricula of basic & higher education in the BARMM, peace education, identifying and memorialising the principal historical sites related to the Bangsamoro and indigenous peoples, some dialogue initiatives for Bangsamoro and indigenous peoples to share common stories and cultural practices and some initiatives related to land dispossession. We see no progress around addressing consequences of land dispossession including implementing dispute-resolution mechanisms, proposing a global plan on memorialisation, redressing victims of martial law in the Bangsamoro including indigenous peoples, providing basic services as well as specialised health care services in the Bangsamoro, and care for individuals who may have suffered physical and mental disabilities linked to conflict-, gender-, and identity-based violence. There is especially no creation nor implementation of a culturally- and gender-sensitive reparation program guided by the UN Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of IHRL and Serious Violations of IHL with particular attention given to restitution, compensation, and rehabilitation. There are also no formal apologies by the AFP nor PNP for their respective role in the commission and their failure to prevent human rights and humanitarian law violations.

Regarding the **guarantee of non-recurrence**, we notice some initiatives around breaking the cycle of internal displacement through camp transformation endeavours, social services to support inclusive economic growth, enhancing capacities in resolving conflicts and education. However, the following themes still pose a real challenge and the recommendations under the guarantee of non-recurrence remain unfulfilled: breaking cycles of internal displacements in terms of allowing the victims to return and find durable solutions, addressing claims to ancestral domains, creating a national TJRC, creating the suggested sub-commissions, creating a national process on dealing with the past, a presidential apology, creating a commission on national diversity, and security sector reform.

M. The Marawi Siege

From May to October 2017, Marawi endured an armed conflict which resulted in 1,200 persons killed and an estimated 350,000 displaced. The conflict took place between the GPH's security forces and militants affiliated with the "Islamic State", including the Maute and Abu Sayyaf Salafi-jihadist groups.

The siege of Marawi took place after the peace agreements were concluded and the TJRC issued its report and recommendations. Thus, this event is not covered by the recommendations of the TJRC and therefore not part of our analyses.

However, from the perspective of TJ, it is important to analyse how the GPH supported the rehabilitation of Marawi City and dealt with grievances resulting from the conflict:

- The national government established the Task Force Bangon Marawi with a focus on developing infrastructure and public utilities.
- The Congress adopted the Marawi Siege Victims' Compensation Act of 2022 (RA No. 11696) on 13 April 2022 to provide compensation for the loss or destruction of properties and loss of lives due to the Marawi siege. On 30 January 2023, President Ferdinand Marcos Jr. appointed

nine members of the Marawi Compensation Board (MCB) tasked with issuing the payment of reparations. The MCB is planning to complete the compensation process within five years by 2028.

- A dispute resolution unit has been set up to handle overlapping claims, and unresolved cases are referred to the court system. Courts are also required to deal with the issue of land expropriation.

While (according to TPMT) “some impressive achievements” have been made in rebuilding infrastructure, large parts of residential areas in the most affected areas remain in ruins and their residents have not yet returned. Around 5,000 families are still in shelters. The initial allocation for 2023 under the Marawi Siege Victims’ Compensation Act is very low and will not cover all the claims.

From a TJ perspective, it is impressive that the national government acted swiftly, adopted the necessary law and mechanisms to deal with the siege of Marawi and the grievances of the victims. However, to achieve true results, these mechanisms need adequate resources to bring the planned measures to life.

“The transitional justice process needs to address the roots of the problem; with that we are going to prevent violent extremism.”

“We have compensation, but no truth-seeking and root causes are not addressed.”

“Transitional justice could have mitigated Marawi.”

Interviewee quotes

VI. Looking Ahead: Assessment and Recommendations

Since the issuance of the TJRC’s recommendations in 2016, significant progress has been achieved in acknowledging the identity of the Moro and their right to self-determination by establishing the BARMM, institutionalising the BTA, and passing the BOL. These developments are foundational, and the study has shown that considerable efforts have been put into building the structures of the BARMM, including the relevant legal and policy frameworks. So far, the focus at national and regional level has mostly been on the political track of the CAB. At the same time and as preparations for the first democratic elections approach, the stakeholders acknowledged that their attention needs to shift towards the different aspects of the normalization track to achieve sustainable peace and stability.

The different elements of the normalization track such as questions around amnesty, camp transformation, disbandment of private armed groups, decommissioning, policing and redeployment of the AFP are currently dealt with mainly in silos. It is important to understand how these different components link with each other and with the various TJRC recommendations and other aspects of a peace consolidation process, be they political, humanitarian, security or justice related, to avoid one process negatively impacting another. Handled appropriately – these are all enabling conditions for the sustainable implementation of the TJ measures recommended by the TJRC. To that end, the different components of the normalization track are “mutually reinforcing imperatives” and therefore need to be handled in a comprehensive and coordinated manner.

In the Bangsamoro, peace can only be sustainable if injustices are genuinely addressed through the implementation of the national mechanism for TJR. This is the core message of the TJRC report and most of our interview partners still support this finding. At the same time, the BOL foresees that the Bangsamoro Parliament enacts a TJ mechanism to address the legitimate grievances of the Bangsamoro people and the NMIPs and passes laws providing adequate reparations. The BHRC has the mandate to

perform the human rights component of the TJ mechanism ad interim. However, the BHRC can only do this important task if it receives the necessary funding and support which it has not until today.

It is crucial that the TJ mechanism at the national and regional levels be established as soon as possible. In this regard, the roadmap (once agreed upon by the PIP and carried forward by the national and BARMM governments) will make an important contribution. The roadmap needs to be published and discussed with members of civil society as soon as possible. A collective impact strategy on the side of the national and BARMM government including donors and supporting states is necessary: this entails coming together to collectively develop a shared understanding of the situation and challenges and create a shared vision to support initiatives and processes of dealing with the past that will contribute to systemic change. It would be important to clarify the roles and responsibilities at different levels and coordinate the respective initiatives and processes.

This study shows that some core recommendations around right to justice, right to truth, right to reparations and the guarantee of non-recurrence have not been fulfilled. Justice has only been seen through the amnesty lens, there is no mapping of cases of human rights violations nor addressing impunity at all. We don't see any redress for the victims nor any reparation programs. A security sector reform has not taken place. The new research project on land issues is a big step forward. However, there are immediate challenges of displacement and conflicts that need to be dealt with in terms of emergency response.

