



**COMPARATIVE INSIGHTS ON
THE STATE OF
IMPLEMENTATION OF THE 2014
COMPREHENSIVE AGREEMENT
ON THE BANGSAMORO**

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COMPARATIVE INSIGHTS ON THE STATE OF IMPLEMENTATION OF THE 2014 COMPREHENSIVE AGREEMENT ON THE BANGSAMORO

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Summary

This brief report provides an overview of the current implementation status of the Comprehensive Agreement on the Bangsamoro (CAB), negotiated between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) in March 2014. The assessment below is based on the Peace Accords Matrix (PAM) methodology for identifying provisions and the implementation of such provisions in comprehensive intrastate peace agreements negotiated between the government and rebel groups.

Out of a possible 51 provisions in intrastate comprehensive peace agreements since 1989, the CAB contains 30. Out of these 30 provisions, 14 (46.67%) are fully implemented, 5 (16.67%) are at an intermediate stage of implementation, 9 (30%) have reached a minimum level of implementation, and 2 provisions (6.67) have yet to be initiated. As of the end of 2021, the CAB's overall implementation rate stands at 70%. The other 32 CPAs for which the implementation process continued for the full 10 years had an average aggregate implementation rate of 74%, which is four percentage points above the CAB's current implementation rate. Regarding CAB's overall implementation, 30% of the implementation progress has yet to be achieved for security-related measures, as this brief identifies. The brief concludes by identifying areas in the Normalization Annex of the CAB that need greater attention from peace process actors and stakeholders to meet the rescheduled normalization timeline.

The 2014 Comprehensive Peace Agreement on the Bangsamoro

The 2014 Comprehensive Peace Agreement on the Bangsamoro (CAB) is the outcome of a series of endeavors that started in 1997. After three years of talks between the peace panels and technical committees formed in 1997, the Government of the Philippines (GPH) sought the facilitation of the Malaysian government, leading to the signing of the Agreement on the General Framework for the Resumption of Peace Talks between the GPH and the Moro Islamic Liberation Front (MILF) in March 2001. While the peace process stalled after the 2008 signing of the Memorandum of Agreement on Ancestral Domain, the negotiation process resumed with expanded involvement from third parties facilitating the process, as well as the inclusion of civil society actors. After 32 rounds of formal exploratory talks, the parties signed the Framework Agreement in October 2012. Negotiation continued for another 18 months in Malaysia, and the parties signed the CAB in March 2014.¹ The CAB addresses the underlying political, economic, social, and security grievances of the Moro people and provides a pathway for ending armed conflict in the southern Philippines.

As of this writing, the CAB's implementation process has entered its ninth year. This report provides an assessment of the implementation of the CAB based on the Peace Accords Matrix (PAM) methodology and provides insights on provisions that are behind compared to other CPA implementation processes.

Methodology

PAM provides a research methodology of identifying provisions negotiated in intrastate comprehensive peace agreements. Intrastate peace agreements are negotiated within a country between the government and the rebel groups fighting for either control of the government or territorial issues (e.g. federalism, decentralization, or autonomy). In PAM, a provision is defined as a “goal-oriented” reform or initiative having a discrete policy domain. Through analysis of comprehensive peace agreements negotiated between governments and rebel movements in resolving intrastate armed conflicts, PAM identifies 51 possible provisions.²

