

The Comprehensive Agreement on the Bangsamoro and Long Path Towards Normalization

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1. Historical Injustices, Civil War, and Mass Atrocities in South Philippines

The plight of the Bangsamoro, a diverse ethnolinguistic group unified in their common adherence to Islám, has captured the attention of international peace actors but remains absent from mainstream conflict and transitional justice discourse, even as the International Criminal Court tries Rodrigo Duterte for alleged crimes during his ‘war on drugs’ campaign. The Bangsamoro, along with indigenous Lumad tribes, are native inhabitants of Mindanao and the Sulu archipelago in South Philippines. As prospects for the much-delayed first-time elections in the recently established Bangsamoro Autonomous Region in Muslim Mindanao (‘BARMM’) in September 2026 appear reasonable,¹ this policy brief takes stock of the long winding path the Bangsamoro have travelled and why it may stretch further along.

When Spanish Conquistadors arrived in 1565, Islám had already consolidated over the last two centuries. Muslim-dominated Mindanao posed resistance, and its habitants were termed ‘Moro’ or ‘non-hispanized Muslim inhabitant[s] in the unsubjected southern Philippines’.² Three centuries of Spanish colonial rule initiated a long thread of historical injustices, including systematic displacement and land dispossession, cultural discrimination and assimilation, and disenfranchisement from self-governance. This gave rise to armed struggle with both an ethno-nationalist and a jihádí flavour, still underlying continuing intra-Moro and inter-group conflict.

Land dispossession through the Spanish Regalian doctrine continued under American colonial rule since 1898, with the United States invalidating all land grants “extended by Moro sultans, *datus*, and other leaders to ‘non-Christian tribes’” without colonial consent.³ Lands traditionally occupied by Moros and indigenous Mindanaons were declared “unappropriated public lands” and successive laws for corporate resource exploitation and (Christian) resettlement were enacted.⁴ These policies continued after the Philippines declared independence in 1946, with agrarian land reform (such as in response to the Communist Hukbalahap rebellion) effecting mass migration of landless Christians from the north.⁵ From 1965 onwards, Ferdinand E.E. Marcos’ ‘Philippinization’ programmes further led Moros feeling socially sidelined, economically disadvantaged, and lacking belongingness with the national Filipino community. Land titling laws passed into present day would create powerful clans of Moro elites, furthering land scarcity, over-production of cash crops, displacement, and politically-driven inter-Moro clan wars or ‘*rido*’.

March 1968 marked the start of Moro secessionism with the Jabidah

massacre – involving the alleged killing of 23 Muslim trainees by the Philippine Armed Forces (‘PAF’) for declining to participate in ongoing conflicts against Moro guerrillas. The following increase in violence between Christian and Muslim armed gangs prompted Marcos’ declaration of Martial Law in September 1972, the establishment of the Moro National Liberation Front (‘MNLF’) in October 1972 (also in protest against corrupt Moro elites), the Moro Islamic Liberation Front (‘MILF’) breakaway in 1978, and what may be formally characterized as a non-international armed conflict. There has yet been no accountability for the war crimes that were committed by actors involved.⁶

The Philippine government used disproportionate and indiscriminate force, including during the 1974 ‘burning of Jolo’ incident (where bombardment levelled two-thirds of the city and displaced thousands), the 1974 Malisbong massacre (where 1,500 men and boys were detained in a mosque and killed, and an unknown number of women were raped aboard a naval vessel), and the 1983 ‘Tong Umapuy’ massacre (where a naval vessel opened fire on a passenger boat, killing 57 civilians). State-affiliated paramilitary groups and private armies, particularly the Civilian Home Defense Forces, were banned in the 1987 Constitution due to their atrocities.⁷ During counter-terrorism operations against Islámists, heavy bombardment of Moro areas, arbitrary detention and torture, and extrajudicial killings of suspected Moros (such as during the 2017 Marawi Siege) have been common. This contributed to a Moro perception of the state as “villains rather than protectors”.⁸

Before and after 1972, the *Ilagâ*, armed bands of Christian paramilitaries, were known for terrorizing the Moro population. The 1971 Manili massacre was of national importance and involved the killing of 70 locals gathered at a mosque with gunfire and grenades. The Blackshirts and the Barracudas, Moro paramilitaries, were also infamously violent against Christian settlers, including through female genital mutilation.