The study has revealed that grievances described in the TJRC report still exist and hinder social unification and reconciliation. It is crucial that the established structures and legal frameworks cascade down to the communities. The grievances, needs and wishes of the Moro and NMIPs on the ground need to be dealt with to promote reconciliation. Therefore, in the processes to come, a specific focus on gender, youth, NMIPs is crucial to avoid re-victimisation and re-traumatisation. Many of the implemented initiatives has been thanks to the engagement of civil society actors and partially academia. Nevertheless, it is first and foremost the responsibility of the PIP and the national and BARMM governments to demonstrate how they intend to implement the TJRC recommendations which are still as valid today as they were in 2016 to achieve peace, justice and reconciliation.

Ultimately, a comprehensive approach to TJ is needed that will address the root causes of conflict, provide accountability and redress for past violations of IHRL and IHL, and inform the institutional reform necessary to prevent the reemergence of violence. These are essential ingredients for development and peace in the BARMM and the whole of the Philippines. In this sense, the Bangsamoro opportunity as highlighted by the TJRC is still relevant. The commitment and determination of the PIP from both parties in implementing TJR programs and initiatives is what will keep the peace process on track. With this study we hope to provide a basis for a renewed dialogue on TJ among the key stakeholders.

ANNEXES

Annex 1: List of Institutions Consulted

National government agencies

- Commission on Human Rights (CHR)
- Office of the Presidential Adviser on Peace, Reconciliation, and Unity (OPAPRU)
- House of Representatives through the Office of the District Representative of Basilan, Hon. Mujiv Hataman
- Department of National Defence (DND)
- Department of Interior and Local Government
- Department of Agrarian Reform through the Office on Mindanao Affairs
- Department of Justice-Peace and Development Office
- Former members of the Transitional Justice and Reconciliation Commission (TJRC)
- National Amnesty Commission
- Armed Forces of the Philippines-Civil-Military Relation Office
- Philippine National Police

BARMM agencies

- Bangsamoro Transition Authority (BTA)
- Ministry of Basic, Higher and Technical Education (MBHTE)
- Ministry of Social Services and Development (MSSD)
- Ministry of Public Order and Safety (MPOS)
- Bangsamoro Human Rights Commission (BHRC)
- Bangsamoro Commission on the Preservation of Cultural Heritage (BCPCH)

Academia

- Mindanao State University- Marawi City through the History Department
- Mindanao State University-Iligan Institute of Technology through the Institute for Peace and Development in Mindanao
- Cotabato City State University

Local non-governmental organisations and civil society organisations

- Gaston Z. Ortigas Peace Institute
- Mindanao People's Caucus
- Balay Mindanaw
- Nisa Ul Haqq Fi Bangsamoro
- Initiatives for International Dialogue (IID)
- United Voices for Peace Network
- Mindanao People's Peace Movement
- Transforming Fragilities Inc.
- Institute for Bangsamoro Studies
- MindaNews
- Consortium of Bangsamoro Civil Society Organization (CBCS)
- Independent Working Group on Transitional Justice "Dealing with the Past"
- Teduray-Lambangian Timuay Justice and Governance

International non-governmental organisations

- The Asia Foundation
- GIZ-Civil Peace Service
- International Crisis Group (ICG) Philippines
- Catholic Relief Services (CRS)
- Non-violent Peace Force

- Conciliation Resources Philippines Program
- Forum ZFD

International institutions

- UNDP Philippines
- Third Party Monitoring Team (TPMT)

Annex 2: Composition of the four Working Groups of the ICCMN TJR Cluster

The four ICCMN TJR cluster working groups (WG) as shown in Figure 1 were tasked to identify strategic interventions based on the mandate and current programs, projects, and activities of the member agencies and some recommendations to develop synergy of efforts among government agencies.³⁸

Here is the composition of the four TJR WGs corresponding to the four pillars of truth/history, justice and reparations, land-related issues, and the guarantees of non-recurrence.

1. Truth and History

- 1.1 National Commission on Indigenous Peoples (NCIP) – Co-Chair
- 1.2 National Commission for Muslim Filipinos (NCMF) – Co-Chair
- 1.3 Commission on Higher Education (CHED)
- 1.4 Commission on Human Rights (CHR)
- 1.5 Department of Education (DepEd)
- 1.6 National Archives of the Philippines (NAP)
- 1.7 National Commission for Culture and the Arts (NCCA)
- 1.8 National Historical Commission of the Philippines (NHCP)
- 1.9 National Youth Commission (NYC)

2. Justice & Reparations

- 2.1. Department of Justice (DOJ) – Co-Chair
- 2.2 Department of Social Welfare and Development (DSWD) – Co-Chair
- 2.3 Commission on Human Rights (CHR)
- 2.4 Department of Interior and Local Government (DILG)
- 2.5 Department of National Defence (DND)
- 2.6 Human Rights Violations Victims Memorialization Commission (HRVVMC)
- 2.7 Mindanao Development Authority (MINDA)
- 2.8 National Security Council (NSC)

3. Land-related Issues

- 3.1 National Commission on Indigenous Peoples (NCIP) – Co-Chair
- 3.2 Department of Agrarian Reform (DAR) – Co-Chair
- 3.3 Department of Environment and Natural Resources (DENR)
- 3.4 Department of Justice (DOJ)
- 3.5 Land Registration Authority (LRA)

³⁸ Transition Report GPH-MILF Technical Working Group on TJR, 30 June 2022.