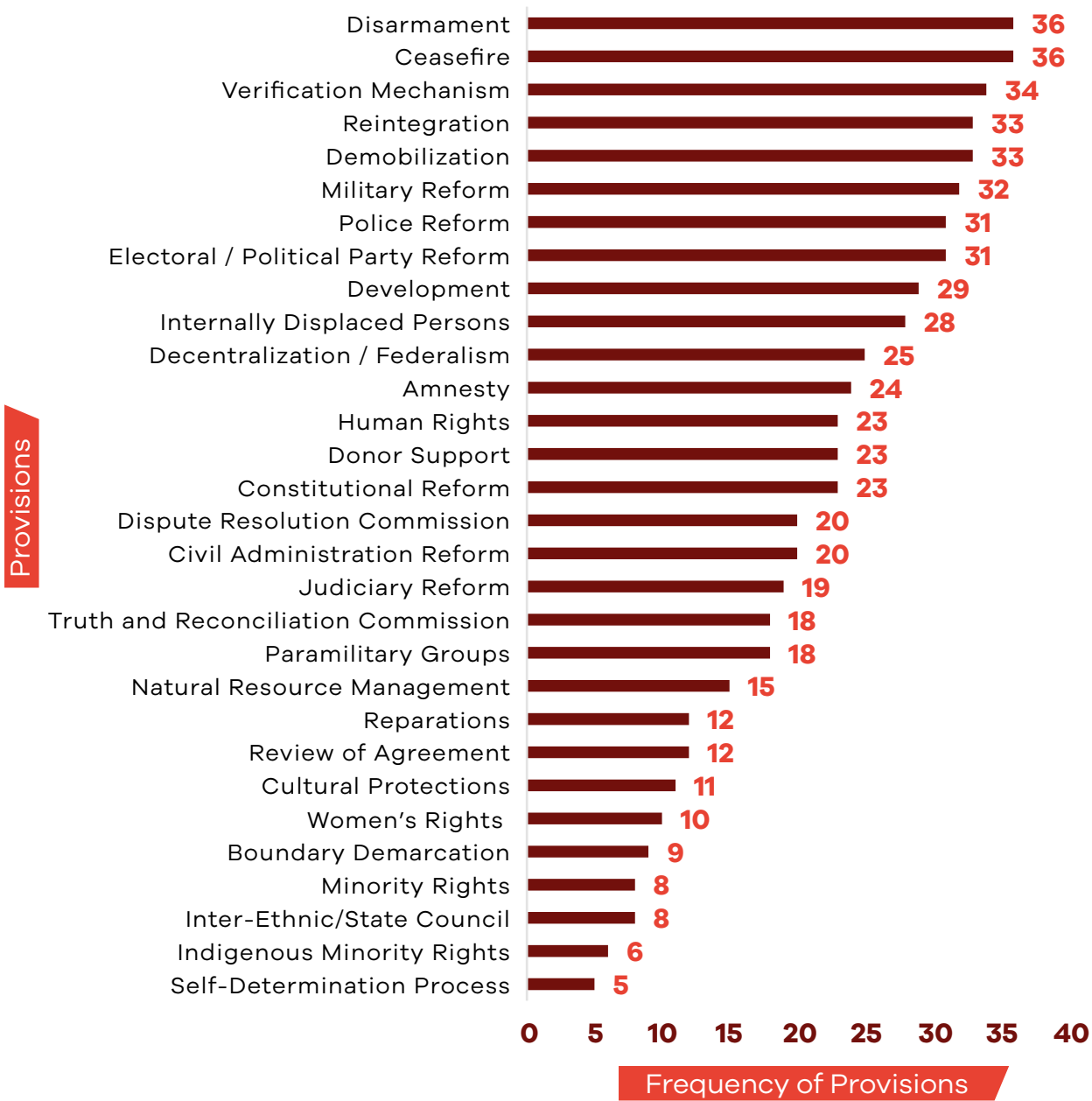
For these provisions, PAM provides a rigorous matrix for evaluating implementation status, which has levels ranked in the order of not implemented (0), minimum implementation (1), intermediate implementation (2), and full implementation (3). A provision is considered not implemented when parties have not taken a substantive initiative in initiating the implementation process. The minimum implementation level reflects processes that are not viable, where the implementation process may have been initiated, but the current rate of progress is unlikely to attain a timely completion. Intermediate implementation refers to a level that is considered viable given the amount of progress achieved so far and, if continued at the same pace of progress, will produce a nearly completed process by the end of the next year. Full implementation suggests the level of progress for a given provision that is complete or nearly complete. The remaining amount of implementation tasks would not be seen as adversely affecting the viability of the process.

