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Prospect of the Bangsamoro Local Governance Code (BLGC) in Sustaining Peace and Order in BARMM

Prepared by:
Gurhan A. Adan

PEACE

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POLICY NOTES

PROSPECT OF THE BANGSAMORO LOCAL GOVERNANCE CODE (BLGC) IN SUSTAINING PEACE AND ORDER IN BARMM

Abstract

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) has seen steady and notable progress in its peace and order due to the various responses to terrorism by the National government and the BARMM. These peace and order initiatives include the reintegration programs for rebel returnees as a multi-sectoral and non-combatant approach to preventing and countering violent extremism (PCVE), which entice rebels to join the government. The BARMM has the prospect of sustaining these programs through the proposed Bangsamoro Local Governance Code (BLGC). This paper underscores the problem of the BLGC's Peace and Order Councils having the same composition and functions as the National government. Although the National Government's council addresses the peace and order in the whole nation, it fails to include the violent extremism in BARMM, because its program is focused to counter the Communist Rebels. Because the BLGC follows similar provisions in the National government peace and order council, there is a gap between the BLGC's mandates on peace and order and addressing the realities of violent extremism in BARMM. To strengthen the BLGC's provisions on violent extremism, this paper further discusses some of the BARMM's successful reintegration programs as the basis of improving BARMM's own peace and order council.


Keywords: Reintegration programs, Preventing Violent Extremism, Bangsamoro Local Governance Code

Introduction

Being secessionists, history shows that the Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF) were seeking political settlement and engaging in the peace process to redress their grievances. However, as the MNLF and MILF settled for peace as political solution, splinter groups emerged and advanced their skewed ideology through violent extremism.[1] Since violent extremism is a decade-long problem in the Philippines and the Bangsamoro in particular, the first Bangsamoro Development Plan 2020-2022 aims to provide strategies to ensure the recovery and rehabilitation of areas long affected by armed conflicts. This plan includes the reintegration programs for former combatants and rebels into more productive members of society.[2]

Sustaining the gains of peace in the BARMM is one of the prospects of the Bangsamoro government as it celebrates its third founding anniversary.[3] Hence, there is a need to develop an inclusive strategy to prevent violent extremism including how this approach be implemented and on what or to whom should this effort be focused.[4]

Since there is still presence of local terrorism in the BARMM, it is vital that the BARMM must strengthen its efforts against violent extremism in the proposed BLGC mandates on peace and order.



Given the need for a more effective efforts against violent extremism, this paper surveys some of BARMM's effective reintegration programs in relation to BLGC's provisions on violent extremism. This discussion will serve to strengthen BARMM's programs and laws against violent extremism.

Violent extremism in the BARMM

According to Salam Police Development Center of the Philippine National Police (SPDC-PNP), the rebel groups that cause atrocities in the Philippines are categorized into two groups: The communist terrorist groups (i.e. Communist Party of the Philippines [CPP], New People's Army [NPA]) and the Local terrorist groups (i.e Abu Sayyaf Group [ASG]), the Bangsamoro Islamic Freedom Fighters (BIFF) and the ISIS-inspired Marawi Group. SPDC noted that it is important to distinguish the two groups because of their differences in ideologies for a proper response to address their atrocities[5].

The local terrorist groups became a national and international threat both for its atrocities and international linkages,[6] particularly the ASG. The ASG was the first violent extremist organization in the Philippines listed on United States' list of terrorist organizations in 1997 who later swore allegiance to the Islamic State of Iraq and Syria (ISIS).[7] From 2001-2018, data show that the Philippines had 4,039 terror-related incidents, of which 3,350 were successfully executed.[8]

In Central and Western Mindanao alone, more than 150,000 estimated lives were killed in conflicts over the past five decades.


Though terror attacks declined by 18% in 2019, the Philippines remains the only Southeast Asian country to be included in the top ten most affected by violent extremism.[9] Some of the recent deadly attacks from these groups were the 2017 Marawi siege, the 2019 Mount Carmel Cathedral bombing, and the 2020 twin bombing in downtown Jolo amidst the COVID-19 pandemic.[10]

Nonetheless, in recent years, the BARMM has seen steady and notable progress in its peace and order due to the various responses to terrorism by the National government and the BARMM. These responses include reintegration programs for rebel returnees as a multi-sectoral and non-combatant approach to preventing and countering violent extremism (PCVE).