The MNLF reportedly killed 35 PAF personnel while gathered for a peace dialogue (the 1977 ‘Patikul’ massacre) and opened fire on unarmed PAF personnel preparing to retreat, killing over 100 soldiers (Philippine aerial and navy bombardment in retaliation lasted nearly two months, killing 3,000 Tausug civilians) (the 1981 Pata Island massacre). The MNLF also orchestrated the 2001 Catabangan Siege and the 2013 Zamboanga Siege, both involving mass civilian hostage taking, use of human shields, and burning of residential property.⁹ The 2013 Siege alone forcefully dis-

¹ Senate of the Philippines, “PRIB: Senate OKs bill resetting BARMM polls”, 2 March 2026.

² Pinar Kadioğlu and Rikard Jalkebro, “The Bangsamoro Impasse”, in *Journal of Terrorism and Radicalization Studies*, 2023, vol. 2, no. 1, p. 83.

³ The Philippines, Transitional Justice and Reconciliation Commission, “Report”, 2016, p. 45 (‘TJRC Report’) (<https://www.legal-tools.org/doc/7ap5pdig/>).

⁴ *Ibid.*, p. 46.

⁵ Kadioğlu and Jalkebro, p. 81, see *supra* note 2.

⁶ The Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity (<https://www.legal-tools.org/doc/8c74cc/>) was enacted on 11 December 2009, but has not been effectively applied. The following account of crimes follows findings from the TJRC Report, see *supra* note 3.

⁷ The Philippines, Constitution, 11 February 1987, Article XVIII, Section 24 (<https://www.legal-tools.org/doc/72614a/>).

⁸ Lieutenant-General Mohammad Dolorfino, “The Mindanao Security Situation”, in Philippine Center for Islam and Democracy, *Peace, Autonomy, and Democracy in Mindanao*, 2011, p. 42.

⁹ War crimes charges were levied for each of these crimes, but after a trail of transfers, amendment to lesser offences, and plea bargains, no information on a single conviction was found. On 20 December 2023, the charges against Misuari were

placed 120,000 individuals, primarily Moros, who remain unable to return, in deplorable living conditions.¹⁰

The MILF, on its part, has also directly targeted civilians, engaged them as human shields, pillaged private civilian property and cattle, and attacked and destroyed civilian infrastructure, including schools and businesses, across multiple confrontations, such as during the 2008 armed conflict after the Memorandum of Agreement on Ancestral Domain ('MOA-AD') was declared unconstitutional.¹¹ Besides the civilian casualties, around 370,000 individuals were and remain internally displaced. The MILF has also admitted to systematically recruiting and deploying child soldiers as young as 11 years of age.¹²

Terror organizations have splintered from the MNLF and MILF, such as the Abu Sayyaf Group ('ASG'), the Maute Group, and Ansar Khalifa Philippines, which receive financial and logistical support from Jemaah Islamiyah, the Islamic State, al-Qaeda and others. Before officially cutting ties, the MNLF and MILF were known to provide shelter and have close familial and tactical ties with some groups.¹³ Besides grave acts of terrorism and core international crimes, these groups have sought to polarize the Moro Muslim society by presenting puritanical Salafist ideals as 'true Islām' and even Muslim non-followers as *kafir* or infidels.¹⁴ The need for a systematic counter-narrative has been sounded by clerics and scholars, but this remains elusive or slow-acting;¹⁵ military counter-terrorism remains the primary response.

Modern-day Moro society is also plagued by violence between clans and their (banned) private armies, prompting the reluctance of others to decommission and serious concerns over genuine prospects of free and fair elections and the law enforcement capacity of Moro governance.

2. The Comprehensive Agreement on the Bangsamoro

2.1. Peace Negotiations

A four-decades-long Bangsamoro peace process followed a complex path, featuring multiple splinter groups, parallel negotiations with non-state actors, implementation lethargy, constant ceasefire violations, and failures in achieving effective reconciliation.