Provisions in the 2014 CAB

Based on the PAM methodology of identifying provisions negotiated in comprehensive peace agreements, the CAB is understood to contain 30 provisions. This makes the CAB an agreement with relatively more provisions in comparison to others in the matrix, as only three other agreements had more than 30 provisions. These agreements were negotiated in Guatemala (1997), Burundi (2003), and Sudan (2005) and contained 32, 35, and 43 provisions, respectively.

Figure 1 provides an overview of provisions that are found in the CAB and the other 41 comprehensive peace agreements negotiated since 1989.³ As shown in the figure, the CAB is one of a few agreements that contain provisions specific to territorial autonomy, cultural rights, minority rights, Indigenous People's rights, and women's rights. Negotiation of these rights in the CAB suggests the significance of these issues for the Bangsamoro people and why implementing these rights is critical for the success of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) as a fully autonomous entity within the Philippines. At the same time, the CAB contains all the security-related provisions most frequently negotiated in intrastate comprehensive peace agreements. These security-related provisions are mainly contained within the Normalization Annex of the CAB. The next section provides an overview of the CAB's implementation status and how the progress achieved so far compares to other CPAs.

Figure 1 Provisions Similar to Those Contained within the CAB in Comprehensive Peace Agreements Since 1989



Implementation of the 2014 CAB

The CAB's first year of implementation was comparable to other CPAs, with a primary focus on repurposing the existing peace implementation infrastructures and establishing new ones. The accord provides a monitoring and verification mandate to a third-party monitoring team, which was already up and running as part of the Framework Agreement of 2012. Similarly, the Bangsamoro Transition Commission (BTC), which was created in 2012 in Executive Order No. 20, took on the drafting of a Bangsamoro Basic Law in April 2014, which was submitted to Congress in September of that same year. Similarly, the Joint Normalization Committee was established in May 2014 with a mandate to coordinate the implementation of the agreement and resolve any disputes.⁴ Yet, overall implementation did not progress as expected. While the dispute resolution, verification, and donor support provisions were fully operational and comparable to other CPA implementation processes, the CAB's implementation process remained slow until 2017.

One cause for the slow pace of the implementation process was related to implementing the changes in the new BTC, which took place in 2015.⁵ Executive Order No. 187 of 2015 changed the terms of the BTC as an inclusive Bangsamoro Assembly to discuss the proposed basic law. The BTC was also expanded from 15 to 21 members to represent diverse communities in the Bangsamoro, but it was only in February 2017 under president Rodrigo Duterte that these BTC members were appointed by the GPH. In a sense, the process of drafting, debating, and passing the Bangsamoro Basic Law (BBL) restarted when Duterte was elected president in 2016. The BTC adopted the draft of the BBL from the previous BTC in its April 2017 plenary session.⁶ This initial draft was approved by Congress in 2018 as the Bangsamoro Organic Law (BOL) and put into effect after the Bangsamoro Organic Law plebiscite in January 2019.⁷