PCVE

The Inter-agency Network for Education in Emergencies (INEE) defines Violent extremism (VE) as the use of violence in line with an ideological commitment to achieve political, religious, or social goals. These violent acts can be carried out by any individual or group from a range of beliefs and ideologies. Violent extremism may be caused by the 'push' factor (e.g. marginalization and atrocities) and 'pull' factor (e.g. groups that attract new members by providing outlets for grievances and justice).[11]

Noting the causes and character of VE, preventing violent extremism (PVE) refers to an approach which aims to address the root causes of violent extremism through non-coercive approaches. [12]



The post-9/11 has seen significant growth in the number of research and initiatives in the field of preventing violent extremism (PVE). [13]

In Southeast Asia, PVE studies of the United Nations Development Program (UNDP) and The Asia Foundation (TAF) employ an exclusive, human rights-based approach to prevent and mitigate violent extremism that is specific to the Asian context. By engaging with civil society, governments, and businesses at the national and regional level, it challenges traditional security approaches by implementing practical programs that address the root causes of violent extremism. [14]

These best practices of UNDP and TAF can be among the PCVE guiding principles to be emulated by the national government and the BARMM.

Consequently, throughout the decades of addressing violent extremism in Mindanao through a combatant-based approach, there emerged a successful, non-violent, and multi-sectoral approach to PCVE. Among the interventions of the national and the BARMM government in PCVE include (1) Program Against Violent Extremism (PAVE), (2) Sulu government's Localized Social Integration Program (LSIP) (3) Ministry of Public Order and Safety Peace Intervention Programs, and (4) Executive Order No. 79 - Annex on Normalization.

PAVE: A Multi-sectoral PCVE approach

In 2018, then Autonomous Region in Muslim Mindanao (ARMM) Basilan Governor Mujiv Hataman initiated the PAVE for peace.

It started when some ASG members returned to the government's authority due to continuous military pressure and strong intervention by the local government and religious groups. It is the regional government's first model program in providing various interventions to ASG returnees and their families.[15] Further, it is a holistic approach program that seeks to end violent extremism on the pronouncement of President Rodrigo Duterte "to talk all." [16]

The approach was the output of Hataman's work with Balay Mindanaw, a non-government organization, to develop a holistic program to help the returnees integrate into the mainstream society. It was later extended to other sectors such as the military and non-government organizations in Basilan. [17]

Initially, PAVE's program benefitted 139 members of the ASG in Basilan province, 61 in Sulu, and 23 in Tawi-Tawi, with a total of 223 ASG returnees as well as 4 rebel returnees in Maguindanao.[18]

The returnees were automatically recipients of the regional government's banner programs – ARMM's Health, Education, Livelihood, Peace and Governance, and Synergy (ARMM-HELPS) and ARMM's Bangsamoro Regional Inclusive Development with Growth and Equity (ARMM-BRIDGE).

The PAVE program is recognized by the National Peace and Order Council (NPOC). Nonetheless, those returning Abu Sayyaf members with pending cases were amongst the beneficiaries of this program as Hataman assured.[19]

Sulu government's Localized Social Integration Program (LSIP)

LSIP is a collaborative peace program initiated by the Sulu LGUs and Joint-Task Force Sulu through its provincial and municipal task force ELAC (End Local Armed Conflict). The objective is to encourage former Abu Sayyaf Group (ASG) bandits to embrace a new and productive life. **LSIP encompasses three stages:**

1. Return where an ASG member formally surrenders to the military, police, or LGU;
2. Reform where the ASG returnees undertake psychosocial intervention, non-formal education and training, and introduction to livelihood opportunities, and;
3. Reintegrate where they will be granted with livelihood assistance, enrolment to housing programs, and an active partnering advocating peace initiatives.

As a result, in October 2022, 271 ASG returnees received financial assistance from the Ministry of Social Services and Development (MSSD-BARMM). This cash assistance was intended for the livelihood projects such as farming, and fishing, among others.[21] In another program, 15 ASG returnees in Kalingalan Caluang, Sulu, received the same benefits. Furthermore, the success of LSIP initiatives was made possible because of the collaborations between the LGU and the different government agencies, civic groups, and religious leaders. [22]

MPOS' Peace Intervention Programs

The **BARMM-MPOS** has programs for **maintaining peace and order**. These programs include;

1. Intervention programs to violent extremist widows
2. Settling family and clan feuds (Rido)

The programs to violent extremist widows are part of MPOS Peacebuilding towards normalization that provide interventions to vulnerable widows of violent extremist. These interventions include listening session, capacity development, provision of assistance, and referral to appropriate ministries for continued interventions. Furthermore, the objective of the programs was to know their narratives and their socio-economic conditions that enabled the Bangsamoro government to help them become agents of peace.