Soon after the declaration of Martial Law, the Philippines, under threat from Organisation of Islamic Cooperation ('OIC') of an oil embargo,¹⁶ initiated peace negotiations with the MNLF. This first set of negotiations, held in Libya, bred the 1976 Tripoli Agreement recognizing an autonomous political entity of 13 provinces in Mindanao. Disaffection within MNLF over what was seen as capitulation on the independence objective gave birth to the MILF, which initially desired a separate *Shari'* ah-ruled state. Any peace-holding capacity in the 1976 Agreement elapsed, however, when then President Marcos introduced a surprise referendum and created two divided regions, both bureaucratically and financially dependent on the Philippine government. Intended economic growth did not follow; Marcos instead ran a self-enriching 'kleptocracy'.¹⁷

When Corazon Aquino took over, the foundational mistake to negotiate solely with one stakeholder (the MNLF) was made. Not only was the MILF marginalized at the time, but this would set a precedent for simultaneous negotiations with separate Moro representatives over all the same issues. One track served as a spoiler for the other, the ideological rift between Moros deepened, and others such as Indigenous tribes and Christian settlers (now majority in Mindanao) sounded betrayal each time

Moro autonomy was recognized without their inclusion. Plebiscites over willingness to join an autonomous Moro region entrenched injustice as the region was already configured "to create provinces inhabited by a majority of settlers" to benefit from "electoral opportunities".¹⁸ Thus, when the promised Autonomous Region in Muslim Mindanao ('ARMM') was consolidated, it contained only four of the 13 provinces and failed to garner legitimacy among Moros. Aquino's successor, Fidel Ramos, maintained negotiations with the MNLF; more autonomy over governance was granted under the 1996 Final Peace Agreement and Nur Misuari was made the first Governor of ARMM. All the while the MILF (still at war) had amassed far greater offensive capabilities than the MNLF. Only after negotiations settled with the MNLF did Ramos turn to the MILF.

Negotiations with the MILF continued under Gloria Macapagal Arroyo, while another plebiscite to expand MNLF-administered ARMM was carried out under the 1996 Agreement. Arroyo and the MILF would eventually settle to establish the Bangsamoro Juridical Entity under the 2008 MOA-AD, expanding the ARMM to an additional 712 barangays, representing Moro ancestral domain, along with transferring control over political institutions, law enforcement and natural resources. Before the Agreement was signed, however, the Philippine Supreme Court declared it unconstitutional. The government, MILF and MNLF had failed to represent the Moros or the other inhabitants of Mindanao in designing a process which could achieve a peaceful compromise. The region plunged into violence once again.

Before turning office, Arroyo suspended military operations against the MILF to regain lost trust. The MILF, on its part, agreed to relinquish secession claims, but this caused the further splintering of militant factions, namely, Bangsamoro Islamic Freedom Fighters and Maute Group, whose violent campaigns caused great upheaval and calls for 'all-out war'. Arroyo's successor Benigno Aquino III showed the same sincerity by continuing to negotiate with the MILF. Eventually, on 15 October 2012, the Framework Agreement on the Bangsamoro ('FAB') was signed in Manila, followed by the CAB, on 27 March 2014, containing the FAB and other crucial annexes.¹⁹ At the time, the MNLF was invited to sign the CAB, but declined; however, an eight-year-long tripartite review of the implementation of the 1996 Agreement between the Philippines, the MNLF and OIC concluded in 2016 with the two processes effectively converged.²⁰

2.2. The Scheme and Implementation of the Comprehensive Agreement on the Bangsamoro

Expanding the ARMM, the CAB created the BARMM which is to be governed by an elected ministerial Bangsamoro Government. The current Bangsamoro Transition Authority ('BTA'), consisting of 41 MILF-nominated and 39 state-nominated members, functions *ad interim* and includes representatives from Christian and Indigenous communities. The MNLF has also been closely integrated in the BARMM, with representatives from both MNLF factions nominated to the BTA and expressing intention to participate in the elections.²¹

An elaborate and fair²² power and wealth sharing arrangement is envisaged, with the state only concerned with defence, foreign policy, citizenship, *et cetera*, and the BTA responsible for all other governance issues. Importantly, and for the first time, there was acknowledgement of the "justness and legitimacy of the Bangsamoro cause"²³ and a transitional justice mechanism was envisaged to correct historical injustices against the Moros – including their marginalization, unjust territorial disposition, and human rights violations.²⁴ Other measures of normalization include decommissioning of MILF forces and arms, socio-economic

dismissed due to "insufficiency of evidence", see Santos Soliman, "The Zamboanga Siege of 2013, Ten Years Hence", in *ESSF*, 9 September 2024.

¹⁰ Alice Thomas, "Displaced and Forgotten in Zamboanga", in *Refugees International*, 16 December 2014.