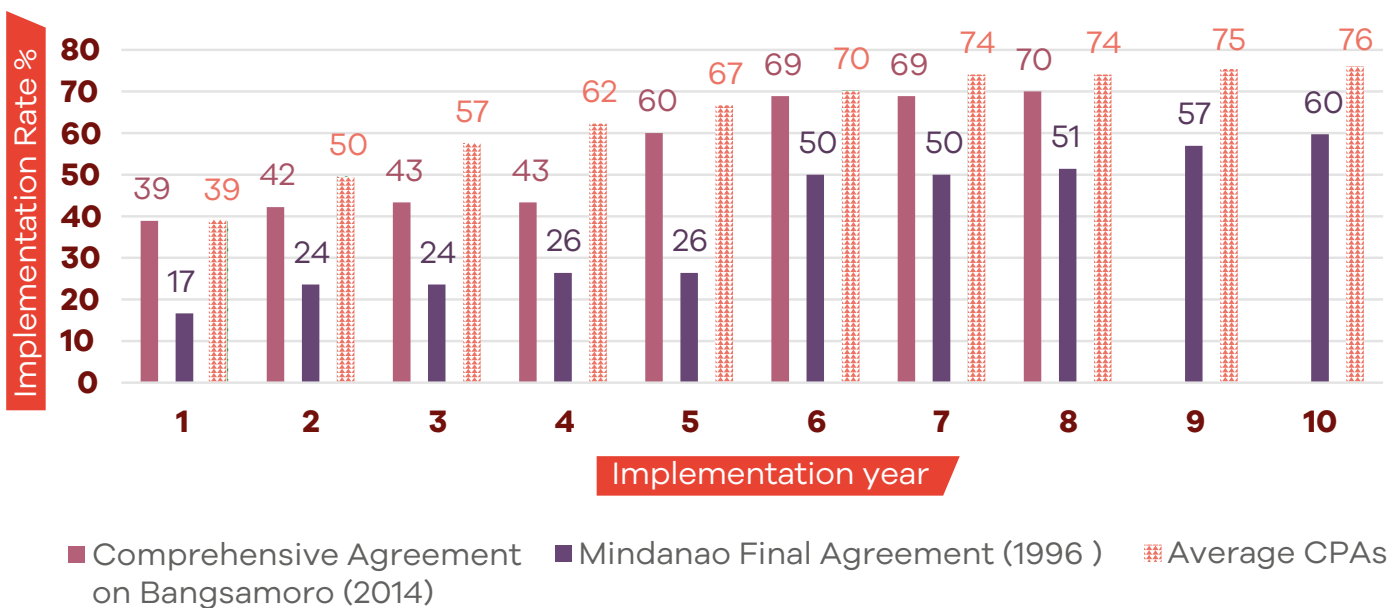
Implementation of a majority of the provisions in the CAB depended on the passage of the BOL. Therefore, the passage of the BOL by Congress in 2018 was a watershed moment in the Bangsamoro peace process that allowed for the implementation of many initiatives included in the new law. One such

initiative was the creation of the BTA, whose 80 members were sworn in on February 22, 2019, and who have started working on seven priority bills that will serve as the legal basis of the new government.⁸ The 80-member BTA was composed of 41 members nominated by the MILF, and the national government selected the remaining members. The passage of the BOL was also key for implementing the CAB’s normalization track. After the BTA was established, the second phase of the disarmament, demobilization, and reintegration of MILF combatants began in August 2019. In this phase, 12,000, or 30%, of MILF combatants were decommissioned.

Figure 2 provides an annualized overview of the implementation progress of the CAB in comparison to other CPA implementation processes since 1989. The figure shows the overall implementation rate for the CAB process in the light purple bar. The dark purple bar represents the 1996 Mindanao Peace Agreement. The patterned bar excludes the 2014 CAB and represents the average score for other CPAs.

Figure 2

Comparing the Implementation of the 2014 CAB With Other CPA Implementation Processes Since 1989