As for the Rido settlement, among their peace intervention programs are capacity-building efforts for local and women mediators. It is part of MPOS' mandated policies and programs for an adequate settlement of Rido cases. These programs highly promote the presence of women as vital actors in the Rido settlement. As general objective, it built a stronger partnership with local mediators and equip these mediators with the basic knowledge and skills in negotiation, mediation, and conflict resolution.[23]

GRP- MILF Annex on Normalization Track

As the product of the agreement between the Government of the Republic of the Philippines (GRP) and MILF Implementing Panels, the Annex on Normalization Track covers the MILF combatants as well as members of other armed groups who are willing to rejoin mainstream society including their families and communities. Recently, 68 decommissioned combatants of MILF completed their skills training program.[24]

The primary goal of this track is to assist them in becoming peaceful and productive members of society, and to transform their camps into progressive communities.

The **Normalization Track's four main components** include:

1. Security
2. Socio-Economic
3. Development
4. Confidence-Building Measures,
5. Transitional Justice and Reconciliation

The success of these reintegration programs was affirmed by youth leaders from different parts of BARMM, citing that they helped the community heal and make the former combatants part of the society by allowing them to benefit from the program's privileges. [26]

The above reintegration programs significantly affect the peace and order in the region positively.

They can be further developed and sustained through the BLGC's provision on Peace and Order tailored to the reality of the BARMM since there are still a threat of local terrorism and a possibility of breeding another group.

However, an important question to discuss is how the BLGC addresses violent extremism in its mandate on peace and order.


Findings and Analysis

Bangsamoro Local Governance Code (BLGC)

The BLGC, being one of the seven priority bills that the Bangsamoro Transition Authority (BTA) is required to pass, primarily aims to provide the structure to the local government units of the region and to institute them to be "responsive" and "accountable".

It is highly inspired by the national government's Republic Act No. 7160, also known as the Local Government Code (LGC) of 1991, where local units are vested with more powers, authority, responsibilities, and resources.

However, the BLGC and LGC of 1991 have different impetuses. While the BLGC aims to set the structure of the region's Local Government Units, the LGC of 1991 on the other hand was historically a reaction against the centralized Marcos regime.[27]



On the mandates of national government on peace and order, EO No. 773 titled “Further Reorganizing the Peace and Order Council” is pursuant to Section 116 of LGC of 1991, and Executive Order No. 773, Series of 2009. EO No. 773 calls for the further reorganization of the Peace and Order Councils where every province, city, and municipality is mandated to create a peace and order council. [28] Similar provisions can be found in the proposed BLGC’s peace and order council which provides:

There is hereby established in every province, city, and municipality a local peace and order council, pursuant to Executive Order No. 309, Series of 1988, as amended by Executive Order No. 773, Series of 2009. The local peace and order councils shall have the same composition and functions as those prescribed by the said executive order. [29]

This provision clearly emphasizes a centralized composition and functions of peace and order councils, taking into consideration the national government’s framework for peace and order. However, while the BLGC could derive from the said national framework, there is a gap with this provision in relation to the realities of local terrorism in BARMM, as the provision is more focused on the communist rebellion than the particular local groups operating in the region. EO No. 773 further provides:

The Regional, Provincial, Cities, and Municipalities Peace and order councils shall have the following duties and functions “Monitor the provision of livelihood and infrastructure development programs and projects in the remote rural and indigenous population areas adopted to isolate them from the Communist rebels’ “Agitate/Arouse, Organize and Mobilize” and ideological, political and organization works. [30]

The preceding provision provides for programs for peace and order that aim to isolate the public from the communist rebels’ ideology.

However, the threat of communism is not the only existing security issue in the BARMM. Thus, this provision not only isolates or delineates the security issues realities in the BARMM but also implies that there are no programs against local terrorism in BARMM and that these groups of similar character are not properly delineated.

The local terrorist groups (i.e., ASG, BIFF, ISIS-inspired Marawi group) have different ideologies and affiliations in contrast to communist rebels mentioned in Section 3 of EO 773.