4. Guarantee of Non-Recurrence

4.1 Armed Forces of the Philippines (AFP) – Co-Chair

4.2 Office of the Presidential Adviser on the Peace Process (OPAPP) – Co-Chair

4.3 Commission on Human Rights (CHR)

4.4 Department of Justice (DOJ)

4.5 Philippine National Police (PNP)

4.6 Philippine Commission on Women (PCW)

4.7 Mindanao Development Authority (MINDA)

4.8 National Security Council (NSC)

Annex 3: House and Senate Bills

- House Bill 5669, An Act creating for the purpose the National TJR Commission for the Bangsamoro was filed and authored by Rep. Jose Christopher Y. Belmonte (2017);
- House Bill 4003, a refiled version of HB 5669 introduced by Reps. JCY Belmonte and Amihilda Sangcopan (2020);
- House Bill No. 2975, “An Act Creating the National Transitional Justice and Reconciliation Commission for the Bangsamoro, Establishing a Transitional Justice and Reconciliation Program for the Bangsamoro, and Appropriating Funds Therefor”. Introduced by Rep. Ziaur-Rahman Alonto Adiong and Rep. Yasser Alonto Balindong (Filed on 2 August 2022);
- House Bill No. 4330, “An Act Establishing a Transitional Justice and Reconciliation Program for the Bangsamoro, Creating for the Purpose the National Transitional Justice and Reconciliation Commission for the Bangsamoro, and Appropriating Funds Therefor” Introduced by Rep. Mujiv S. Hataman (Filed on 1 September 2022);
- Senate Bill 2340, “An Act Creating the National Transitional Justice Reconciliation and Commission for the Bangsamoro, Establishing a Transitional Justice and Reconciliation Program for the Bangsamoro, and Appropriating Funds Therefor” filed on March 22, 2023 by Senator Risa Hontiveros;
- Senate Bill 2392, “An Act Creating the National Transitional Justice Reconciliation and Commission for the Bangsamoro, Establishing a Transitional Justice and Reconciliation Program for the Bangsamoro, and Appropriating Funds Therefor”, filed on August 7, 2023, by Senator Francis "Tol" Tolentino.

Annex 4: Status Implementation of the Recommendations

This is a document with four tables:

1. The right to truth
2. The right to justice
3. The right to reparations
4. The guarantee of non-recurrence

The Right to Truth (the right of the victim and the society at large to know the truth and the duty of the state to preserve memory)			
	Recommendations and for/to Whom	Initiatives and Office/Organization Responsible	Status
1	To CHR, DOJ & ARMM in cooperation with SCBHM	i. HoR members, Cong. Hataman and Alonto of Basilan and Lanao del Sure respectively filed HB 4330 & 2975 that aim to establish National Transitional Justice and Reconciliation program.	Not implemented
a	Contribute to the investigation to be undertaken by the Sub-Commission		Not implemented
b	Support the establishment of National and Bangsamoro system of archives and database in IHRL & IHL violations	i. Maintenance of database of Bangsamoro and ICCs/IPs on human; ii. Continuous monitoring/updating of cases filed/investigated and on IHL and HR violations committed by all parties (PNP?) rights violations for mapping and memorialization of historical sites (HRVVMC)	Not implemented
c	Promote community-based human rights education for all people	i. HR education in Sirawan, Davao City (BHRC); ii. HR education and legal assistance to Kagan communities in Banay-banay, Davao Oriental (BHRC); iii. HR education and legal assistance in Mati City, Davao Oriental (BHRC); iv. Participatory Action Research and Human Rights Education for Indigenous Peoples (BHRC); v. Human Rights Education with Grassroots Partners and Introduction of Transitional Justice to the Community (BHRC); vi. Human Rights Education on International Humanitarian Law with Geneva Call and Local Civilian Stakeholders (BHRC)	Some Initiatives

d	Expand and strengthen the capacity of ARMM RHRC in the inventory of past and present human rights violations in the Bangsamoro	i. Memorandum of Understanding with Bangsamoro Human Rights Commission (BHRC) which shall focus on capacity building on TJR specifically on memorializing, indexing and archiving (HRVVMC); ii. Writeshop on the operational guidelines of TJ Mechanism of BHRC (BHRC); iii. December 2022 FGD conducted together with the NP and IWG on Transitional Justice. Consultation on how to operationalize the TJ Mechanism Mandate of BHRC (BHRC)	Some Initiatives
2	To future Bangsamoro authority in cooperation with NHCP, CHR, DEPED, CHED, PCW, NCCA, CCP, NFDC, NCIP & NCMF with the support of NTJRCB		
a	Establish a Bangsamoro Centre for History, Culture, and the Arts with the following mandate:	i. Bangsamoro section in the National Museum; ii. Curriculum Integration of Peace Studies with Bangsamoro History through CHED Memorandum No. 2019-01 on Integration of Peace Studies in HEIS. iii. Cultural Mapping in the BARMM areas.	Some Initiatives
	i. To collect and preserve oral history accounts, material and non-material artifacts, art and cultural objects of significance for the culture and historical memory of the Bangsamoro and IPs;	Bangsamoro Commission on the Preservation of Cultural Heritage (BCPCH) is in partnership with Mindanao State University for an archaeological research and archiving data. ii. Cultural mapping is on-going by virtue of RA 11961 aka Enhanced cultural heritage education program Act of (2022)	Some Initiatives
	ii. To cooperate with national, regional and local entities in the elaboration of new schoolbooks on history and culture of the Bangsamoro and IPs and to realize public education campaigns;		Not implemented
	iii. To promote cultural and historical markers within the territory of Bangsamoro and, as appropriate, elsewhere in the Philippines	i. The Bangsamoro Commission for the Preservation of Cultural Heritage (BCPH) have started its identification of historical sites and heritage in the region since 2022.	Some Initiatives
b	Launch a national and international research program on the cultural and ethno-linguistic diversity of the Bangsamoro and IPs in Mindanao and the Sulu archipelago	i. National Memory Project which focuses on Mindanao and Philippines histories for the purpose of providing adequate resources for the researchers (NHCP)	Not implemented
c	Produce and disseminate information material and engage in the public education campaigns (including training local and national media) about the history and culture of the Bangsamoro and IPs at the national and regional levels	i. The Bangsamoro Art from the National Ethnographic Collection in the country's National Museum. See: https://www.nationalmuseum.gov.ph/ethnology-bangsamoro/ . ii. At least 50 additional books on Mindanao have been published in 2022 See: https://www.mindanews.com/booksmindanews/2023/01/mindanao-2022-at-	Not implemented