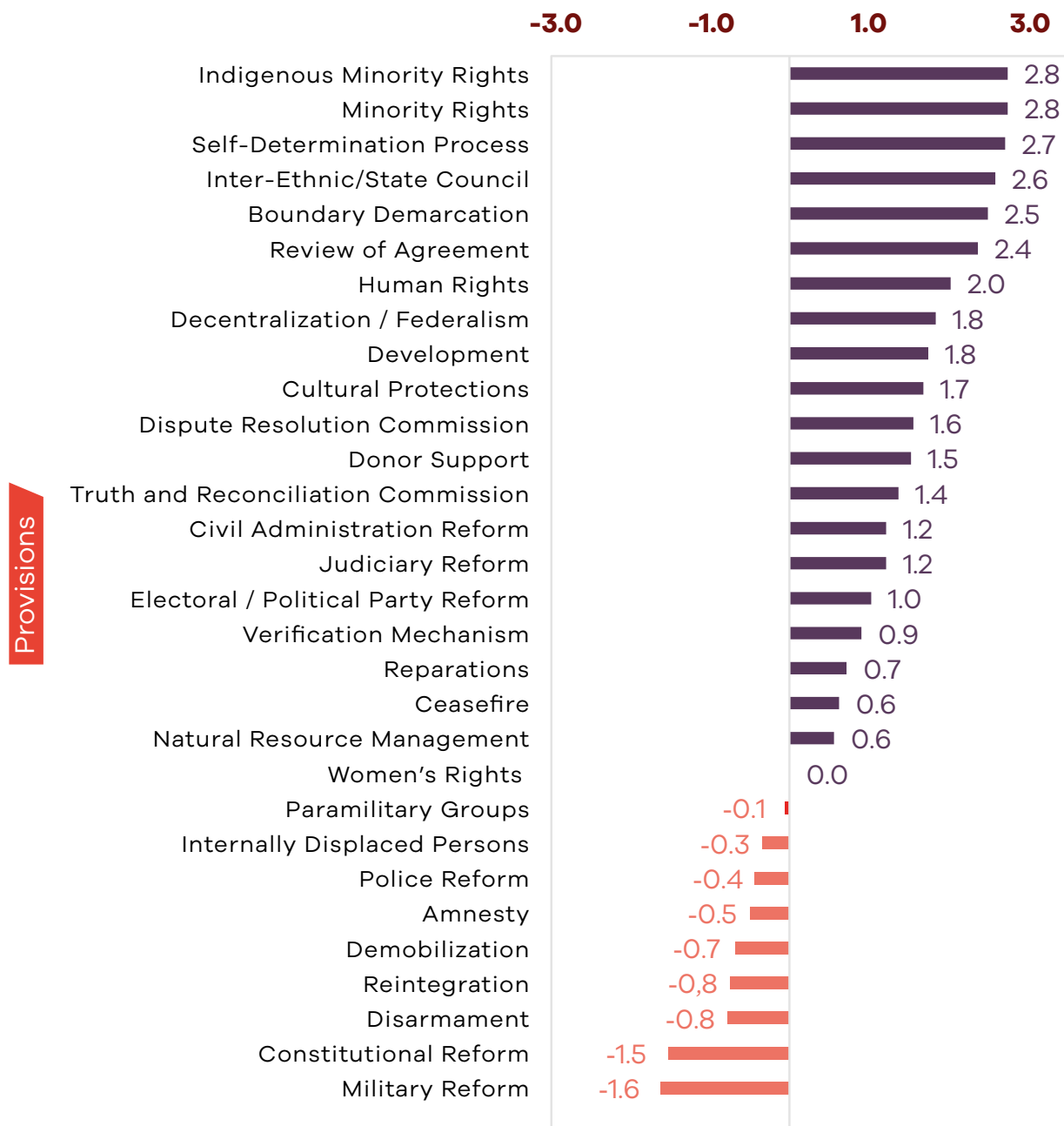


As Figure 2 shows, the CAB's overall implementation trajectory is significantly higher than the 1996 Mindanao Peace Agreement, but it lags noticeably compared to other CPA implementation processes after the first year. As discussed earlier, the delay in the passage of the BOL, which was foundational for initiating the implementation of many provisions in the CAB, accounts for this slow progress. After the passage of the BOL and the establishment of the BTA, the overall implementation rate of the CAB increased by 17 points to 60% in the fifth year and an additional 9% in the sixth year, which makes it comparable to other CPA implementation processes. The momentum following the establishment of the BTA significantly slowed following COVID-19 pandemic-related shutdowns and the diversion of resources and administrative capacities of the BTA to meet the public health priorities in the BARMM. The figure shows the slow progress in implementing the CAB in 2020 (year 7) and 2021 (year 8).