Additionally, the suggestion to delineate local terrorists and communist rebels is also in respect to MNLF and MILF which are considered secessionists who have already opted for political solutions such as the institutions of ARMM and BARMM.[31]

Lastly, on the provisions on programs for rebel returnees, the BLGC provides in **Section 17: Basic Services and Facilities** of the local government at the provincial level:

(V) Social welfare services such as programs and projects on rebel returnees and evacuees; relief operations; and, population development services.[32]

Under this section, the prospect of PCVE intervention can be further developed and sustained in support of the localization of the BLGC. Sustained PCVE programs are much possible if functions and services are decentralized to the local governments because LGUs are on the ground and can directly feel the needs and aspirations of their constituents. Decentralization encourages prompt responses and better matching of government services to local needs, making governance more inclusive.[33] The aspiration of the Bangsamoro government to uplift the lives of its constituents and to lead its government through moral governance is best achieved if peace and order are secured.

Conclusion

The BARMM's efforts towards peace and order have been effective and therefore should be sustained since peace in the BARMM is fragile. Reintegration programs have helped strengthen the peace and order in the BARMM in recent years. Finally, these peace and order programs will continue if the Bangsamoro government strengthens its provisions and mandates on peace and order in the proposed BLGC tailored to the realities in BARMM and the needs of the Bangsamoro people.

Recommendations:

1

The Ministry of Interior and Local Government (MILG) should review and improve its mandates of Peace and Order councils by specifically providing clear definitions of terrorist groups in BARMM and Mindanao at large for the effective PCVE intervention programs responsive to the reality of security issues in BARMM;

2

The BARMM should consider conducting local and research-based preventing and countering violent extremism initiatives. Data that are directly from the ground ensures the effectiveness and inclusivity of addressing violent extremism, i.e. a multi-sectoral and LGU-led PCVE approach that involves community leaders, critical social actors like the Madrasa, religious sector, Civil Society Organizations (CSOs), and youth sectors working alongside the LGUs, NGOs, and security sectors;

3

More importantly, assure that the basic services and programs to the rebel returnees, their families and dependents are well delivered to prevent returnees from going back to violent extremism. The Bangsamoro government must provide an opportunity for the returnees to start anew to become effective members of society. This will encourage more local rebel members to return to the fold of the government.

End Notes:

[1] Rhoades and Helmus. Countering Violent Extremism in the Philippines: A Snapshot of Current Challenges and Responses.

[2] Bangsamoro Planning and Development Academy. Bangsamoro Development Plan 2020-2022, 2020. p.253

[3] Bangsamoro Autonomous Region in Muslim Mindanao "BARMM kicks off 3rd founding anniversary celebration", January 18, 2022. BARMM Kicks off 3rd Founding anniversary celebration. <https://bangsamoro.gov.ph/news/latestnews/barmm-kicks-off-3rd-founding-anniversary-celebration/> . (accessed February 5, 2022).

[4] Eusaquito P. Manalo. The Philippine Response to Terrorism: The Abu Sayyaf Group. (CA: Naval Postgraduate School Monterey, 2004).

[5] TWG meeting to renew the mandates and functions of Salam Police Cultural Center. The author is a member of the said TWG.

[6] Asian Development Bank. "Emergency assistance for reconstruction and recovery of Marawi: Report and Recommendation of the President", 2018. <https://www.adb.org/sites/default/files/linked/documents/52313-001-sd-01.pdf>. (accessed February 3, 2022).

[7] Institute for Economics & Peace. "Global Terrorism Index 2020: Measuring the Impact of Terrorism", Sydney, November 2020. <http://visionofhumanity.org/reports> (Accessed February 4, 2022)

[8] Inter-agency Network for Education in Emergencies. "Preventing Violent Extremism", 2022 <https://inee.org/collections/preventing-violent-extremism> <https://inee.org/collections/preventing-violent-extremism> (Accessed April 30, 2022)

[9] The Asia Foundation. "Prevention from Below: Civil society efforts to prevent violent extremism in Southeast Asia". (2020) https://asiafoundation.org/wp-content/uploads/2020/10/Prevention-from-Below-Civil-Society-Efforts-to-Prevent-Violent-Extremism-in-Southeast-Asia_summary.pdf (accessed February 6, 2022).

[10] UNDP Asia and the Pacific. Democratic governance and peacebuilding (2022) <https://www.asia-pacific.undp.org/content/rbap/en/home/democratic-governance-and-peacebuilding/PVE.html> (accessed on February 6, 2022)

The Asia Foundation. "Prevention from Below: Civil society efforts to prevent violent extremism in Southeast Asia". (2020) https://asiafoundation.org/wp-content/uploads/2020/10/Prevention-from-Below-Civil-Society-Efforts-to-Prevent-Violent-Extremism-in-Southeast-Asia_summary.pdf (accessed February 6, 2022).