¹¹ See Amnesty International, "Shattered Peace in Mindanao", 29 October 2008 (<https://www.legal-tools.org/doc/61b875/>).

¹² Human Rights Watch, "Child Soldier Use 2003", 29 January 2003, p. 27 (<https://www.legal-tools.org/doc/6kujivmz/>).

¹³ Kumar Ramakrishna, "The Radicalization of Abu Hamdie", in *Journal of Asian Security and International Affairs*, 2018, vol. 5, no. 2, p. 116.

¹⁴ *Ibid.*, p. 118.

¹⁵ See, with reference to Islām Nusantara, John McBeth, "Indonesians champion their own way of practising Islam", *The National*, 28 October 2016.

¹⁶ Steven Rood, "The Role of International Actors in the Search for Peace in Mindanao", in Paul Hutchcroft (ed.), *Mindanao: The Long Journey to Peace and Prosperity*, Anvil Publishing, 2018, p. 65.

¹⁷ Eimor Santos, "Government to Intensify Hunt for Marcos' Ill-Gotten Wealth", *CNN Philippines*, 26 November 2016.

¹⁸ TJRC Report, pp. 51–52, see *supra* note 3.

¹⁹ The Comprehensive Agreement on the Bangsamoro, 27 March 2014 ('CAB') (<https://www.legal-tools.org/doc/4lro3x8s/>); the Framework Agreement on the Bangsamoro, 15 October 2012 ('FAB') (<https://www.legal-tools.org/doc/ojwbl1w/>).

²⁰ The Philippines, Office of the Presidential Adviser on Peace, Reconciliation and Unity ('OPAPRU'), "FAQ" (available on its web site).

²¹ OPAPRU, "MNLF 'natural allies' of PBBM administration's Mindanao peace agenda", 14 August 2024.

²² Based on Musa Damao, *The Comprehensive Agreement on the Bangsamoro: A Stakeholders' Analysis*, 2022.

²³ CAB, Preamble, see *supra* note 19.

²⁴ FAB, Annex on Normalization, 25 January 2014, Section H (<https://www.legal-tools.org/doc/cxl2erkr/>).

packages for those decommissioned, the grant of amnesties, disbanding of private armies, and PAF redeployment. The BTA, however, was only created in 2019, after the passing of the 2018 Bangsamoro Organic Law ('BOL'),²⁵ meaning implementation of the CAB in the initial 10 years was quite retarded.²⁶ Alas, the CAB contains neither benchmarks or strict deadlines nor measures for dispute resolution concerning implementation.

In addition to the delay of the BARMM elections, for instance, the provision of socio-economic packages to decommissioning fighters – including livelihood, housing, and educational assistance – has not been implemented. This is crucial for peace-building since it benefits all individual group members, rather than only group leaders, by securing a path towards civilian life. In July 2025, the MILF suspended the decommissioning of 14,000 additional fighters, claiming that the already decommissioned 26,000 had only received one-time cash assistance.²⁷ The government claimed resource scarcity in response. While things have improved, the BARMM economy remains depressed with structural issues like poverty and lack of infrastructure.²⁸ Though all parties still affirm strong political commitment to the peace process, such a standstill risks mistrust in the other party's credibility, increasing reluctance to compromise, and further ceasefire violations.²⁹

3. Transitional Criminal Justice in South Philippines

3.1. Corruption-Centric Bodies

In February and March 1986, Aquino set up the Presidential Commission on Good Government ('PCGG') and the Presidential Commission on Human Rights ('PCHR') to pursue accountability for large scale corruption and human rights violations respectively. The PCHR decided to investigate (lacking power to prosecute) only a few 'test cases', but none were eventually pursued.³⁰ Aquino later sought to secure herself from coups by not prosecuting military officers. A year later, in 1987, the PCHR was replaced by the constitutional Commission on Human Rights ('CHR'), tasked with the more general monitoring and promotion of respect for human rights – and thus could again only investigate and recommend prosecution. While increasingly well-staffed and expected to deliver some form of accountability, it did not enjoy fiscal autonomy like other independent constitutional bodies such as the Commission on Elections. In fact, over the last 10 years, only about 60 per cent of the requested CHR budget was approved, and, in 2017, the House of Representatives only approved a mere USD 17 in response to the CHR's 'interference' with Duterte's 'war on drugs'.³¹ Based on its overall work and impact, it cannot be said that the CHR has provided meaningful accountability for conflict-related crimes.