In terms of implementation status at the provision level, out of 30 provisions in the CAB, 14 (46.67%) are fully implemented, 5 (16.67%) have an intermediate implementation status, 9 (30%) have a minimum implementation status, and 2 (6.67%) have yet to be initiated.⁹

Figure 3 provides a different take on the implementation status of the CAB at the provision level compared to other peace processes. It utilizes the implementation data for the same provisions from the implementation of other CPAs at the eight-year mark. The figure provides information for provisions where the CAB implementation process is ahead of schedule compared to other CPA processes (purple bar) and where the CAB process is lagging (red bar). Comparatively speaking, the provisions in which the CAB implementation process is ahead are often slow to be implemented in other CPA implementation processes. Further, these provisions are foundational for qualitative change in societies during the post-accord period. As such, advancement in implementing these provisions can be considered a significant achievement. However, these provisions' implementation is mostly related to the passage of the BOL and the establishment of the BTA, which has focused on implementing the priority laws for the BARMM. The provisions that are fully implemented are: Indigenous Minority Rights, Minority Rights, Self-Determination Process, Inter-Ethnic/State Council, Boundary Demarcation, Review of Agreement Human Rights, Decentralization / Federalism, Development, Dispute Resolution Commission, Donor Support, Electoral / Political Party Reform, Verification Mechanism, and Ceasefire.

Figure 3 Comparative Insights Into the Implementation of the CAB Provisions (8 Years into the Implementation Process)



It is also important to note the specific provisions for which implementation has been relatively quick in other CPA implementation processes, but where the CAB implementation process is lagging. In other CPA processes, implementation of Paramilitary Groups, Internally Displaced Persons, Police Reform, Amnesty, Demobilization, Reintegration, Disarmament, Constitutional Reform, and Military Reform provisions, in general, are achieved within the first few years. In comparative peace processes, implementation of these provisions is considered critical for addressing the underlying security dilemmas of rebel groups committing to demobilize their combatants. Another important aspect involving the implementation of key provisions is granting amnesty to these combatants and securing their livelihood to facilitate their reintegration into society as civilians. While the delay for the CAB relates to the delay in establishing the BTA, implementation of these provisions is critical for returning to normalization as envisaged in the CAB. Notably, most of the slow-moving provisions relate to the Normalization Annex of the CAB and should be front and center among implementation priorities in order to meet the timeline of the extended tenure of the BTA, which expires in 2025.¹⁰

Conclusions

Comparative peace process research suggests that the pathways to peacebuilding success through peace accord implementation has always been through security dimensions and through implementing provisions that address underlying security or security related issues. Peace agreements contain relatively more security provisions compared to social peace related provisions, and these provisions are often implemented quickly in comparison to provisions dealing with social or cultural issues.¹¹ In contrast to this pattern, the CAB's implementation in the BARMM has occurred in reverse order, which thus far has been to its benefit. This is because provisions that are usually slow to be implemented are ahead of schedule compared to other peace processes. To strengthen these achievements, however, the focus in the implementation process should now be shifted to implementing security-related provisions. Any further delay in implementing those provisions could frustrate combatants who have yet to go through the decommissioning process, as well as their families and communities supporting the reintegration process.

As noted in previous reports by the third-party monitoring team, critical infrastructure and mechanisms for carrying out implementation specific to the Normalization Annex of the CAB exist, yet a portion of the resources available to the BTA for implementing the CAB were diverted to respond to the COVID-19 pandemic.¹² At this stage, the key limiting factor remains the availability of resources to implement all aspects of the normalization process. For example, in the third phase of the MILF combatant decommissioning process, 14,000 MILF combatants were expected to demobilize. Due to the COVID-19 pandemic and budget limitations, however, only some 7,000 combatants were demobilized.¹³ The limited availability of resources not only impacted the combatant demobilization process; it is also constrained various reintegration programs for demobilized combatants, their families, and their communities.

While there are only a few provisions specific to the normalization process as part of the CAB's implementation based on the PAM methodology, these provisions contain numerous programs and priorities. These programs and priorities must be achieved within the next couple of years to remain

on track with implementation and meet the extended normalization deadline. Therefore, it would be helpful if the CAB signatories, as well as its stakeholders, would engage technical experts to develop a shared understanding of what these programs and priorities entail. This process would help the parties to develop benchmarks for various stages of implementation success and to clarify the target of these programs, identify gaps in their current approach, and overcome obstacles. Further, this approach would help the parties identify spaces for civil society organizations to be a part of the implementation process. This would serve to further broaden ownership of the implementation process and safeguard it from local-level setbacks.