[11] Noel Punzalan. "BIFF returnees included in ARMM's re-integration program". April 18, 2018, <https://www.pna.gov.ph/articles/1032329> (accessed February 1, 2022)

[12] Teofilo Garcia, Jr., "ARMM launches program vs. violent extremism", April 17, 2018 Retrieved February 01 2022, available at <https://www.pna.gov.ph/articles/1032269> , (accessed February 1, 2022).

[13] Philippine News Agency. "Reformation program for 214 ex-ASG members launched", 2019. <https://www.pna.gov.ph/articles/1073309> (accessed on February 3, 2022).

[14] Kalinaw News "271 Sulu ASG returnees avail social integration benefits" (October 9, 2020)

[15] Teofilo Garcia, Jr., " Integration program for ex-ASG bandits launched", June 16, 2021 Retrieved September 22,2022, available at <https://www.pna.gov.ph/articles/1143910>, (accessed September 22, 2022).

[16] Author's conversation with the staff of the BARMM Ministry of Public Order and Safety. (MPOS)

[17] Bangsamoro Government. 68 former combatants complete MBHTE-TESD skills training, 2022;https://web.facebook.com/thebangsamorogovt/posts/263042492612484?_rdc=1&_rdr (accessed February 2, 2022).

[18] Office of the Presidential Adviser on Peace Process. "President Duterte signs Executive Order on Normalization", April 30 2019 ,<https://peace.gov.ph/2019/04/president-duterte-signs-executive-order-on-normalization/> (accessed February 6, 2022).

[19] During the Question-and-Answer portion on the author's lecture on "Policy Analysis to PCVE in the Bangsamoro" during the Young Leaders' Training on Policy Research, Analysis, Drafting, and Advocacy February 21-24, 2022, at Palacio Del Sur, Zamboanga City.

[20] Casil, V.L. "Bangsamoro Local Government Code: Re-reading of Decentralization and its Problems". SUBATRA and PRLS Seminar Forum Programme on Legislative Research, Law Drafting and Bangsamoro Analytical Cases on Economic Development, Gender Legislation, Peace and Conflict, Non-Traditional Security and Moral Governance (March 14-16, 2022).

[21] Omnibus guidelines for peace and order council (POC) functionalities. Department of the Interior and Local government.Retrievedhttps://dilg.gov.ph/PDF_File/issuances/memo_circulars/dilg-memocircular-2019627_4d0a957ad5.pdf

[22] BLGC Local Peace and Order Council, Section 118 (organization)

[23] EO No. 773, Section 3, paragraph (e)

[24] BLGC Section 17 (V), Basic Services and Facilities

[25] The World Bank, "PHILIPPINES: Mandanas Ruling Provides Opportunities for Improving Service Delivery Through Enhanced Decentralization" June 10, 2021,<https://www.worldbank.org/en/news/press-release/2021/06/10/philippines-mandanas-ruling-provides-opportunities-for-improving-service-delivery-through-enhanced-decentralization> (accessed February 4, 2022).

Gurhan A. Adan

The Legislative Staff Officer II of the Office of Service Director under the Policy Research and Legal Services of the Bangsamoro parliament. He is an MA holder in Islamic Studies, a Shariah Counselor-at-Law, and a BA holder in Social Studies. His research interests include Muslims in the Philippines, peace and security, Islamic Research methodology, and other relevant issues affecting Muslims in the Philippines.

His MA thesis, “Al Ulama Warasatul Anbiya: Exploring HIV/AIDS Knowledge, Attitudes, and Engagements of selected Ulama in Metro Manila,” is one of the pioneering studies in the Philippines on the attempt to reach the gap between the Muslim religious leaders and sexually related social issues. Currently, he is part of the research group on Energy Systems Model for the Rural Electrification of Basilan, Sulu, and Tawi-Tawi (BASULTA) Islands. The study is among the awardees of research grants from BARMM Ministry of Science and Technology (MOST).

Policy Research and Legal Services

2nd floor, 8Z Building (Old Barter Tourism Complex),
R. Garcia St., Gov. Gutierrez Avenue (near Landbank
Estosan) Brgy. Rosary Heights VII, Cotabato City,
Maguindanao 9600, BARMM, Philippines
+63-64-557-4755
prls@bta.gov.ph