Initial human rights accountability actually came from across the Pacific when the United States Federal District Court of Honolulu, Hawaii, in 1995, found Marcos guilty for torture, summary execution and enforced disappearance in a class action of 9,539 victims, and ordered USD 1.9 billion in damages. An injunction on Marcos' ill-gotten wealth was granted, but three classes of claimants – the class action victims, victims not represented by the suit and the Philippine government – have since been locked in a battle for priority.³² The government has long argued that any recovered assets should enrich the national treasury, rather than going directly to victims. By 2023, the PCGG had recovered USD 4.8 billion,³³ but, by

²⁵ The Philippines, Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, 23 July 2018 (<https://www.legal-tools.org/doc/rlyukvms/>).

²⁶ For an overview, see Madhav Joshi *et al.*, "Normalization Update Report", University of Notre Dame, November 2025.

²⁷ Carolyn Arguillas, "Only 1,286 out of 26,145 decommissioned combatants are from MILF camps", *MindaNews*, 25 August 2025.

²⁸ A contributor is the "MILF's lack of governance experience" and its tendency towards self-reliance, see Mimmi Kovacs *et al.*, "The Bangsamoro Region in the Philippines Beyond the 2014 Agreement", in *Journal of Peacebuilding & Development*, 2021, vol. 16, no. 1, p. 62.

²⁹ "The Third Party Monitoring Team, official body established to monitor peace process, late Aug issued rare warning that trust among parties was at 'all time low'", see ICG CrisisWatch, "Philippines: August 2025" (available on its web site).

³⁰ "Interview with Ruben Carranza", in forumZFD Philippines, *Towards Transitional Justice in the Bangsamoro Peace Process*, 2014, p. 25.

³¹ The Senate later reversed this decision.

³² See "Duran v. United States", in *SCOTUSblog* (available on its web site).

³³ "Former PCGG commissioner slams Marcos Jr", *The Varsitarian*, 22 September 2025. Though impressive, the PCGG was heavily criticized for submitting photocopies instead of originals in court, which, in 2019, led to the loss of four civil cases (pending for over 30 years) amounting to USD 3.4 billion. See "Probe PCGG",

2019, class action victims had only received about USD 31.25 million.³⁴ In 1997, the latter's attempts to recover Swiss-based assets were unsuccessful when, the Swiss Supreme Court transferred USD 540 million to the Philippine National Bank with the condition that the money be used to compensate victims. However, the Philippine Supreme Court, in 2003, forfeited the amount in favour of the government. While the government signified its intention to invest in government programmes, with priority to (landless) farmers such as through the 1988 Comprehensive Agrarian Reform, such land redistribution have, in the past, displaced Moros and Indigenous from their ancestral land.

3.2. Reparations-Centric Bodies

Ten years later, in 2013, the Human Rights Victims Claims Board ('HRVCB') was created to investigate, acknowledge, and address claims for reparations for Marcos-era human rights violations, using Swiss-transferred funds. Note, however, that this Board was not tasked with determining or prosecuting for individual (criminal) responsibility. The HRVCB was allotted a mere two years in which it held only 14 per cent of the over 75,000 claims eligible. Massive criticism was levied against the Board for following strict legal procedures when a majority of claimants were from very poor backgrounds, unable to produce basic identification documents, much less prove human rights violations or material impact.

The more recent Marawi Compensation Board, established in 2022, also followed the same scheme: monetary compensation without individual (criminal) responsibility. As yet, it has only paid out 10 per cent of the 14,495 claimants (a sum of USD 4.2 million). Such a hand-outs version of accountability is symptomatic of an institutional attitude of 'moving forward', rather than 'dealing with the past'. However, it obfuscates wrongdoing and attribution of prohibited conduct, weakens its underlying opprobrium, threatens trust in the legal system's enforcement capacity, and, especially in cases of land dispossession, fails to appropriately repair harm done.

3.3. Transitional Justice Commissions

A more genuine attempt in this regard was the Transitional Justice and Reconciliation Commission ('TJRC'), set up under the CAB Annex on Normalization to "address the legitimate grievances of the Bangsamoro people, correct historical injustices, address human rights violations, and address marginalization through land dispossession" (labelled as root causes).³⁵ It employed the Swiss 'dealing with the past' framework which was adapted to the Philippine context through a Swiss-facilitated process.³⁶ Most importantly, the strict victim-perpetrator dichotomy was discarded in favour of recognizing the cyclical process of assuming one or the other identity by all parties, including the Moros.