Implementation of security provisions and various provisions in the Normalization Annex of the CAB is critical to a successful Bangsamoro peace process. Implementation of these provisions will make the CAB one of the most successfully implemented peace agreements since 1989. In cases like Angola, Northern Ireland, Nepal, and South Sudan, implementation of security-related provisions similar to those in the CAB's Normalization Annex faced obstacles and had adverse effects on the entire implementation process in each country. In Angola, issues related to amnesty provisions contributed to the failure of the 1994 peace agreement. In Northern Ireland, issues connected to the decommissioning of Irish Revolutionary Army weapons led to the suspension of the devolution of executive power to Northern Ireland. In Nepal, the delay in demobilizing and reintegrating Maoist combatants obstructed the constitution writing process. And, currently, the slow process of creating unified commands from rebel and government forces in South Sudan is stalling the entire transition process.

The technical approach suggested above, to develop a shared understanding of remaining implementation priorities and programs and to facilitate the implementation process, can be instrumental in foreseeing obstacles well in advance, addressing them quickly, and safeguarding overall implementation achievements.

Endotes

- ¹ MILF Peace Panel. *Journey to the Bangsamoro, Volume 1-3*. Philippines. 2015.
- ² Joshi, Madhav, Jason Michael Quinn, and Patrick M. Regan. "Annualized implementation data on comprehensive intrastate peace accords, 1989–2012." *Journal of Peace Research* 52, no. 4 (2015): 551–562; Joshi, Madhav, and John Darby. "Introducing the Peace Accords Matrix (PAM): A database of comprehensive peace agreements and their implementation, 1989–2007." *Peacebuilding* 1, no. 2 (2013): 256–274.
- ³ Data are available from the Peace Accords Matrix web portal for 34 cases. The data for the remaining cases is yet to be released to the public.
- ⁴ "Philippine gov't, MILF create normalization bodies," *Xinhua General News Service*, May 6, 2014.
- ⁵ Other factors causing the delay in the passage of the BOL were related to the Mamasapano massacre in January 2015 and the lack of political will of the Aquino administration to push for the bill. On the Mamasapano massacre, see, "Philippine police killed in clashes with militants," *BBC News*. January 26, 2015.
- ⁶ "Fourth Public Report, March 2016 to June 2017," Third-Party Monitoring Team, September 24, 2017.
- ⁷ "Fifth public report," Third Party Monitoring Team, March 11, 2019.
- ⁸ "Bagsamoro government fast tracks 7 priority bills," *Philippine Information Agency*, December 4, 2019.
- ⁹ Setting up the institutional mechanisms and infrastructure that are up and running meets the full implementation criteria for many provisions in the list, such as verification mechanism, dispute resolution process, review of the agreement, and donor support, to name a few.
- ¹⁰ "BTA extension to ensure more responsive governance: group," *Philippines News Agency*, May 27, 2021.
- ¹¹ Lee, SungYong, Roger Mac Ginty, and Madhav Joshi. "Social peace vs. security peace." *Global Governance* (2016): 491–512.
- ¹² "Seventh Public Report," Third Party Monitoring Team, January 2022.
- ¹³ "Decommissioning process delayed by 21,000 MILF combatants – Galvez," *Rappler*, September 15, 2021. <https://www.rappler.com/nation/carlito-galvez-jr-says-decommissioning-delayed-by-thousands-milf-combatants/>

The Peace Accords Matrix (PAM) is a research initiative of the University of Notre Dame's Kroc Institute for International Peace Studies. PAM contributes to implementation verification, monitoring, and research by providing a unique source of comparable data on peace agreements, and, through its website, allows scholars and practitioners to compare 51 different themes in all the comprehensive peace agreements signed since 1989. The project also produces numerous policy briefs and academic publications to advance peace agreement negotiation and implementation.

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