	through school history books, museum exhibits, films, and the arts	least-50-mindanao-books-published-19-more-than-2021-harvest/ iii. Commission on Higher Education in the Context of the Bangsamoro Organic Law (HECBOL) in response to EO No. 79 (https://www.officialgazette.gov.ph/downloads/2019/04apr/20190524-EO-79-RRD.pdf)	
d	Realize new public programs to share the experience of the Bangsamoro conflict from different perspectives, including debates on the topic of coexistence and reconciliation, with a view to creating a vision for the common good in the Bangsamoro and in the Philippines		Not implemented
3	To future Bangsamoro authority in charge of education, DEPED, CHED, NCCA, PCW & CCP:		
a	Develop culturally and gender-sensitive educational material related to the Bangsamoro and IPs for the national curricula in all regions and at all levels	i. Orientation on IP Studies/Education for integration in the curriculum/national narrative (OPAPRU, CHED, DepEd). ii. The enactment of the Regional Action Plan on Women, Peace and Security (RAP-WPS). iii. The development of the Bangsamoro Gender & Development Code. The offering of graduate program offering on WPS by the Mindanao State University (through the Maguindanao Campus).	Some Initiatives
b	Create an educational program, targeting schools at all grade level that explains the history of the Bangsamoro and the IPs, their culture and their contribution to the Philippine history and identity	i. CHED and DepEd on mainstreaming and strengthening peace education in the education curriculum as provided for in EO 570. (CHED, DepEd, OPAPRU). ii. Training workshop on Integration of Transitional Justice with selected peace educators and faculty members from the different campuses of the Mindanao State University System. On-going through the Ministry of Basic, Higher & Technical Education-BARMM, CHED thru HECBOL and DepEd Order No. 032 series of 2019.	Some Initiatives
c	Strengthen Islamic education and the <i>Madaris</i> system as an integral part of the Philippine educational system	Bangsamoro Education Code of 2021 has stipulated the integration of Madaris Education to the holistic education of the Bangsamoro region. BARMM Act No. 18 has been enacted. Programs of the MBHTE Directorate General for Madaris Education include the following: (1) Madrasah Innovative Program, (2) Madrasah Learning & Development Program, (3) Madrasah Institutionalization Program and; (4) Madrasah Standardization Program.	Some Initiatives
d	Create joint, mixed and gender-balanced technical working groups (Bangsamoro, IPs, Philippines) in the field of		Not implemented

	education with a view to addressing curricula and education issues and to promote mutual knowledge, diversity, and exchange among schools		
e	Ensure continuing improvements in the quality of education, in particular through teacher training in the use of 'state of the art' educational resources		Not implemented

The Right to Justice (the right of the victims to a fair remedy and the duty of the state to investigate and prosecute)			
	Recommendations and for/to Whom	Initiatives and Office/Organization Responsible	Status
1	To the President, DOJ & CHR:		
a	Address impunity through the prosecution of perpetrators of grave, nonprescriptive IHRL and IHL violations		Not implemented
b	Conduct a mapping and an inventory of criminal cases related to the Bangsamoro conflict; expedite the resolution and decision making on these cases, including for purposes of amnesty		Not implemented
2	To the GPH and MILF Peace Panels & DOJ with the support of the Sub-Commission against Impunity and on the Promotion of Accountability and Rule of Law in the Bangsamoro:		

	Complete the fact-finding research related to the cases of amnesty mentioned in the Normalization Annex of the Comprehensive Agreement on Bangsamoro (CAB) as a confidence-building measure. The DOJ shall take appropriate and timely decisions related to these cases in conformity with Protocol II of the Geneva Convention.	i. Amnesty Proclamation Nos. 1090 and 1091 were approved by the President and concurred by both Houses of Congress and establishment and operationalization of the National Amnesty Commission (NAC) on 5 February 2021 (DOJ, DND, DILG, OPAPRU). ii. Presidential Proclamations Nos. 405 and 406 on November 2023 of Pres. Marcos Jr. granting amnesty to MILF and MNLF members, respectively.	Partially implemented
3	To the AFP, DOJ, Ombudsman, PAO, PNP, CHR, CSC & COA in cooperation with the Sub-Commission against Impunity and on the Promotion of Accountability and Rule of Law:		
a	Identify, investigate, and recommend ways, policies and initiatives to overcome practices of impunity at all levels whether related to past and present wrongdoings or to war crimes. Particular attention shall be paid to those involving civilian police or military personnel with records of pending unresolved cases.		Not implemented
b	Request disciplinary procedures against public officials who fail to cooperate or obstruct justice and the rule of law.		Not implemented
c	Identify potential areas for corruption and ways to prevent and redress corruption.	i. establishment by the BTA of the Committee on Accounts and Audit. ii. Creation of the BARMM Full Disclosure Policy Portal (BARMM-FDPB). iii. Expanded Bangsamoro Advanced Road Mapping & Management (E-BARMM).	Some Initiatives
d	Propose and monitor the implementation of stringent measures against abuse of power.		Not implemented
e	Propose capacity training to support officials and institutions to address impunity and corruption.	i. Support to the Bangsamoro Transition (SUBATRA). ii. Conference on Social Accountability and Transparency: Empowering Communities, Enhancing Governance, Social Accountability, and Transparency in the BARMM organized	Some Initiatives

		by the Coalition for Social Accountability and Transparency (CSAT) on June 2023.	
f	Develop programs to identify and vet corrupt, elected public officials and civil servants and monitor their implementation.		Not implemented
g	Review the policy of bounty/reward that leads to miscarriages of justice, including prosecution's reliance on lone witnesses, and make recommendations for action.		Not implemented
4	To the DOJ, CHR & ARMM RHRC with the support of Sub-Commission against Impunity and on the Promotion of Accountability and Rule of Law:		
	Address the proliferation of paramilitary groups and private armies and their commission of human rights violations by thorough investigations and by prosecuting them to the full extent of the law.		Not implemented
5	To the DOJ, the future Bangsamoro authorities, PNP, DSWD and LGUs in the ARMM, PCW, NCMF & NCIP in strong cooperation with the Sub-Commission against impunity and on the Promotion of Accountability and Rule of Law:		
a	Identify the challenges and failures in the Philippines justice system and formulate proposals as to how these can be overcome.		Not implemented

b	Make recommendations to ensure the efficient delivery of culturally and gender-sensitive public services at community level.		Not implemented
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The Right to Reparation (the right of individual victims or their beneficiaries to reparation and the duty of the state to provide satisfaction)

	Recommendations and for/to Whom	Initiatives and Office/Organization Responsible	Status
1	To the GPH and MILF Peace Panels, the future Bangsamoro authorities, OPAPP, DOJ, CHR, NCIP, IBP, NGOs & CSOs, SC Justices, DENR, LMB, DAR, DA, DND, AFP, DBM & NEDA in cooperation with the Sub-Commission on Land Dispossession in the Bangsamoro:		
a	Address issues related to land dispossession, use, and tenure in the conflict-affected areas in Mindanao by developing and/or implementing a dispute-resolution mechanism for land conflicts, including indigenous peoples' claims on ancestral domains.	i. Endorsed recommendations of a research studying patterns of land dispossession in the BARMM, with Camps Omar and Badre as pilot areas (OPAPRU); ii. IEC and Dialogue with Non-Moro Indigenous Peoples on TJR and Camps Transformation Program (OPAPRU); iii. Assistance to the Dispute Resolution Initiatives of the PLGUs of Maguindanao and Sulu (OPAPRU)	Not implemented
b	Identify lands where there are competing claimants.	i. Inventory of CLOAs, Ancestral Domains (ADs) and other land and resource use instruments in the BARMM for mapping (DAR, NCIP, DENR). "Research confluence on land Governance in the Bangsamoro" with target outputs on research, policy recommendation, legislative framework proposal, dispute resolution framework and socio-economic development plan and implementation plan of up to 3-years.	Not implemented
c	Retrieve and store data and build a database on actual land ownership in the Bangsamoro.		Not implemented
d	Support the overall redesign of land services, including a unified cadastral framework, changes in the legal framework and in procedures related to land titling, land	i. Inter-agency Meetings with agencies with land administration and management mandates to discuss land-related issues in the Bangsamoro (OPAPRU, DAR, DENR, NCIP, LRA, NAMRIA, DILG, DOJ, MENRE,	Not implemented

	registration, land taxation, and land management within the administrative territory, including indigenous peoples' claims on ancestral domains.	MAFAR); ii. Draft Executive Order on Land Governance in the BARMM (DAR)	
2	To NHCP, DEPED & CHED, NCCA, NCIP, NCMF, and PCW and to the future Bangsamoro authorities, integrate in the curricula at all educational levels:		
	i. Subjects on Bangsamoro history, indigenous peoples' history, and corresponding lessons in art, literature, and language by promoting intercultural exchange and cultural diversity;	i. Inclusion of Bangsamoro History in the curricula of the Basic & Higher Education through the Ministry of Basic, Higher and Technical Education (MBHTE) in the BARMM. ii. Curriculum Development for Peace and Conflict Transformation through the Mindanao State University system. iii. R.A. 10908 of 2016 otherwise known as " An Act mandating the Integration of Filipino-Muslim and Indigenous Peoples history, culture and identity in the study of Philippine history in both basic and higher education " together with Mindanaoan civil society, academe, and regional and national government institutions such as ChED, DepEd, and the Office of the Presidential Adviser on the Peace Process (OPAPP). iv. Offering of Peace Ed to all the undergraduate programs in both public and private institutions of learning.	Some Initiatives
	ii. Peace education, gender studies, and nonviolent conflict management.	The establishment of the Bangsamoro Peace Institute under the Ministry of Public Order and Safety, Regional Action Plan on Women, Peace & Security (RAP-WPS), Bangsamoro Women Commission (BWC) and the Inter-Cabinet Cluster Mechanism on Normalization (ICCMN).	Some Initiatives
3	To the Bangsamoro Centre on History, Culture and Arts with the NHCP, DEPED & CHED, NCCA, PCW, NCIP, NCMF, and the future Bangsamoro authorities:		
a	Conduct an inventory of places that have been named or renamed to honour colonial personages and others who are perceived to have violated the rights of the Bangsamoro and indigenous peoples, and suggest ways to redress the situation through a consultative and participatory process.		Not implemented

b	Identify and memorialize the principal historical sites related to the Bangsamoro and indigenous peoples.	i. NHCP Board approved the memorial historical markers for the massacre sites in Carmen, Cotabato and Palimbang, Sultan Kudarat based on the research and collection of historical documents endorsed by concerned LGUs through OPAPRU-TJRO (NHCP, OPAPRU); ii. Continuing and close coordination with the LGUs of Manili, Carmen, North Cotabato and Malisbong, Palimbang Sultan Kudarat on the installation of Historical Markers in the said areas. (NHCP, OPAPRU); iii. Ongoing mapping and preparation of list of sites with historical significance (NHCP); iv. Research project in partnership with Sultan Kudarat State University (SKSU) which focuses on the identification of historical sites particularly in Malisbong, Palimbang, Sultan Kudarat (HRVVMC); v. Community consultations in Manili and Malisbong on the proposed of a community-based Reparation Program and to vet the content of their memorial markers for eventual installation (OPAPRU)	Some Initiatives
c	Propose a global plan of memorialization in consultation with civil society with a view to:		Not implemented
	i. memorialising specific tragic events and events and honouring victims (including women);		Not implemented
	ii. identifying and (re)habilitating specific sites as ‘sites of conscience’;		Not implemented
	iii. identifying lost cultural assets and ensuring the recovery of cultural items taken during the conflict.		Not implemented
4	To CHR & ARMM RHRC with the Bangsamoro Centre on History, Culture and Arts, the NCCA, PCW, NCIP, NCMF, HRVCB, Memorialization Commission, and the Board of Trustees of the Bantayog ng mga Bayani:		
	Include Bangsamoro and IPs who were victims of Martial Law, while paying attention to the specificity (i.e. ethnoreligious, gender) of their victimhood and to the root causes of their struggle in the memorialization initiatives honouring Martial Law victims.		Not implemented

5	To the national and the future Bangsamoro authorities, DSWD, DOH, PCW, NCIP, & NCMF:		
a	Accelerate the provision of basic services as well as specialized health care services in the ARMM/the Bangsamoro entity, including specialized care for individuals who may have suffered physical and mental disabilities linked to conflict-, gender-, and identity-based violence.		Not implemented
b	Develop cultural and gender-sensitive, psychosocial healing services for the Bangsamoro and indigenous peoples who have suffered traumatic experiences, in particular trauma associated with sexual violence.		Not implemented
c	Encourage the hiring of Moro and IP health care workers, especially women, and provide support for traditional health care practices.		Not implemented
d	Issue an internal directive for the provision of preferential free access to health and social services, as well as educational opportunities for widows and orphans of war.		Not implemented
e	Elaborate a victim/survivor-oriented, conflict- and gender-sensitive development plan with preferential measures for war-affected communities.	i. 2nd Bangsamoro Development Plan (2023-2028) with the vision of an "empowered, cohesive and progressive BARMM in 6 years". Highlighting the cross-cutting themes: Inclusion, Equality and Justice. iii. Mindanao Development Authority (MinDA)-BARMM Brunei-Indonesia-Malaysia-Philippines East Asia Growth Area (BIMP-EAGA). ii. Adoption of the Regional Action Plan on Women, Peace and Security in the Bangsamoro (2023-2028)	Partially implemented
6	To the future Bangsamoro authorities and appropriate civil society, cultural, and religious leaders, with the support of the Bangsamoro Centre on History, Culture and Arts, NCMF, and NCIP:		
a	Hold regular interethnic forums and dialogues especially among the various Muslim ethnolinguistic groups, between	i. Establishment of the Ministry of Indigenous People's Affairs (MIPA). ii. Office of Christian Settlers. iii. Liaison Office for the Bangsamoro Communities Outside BARMM.	Some Initiatives

	Bangsamoro and indigenous groups, and between Muslims and Christian settler communities in the Bangsamoro.		
b	Develop dialogue spaces for Bangsamoro and indigenous peoples to share common stories and cultural practices/traditions that promote healing.	International Initiatives for Dialogue (IID) modules on community-centric TJR.	Some Initiatives
7	To the DepEd and CHed, NCCA, CCP, PCW, and NFDC with the support of NTJRCB:		
a	Encourage and disseminate specific film documentaries, feature films, and artistic productions with a view to generating an understanding of and positive awareness about cultural and religious diversity.		Some initiatives
b	Generate film documentaries on the history of the Bangsamoro, their historical grievances and human rights violations to be shown in schools to students and in movie theaters to a general audience.	<ul style="list-style-type: none"> i. The Palimbang Massacre documentary by the Commission on Human Rights: https://www.youtube.com/watch?v=RBZq0e0qMYU&t=60s . ii. Waves of Dispossession A Brief History of Land Conflict in the Bangsamoro by the TJRC Commission and WB https://www.youtube.com/watch?v=ZlisXqcZzBQ&t=43s iii. Daughters of Three Tailed Banner filmed by acclaimed Bangsamoro Filmmaker, Teng Mangansakan who won the World Premieres Film Festival (WPF) in 2016. 	Some initiatives
c	Promote Bangsamoro and indigenous culture through festivals of the arts that are respectful of traditional world views and ways of living.	i. BARMM cultural showcase on Madison Avenue in New York with the Ministry of Trade, Investments & Tourism (MTIT) on June 4, 2023.	Some initiatives
8	To the CHR and the ARMM RHRC, NEDA, the future Bangsamoro authorities, the Mindanao Development Authority (MinDA), and the Bangsamoro Development Authority (BDA) with the support of the Sub-Commission on Land Dispossession in the Bangsamoro and the Sub-Commission on Bangsamoro Historical Memory:		
	Based on the findings of the Sub-Commission on Bangsamoro Historical Memory, ensure the creation and	i. Initial coordination meetings on the formulation of Community-based Reparation Program Framework for the victims of past atrocities (OPAPRU,	Not implemented

	implementation of a culture and gender sensitive reparation program guided by the UN Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law with particular attention given to restitution, compensation, and rehabilitation.	DSWD, DILG); ii. Community consultations in Manili and Malisbong on the proposed of a community-based Reparation Program and to vet the content of their memorial markers for eventual installation (OPAPRU)	
9	To the Human Rights Victims Claims Board (HRVCB), CHR, and ARMM RHRC		
	Authorize the NTJRCB to access the database of the HRVCB and CHR with respect to claims submitted by Martial Law victims or to cases of IHRL and IHL violations in Mindanao and the Sulu archipelago, both prior to, during, and after the Martial Law period.		Not implemented
10	To the AFP and PNP:		
a	Contribute to symbolic reparations by offering formal apologies for their respective role in the commission of or failure to prevent human rights and humanitarian law violations, as well as for specific incidents known to Bangsamoro communities and to the AFP or PNP alike. In such a case, the AFP or PNP shall contribute to material reparations, e.g., by rebuilding homes, mosques, madrasahs, and other community infrastructure in affected Bangsamoro communities.		Not implemented
b	Authorize the NTJRCB to access archival material and database information that is relevant to its mandate. The AFP or PNP shall protect institutional archives of all kinds related to IHRL and IHL violations.		Not implemented

11	To the future Bangsamoro authorities and DENR in cooperation with the Sub-Commission on Land Dispossession in the Bangsamoro:		
a	Conduct an inventory of corporate firm leaseholds or grants for reforestation projects that cut across ancestral domain and land claims.		Not Implemented
b	Rationalize forest reservation at the regional level.		Not implemented
c	Authorize the NTJRCB to access data from the Presidential Commission on Good Government (PCGG) on:		
	i. Cases involving concessions granted by the Marcos dictatorship over State-controlled land in Mindanao for timber, mining, or other natural resource exploitation to individuals or business entities owned or controlled by those considered as business associates of the Marcos family under Executive Order Nos. 1, 2, and 13.		Not implemented
	ii. Cases involving the purchase, lease, or takeover of coconut farms or coconut oil production facilities in provinces within the ARMM, using the Coconut Industry Investment Fund (CIIF) and related coconut levy money.		Not implemented

The Guarantee of Non-Recurrence (the right of victims and society at large to protection from further violations and the duty of the State to ensure good governance and the rule of law)

	Recommendations and for/to Whom	Initiatives and Office/Organization Responsible	Status
1	To the President and the future Bangsamoro authorities, CHR, ARMM RHRC, DSWD, DOH, and LGUs:		

	Adopt policies to break the cycle of internal displacement by providing means for return with accompaniment and durable solutions especially for internally displaced peoples in protracted displacement situations.	i. Camp Transformation Program of the GPH-MILF Implementing Panel. ii. RA 11696 aka "Marawi Siege Victims Compensation Act of 2022). iii. CSO-led advocacy movement who are doing interfaith, multi-sectoral collaborations to push for a culturally sensitive approach to the Marawi rehabilitation and social reconstruction. <i>-yet many victims of the Marawi siege remained displaced.</i>	Not implemented
2	To the future Bangsamoro authorities in cooperation with the OP, DSWD, and BDA with the support of the private sector:		
a	Develop and ensure the availability of the full range of social services to support inclusive economic growth and stable livelihoods for the population in the Bangsamoro.	i. Partnered with MAFAR on Cattle Halal Production (MinDA); ii. Technical Assistance to Taraka, Lanao del Sur, BARMM on Solar-powered water supply project under MinDA Waters (MinDA); iii. Implementation of the Renewable Energy Technology for Value-Added of Seaweeds in Tawi-Tawi or RETS Project (MinDA); iv. BARMM Vegetable Derby in Pagalungan, Maguindanao (MinDA);	Some Initiatives
3	To the ARMM RRUC & RHRC and the future Bangsamoro authorities with the support of religious leaders and civil society organizations:		
	Enhance the capacity of the ARMM RRUC in resolving conflicts through partnerships with Moro and indigenous leaders.	i. creation of RA 9285 of 2004 aka "An Act to Institutionalize Use of Alternative Dispute Resolution System in the Philippines and to Establish for Office for ADR. ii. Community-Based Research and Training Module Writing on Alternative Dispute Resolution (ADR) based on the Context, Culture, Beliefs, and Realities of BARMM. iii. Institutionalization of Rido (family feud) Arbitration in Bangsamoro Governance.	Some initiatives
4	To the national DepEd and CHED and educational authorities at the Bangsamoro level:		

	Develop curricula for higher degrees in law at universities, including training in <i>Shari'ah</i> law as well as traditional mediation mechanisms and justice procedures.	Training of Asatids (Madaris teachers) on Philippine Shariah organized by the National Commission on Muslim Filipinos.	Some initiatives
5	To the relevant institutions concerned with land issues in the national government, the future Bangsamoro authorities or the ARMM Regional Government, and the Sub-Commission on Land Dispossession in the Bangsamoro:		
	Address claims related to ancestral domains, implement IPRA, and devolve NCIP in ARMM		Not implemented
6	To the future Bangsamoro authorities, and the agency members of the National Steering Committee on Women, Peace and Security (NSCWPS), namely, OPAPP, PCW, DFA, DILG, DND, DSWD, DOJ, NCMF, and NCIP:		
a	Institutionalize capacity building for women in the Bangsamoro towards their empowerment and the recognition of the entirety of their rights, including property rights.	Creation of the Bangsamoro Women Commission 2. Expansion of social services and budgets for women empowerment and gender and development 3. Prioritization of the enactment of the regional Gender and Development Code 4. Formulation and implementation of the Bangsamoro Regional Action Plan on Women, Peace and Security.	Some Initiatives
b	Support the future Bangsamoro authorities in continuing, strengthening, or expanding existing structures and mechanisms for women at different levels (e.g., the Regional Commission on Bangsamoro Women or RCBW and provincial women's councils).	i. RAP WPS 2023-2033. ii. Gender Quota in the Local development Councils (at least 40% women are involved in the Local development Councils) per Bangsamoro Local Governance Code. iii. Advanced Course on Women, Peace and Security with WPS Practitioners in BARMM undertaken thru the Bangsamoro Peace Institute in partnership with UN Women and Ministry of Public Order and Safety in BARMM (MPOS) and the Bangsamoro Women Commission (BWC)	Implemented
c	Ensure the meaningful political participation of Moro and indigenous women in national, regional, and local bodies.	a. Bangsamoro Electoral Code (BEC); establishment of Regional Political Parties with gender quota provision; b. Mandatory Bodies or Mechanism in the Party; c. Nomination of Candidates (30% Women and anti-political dynasty); d. Mandatory and Continuing Party	Some Initiatives

		Activities; e. Anti-Turncoatism provision; and f. Manner of Allocation of Seats. g. Women’s Political Participation training (UnyPhil-Women, Nisa Ul Haqq Fi Bangsamoro, Teduray Lambangian Women’s Organization, & WeAct 1325). h. MILF-Social Welfare Committee adopted a multi-level approach in empowering women; other strategies were also initiated to support women’s economic empowerment	
d	Enhance the National Action Plan on Women, Peace and Security to include a Regional and/or Local Action Plan on UN Resolution 1325 and 1820 in the ARMM.	i. Roll out by the Bangsamoro Women Commission of the Regional Action Plan on Women, Peace & Security (RAP-WPS) ii. RAPWPS 2023-2028 (RAP WPS). iii. Training of Trainers for WPS Cohorts in the BARMM by the UN Women and MPOS through the Bangsamoro Peace Institute. iv. Offering of the WPS course in the graduate level of MSU System.	Implemented
7	To the Senate of the Philippines and House of Representatives:		
a	Pass a Bangsamoro Basic Law to provide the political and institutional infrastructure to pursue the peace agreements.	RA 11054 was signed into law on July 27, 2018.	Implemented
b	Support the national ‘dealing with the past’ and reconciliation process, through the enactment of laws and amendments to ensure the implementation of the TJRC recommendations and provide the NTJRCB with the needed funding and resources to carry out its mandate.	i. Bangsamoro Autonomy Act No. 4 aka Bangsamoro Human Rights Act of 2019. ii. establishment of the Transitional Justice Office (TJO) at the Office of the Presidential Adviser on Peace, Reconciliation and Unity (OPAPRU). iii. E.O. No.79 S.2019 on Implementing the Annex on Normalization under the Comprehensive Agreement on the Bangsamoro during the Duterte Presidency.	Some Initiatives
c	Invite the NTJRCB, or the specific Sub-Commission in charge, to report regularly on progress realized in the national ‘dealing with the past’ and reconciliation process.		Not implemented
d	Request the Sub-Commission on Historical Memory to realize specific hearings with victims in both the House and the Senate related to specific cases of international human rights and international humanitarian law violations.		Not implemented
e	Adopt laws that contribute to reconciliation.	The passage of the Bangsamoro Basic Law (BOL) that became the legal instrument in the implementation of the spirit and intent of the Comprehensive Agreement on Bangsamoro (CAB).	Partially implemented

f	Support a Presidential apology with an official ceremony, including a minute of silence each month for all the victims of the Bangsamoro conflict.		Not implemented
g	Encourage and create conditions for political parties to have informed positions on Bangsamoro.	i. Bangsamoro Inclusive Political Party and Policy Development Project by the National Democratic Institute for International Affairs and the Cotabato-based Institute for Autonomy & Governance. ii. Implementing Rules and Regulations for the Bangsamoro Electoral Code. iii. Accreditation of Sectoral Groups such as Women, Youth, IPs, Traditional leaders, Ulama and Settler Communities.	Some Initiatives
h	Create a 'Commission on the Promotion of Diversity' in both the House and the Senate, mandated to develop a legal framework that promotes intercultural understanding based on the principles of exchange of knowledge, practice of tolerance, and acceptance of diversity.		Not implemented
8 To the AFP:			
a	In cooperation with Sub-Commission on Land Dispossession in Bangsamoro, assess the process of appropriation and legal ownership of property occupied by military camps and seek ways to restore that property to its rightful owners or to provide adequate compensation, when warranted.		Not implemented
b	Review the recruitment procedure of former MNLF combatants into the AFP in terms of its quantitative and qualitative impact.		Not implemented
9 To the AFP and the PNP:			
a	Strengthen cooperation with RRUC, the future Bangsamoro authorities or ARMM, and justice institutions in addressing local conflicts.		Not implemented
b	Encourage recruitment of Moro women into the AFP or PNP.	i. Inventory of women serving the PNP (A total of 1,338 women in the PNP, 657 of them are serving the PRO-BAR) as of 24 February 2022 (PNP); ii. Database of Moro Women serving the AFP (AFP); iii. The AFP to initiate policy guidelines for active Moro women serving the AFP on wearing of hijabs as part of their service/military uniforms (AFP)	Not implemented

10	To the AFP, PNP, and related offices such as PMA, NDCP, PNPA & PPSC:		
a	Address the practice of military ‘hamleting,’ including the destruction and/or defilement of religious structures during military operations with a view to rectifying or compensating for damages.		Not implemented
b	Review the system of assignment of security sector personnel (AFP and PNP) to Mindanao (e.g., deployment as punishment; fresh recruits; deployment without education on Mindanao).		Not implemented
c	Set limits in terms of duration and number of AFP personnel that can be deployed for military operations in Mindanao, so that the problems arising from the assignment of military units unfamiliar with Bangsamoro contexts and not trained in law enforcement operations are minimized.		Not implemented
d	Review the results of previous recommendations related to security sector reform put forward by earlier commissions, such as the Davide, Feliciano, and Melo Commissions, and continue to pursue full-fledged security sector reform, including capacity training and the deployment of a recruitment program based on integrative values, reflecting diversity, inclusion, and sensitivity to culture and gender (e.g., ‘women, peace and security’).	i. Deployment of hijabi troopers in the BARMM areas. ii. Appointment of a Bangsamoro in the AFP-Peace and Development Office. ii. Conflict and culture-sensitivity trainings in the AFP.	Not implemented
e	Include lessons about Bangsamoro history and culture in the curricula of the military academy.	i. Development and roll out of modules on Philippine and Bangsamoro Histories, Bangsamoro Struggles and the Peace Processes for the former MILF who are qualified to enter the PNP (PNP, OPAPRU); ii. Inclusion of topics on the Normalization Program in Peace Education and Local Culture of the Bachelor of Science in Public Safety (BSPS) Revised Curriculum (PNP); iii. Inclusion of topics and subject matters in trainings/seminars on adherence to the Constitution, and policies on International Humanitarian Law (IHL), Human Rights (HR) and Rule of Law (RoL) as mandatory subjects in all courses/trainings of the PNP (PNP); iv. Inclusion Bangsamoro Histories and Cultures in the PMA modules (AFP); v. Initial steps undertaken for the inclusion of peacebuilding in the AFP academic modules (AFP); vi. Integration of	Some initiatives

		Culture of Peace (COP) and Conflict Sensitive and Peace Promoting (CSPP) Approaches in their Youth and Leadership Summit module (AFP); vii. Robust campaigns on IHL, HR and RoL through lectures and seminars (AFP); viii. Consciousness Training on Human Rights and Children in Situations of Armed Conflict Law and AFP Handling Process (BHRC); ix. Human Rights-Based Policing Training to PNP Personnel (BHRC)	
11	To the LGUs in cooperation with the future Bangsamoro authorities, NEDA, MinDA, and BDA with the support of the Sub-Commission on Land Dispossession in the Bangsamoro:		
a	Set up a ‘one-stop shop’ assistance centre for Bangsamoro and indigenous peoples to focus on the problem of landlessness and access to public services.		Not implemented
b	Create a moratorium on the distribution of public lands and prevent the declaration of public lands as alienable and disposable.		Not implemented
12	To relevant civil society organizations in the Bangsamoro and in the Philippines:		
a	Constitute and participate in the Civil Society Forum for Transitional Justice and Reconciliation in the Bangsamoro with a view to monitoring the implementation of the NTJRCB mandate.	i. Forum-ZFD TJR Conference. ii. Platform for TJR through the Independent Working Group on TJR. iii. Dialogue with Stakeholders in Pata and Patikul, Sulu (OPAPRU); ii. Participatory Action Research and Human Rights Education for Indigenous Peoples (BHRC); iv. Human Rights Education with Grassroots Partners and Introduction of Transitional Justice to the Community (BHRC). iii. CSO-led advocacy movement who are doing interfaith, multi-sectoral collaborations to push for a culturally sensitive approach to the Marawi rehabilitation and social reconstruction.	Some initiatives
b	Submit a list of five names of civil society representatives with the appropriate moral standing and professional qualifications to the President for selection to participate in the NTJRCB as ex officio, nonvoting members. Ensure that the two persons selected are acting		Not implemented

	in representation of civil society and in the interest of the victims of the conflict.		
c	Support and cooperate with the NTJRCB in the implementation of recommendations with a view to enhancing the satisfaction of victims and strengthening the guarantees of non-recurrence.		Not Implemented
13	To the International Community:		
a	Create a Group of Friends of the NTJRCB based on the Paris and Busan principles with a view to supporting the overall process towards reconciliation.		Not Implemented
b	Support the work of the NTJRCB and its Sub-Commissions politically and financially.		Not Implemented
c	Integrate a victim-, gender- and conflict-sensitive approach into any project of financial support to the NTJRCB and its Sub-Commissions as well as to the Civil Society Forum.		Not Implemented
d	Request information based on regular monitoring and reporting on the work of the NTJRCB and its Sub-Commissions as well as on implementation of the recommendations and efforts realized by the government and the future Bangsamoro authorities towards reconciliation.		Not Implemented
e	Request the Government of the Philippines to present regular progress reports related to the work of the NTJRCB and its Sub-Commissions on the occasion of the Universal Periodic Review (UPR) at the UN Human Rights Council.		Not Implemented