The TJRC's 2016 Report was based on an inclusive consultation process and commendably identified a cycle of violence, impunity and neglect, "rooted in the imposition of a monolithic Filipino identity and Philippine State by force on multiple ethnic groups in Mindanao and the Sulu archipelago that saw themselves as already preexisting nations and nation-states".³⁷ Violence was not only identified as core international crimes committed by various actors and systematic land dispossession, but also the sociological and cultural othering and erasure of the Moros as "a proud and distinct people". Impunity entrenched political privilege and lawlessness among elites (including Moro elites) and neglect, a "phenomenon of malgovernance", caused poverty and violent unrest to become inveterate. The TJRC's work is, as yet, the most accurate and well-informed cross-section of tribulations of the Moro and Philippine society.

These significant acknowledgements notwithstanding, the TJRC, yet again, could only make recommendations, and, while comprehensive, the language thereof was much weaker. Among its 100 recommendations, the TJRC recommended the establishment of a National Transitional Justice and Reconciliation Commission ('NTJRC'), which should investigate serious violations and resolve outstanding land disputes; this is yet to be implemented. Even so, neither criminal prosecution nor acknowledgement of

Inquirer.net, 26 December 2019.

³⁴ Robert Garcia, "Disrupting Cycles of Discontent", International Center for Transitional Justice, June 2021, p. 19.

³⁵ Annex on Normalization, Section H, see *supra* note 24.

³⁶ The Commission was headed by Mò Bleeker, special envoy of the Swiss Department of Foreign Affairs, with a representative each from the government and the MILF.

³⁷ TJRC Report, p. 3, see *supra* note 3.

a right to return to stolen land was explicitly included in the NTJRC mandate, and the BOL eventually precluded the latter possibility by stating that no issued land title shall be invalidated.³⁸ Mapping and prosecution of core international crimes was recommended, but this was – and has, at the implementation phase – been shrouded by CAB-prescribed amnesties not contingent on the nature of violation (namely, excluding perpetrators of core international crimes) or conditional on acknowledgement of wrongdoing or truth-telling.³⁹ Now, accountability has come to be exclusively addressed by the stalled processing of amnesty applications.⁴⁰ There is no reported progress on mapping core international crimes, much less any criminal prosecution.

What followed the TJRC instead were two bodies with more of the same functions, namely, the interim Bangsamoro Human Rights Commission ('BHRC') (enacted in 2019) and the 2026-established Bangsamoro Transitional Justice and Reconciliation Commission ('BTJRC') which replaces the former. Both commissions are also to investigate serious violations and only make recommendations as to possible prosecutions and other measures necessary to curb impunity. The BHRC reportedly only resolved about 639 cases over five years and it was mired by issues of funding and lack of human resources. The enacting legislation of the BTJRC is sounder and more elaborate than of any previous bodies, but there is a serious risk that it may be overburdened and unable to produce any *additional* results than those of previous bodies. The BTJRC's fixed mandate of a maximum 10 years (unlike the open-ended mandate of the PCGG) includes investigating violations by all actors (state or non-state) against all affected communities (Moro and non-Moro) since the American colonial era up to the ratification of the BOL. The violations are, however, restricted to those which are emblematic or committed pursuant to the purposive or unintentional imposition of a monolithic Filipino identity. It is also tasked with vague and repetitive functions such as recommending measures to "fully realize transitional justice and reconciliation" and documenting policies of land dispossession beginning from the 1898 Treaty of Paris. Much of the TJRC's decade-old recommendations are still yet to be implemented. Such repetition not only produces dialogue and process fatigue, but may also denote a lack of sincerity towards accountability. In fact, in 2019, Ishak Mastura, MILF's representative to the TJRC, stated that implementing transitional justice is "not a priority [and] may not be wise."⁴¹

While accountability is not a panacea for post-conflict societies, impunity and neglect of justice claims ingrain sentiments of disenfranchisement and erode belief in the rule of law, thereby causing revenge- and power-fuelled horizontal conflicts to become recurrent. Surveys also repeatedly report locals expressing a priority for peace over the economy and education.⁴² A perma-low-intensity security crisis directly affects other processes, contributing to the MILF's reluctance to decommission and the undeterred use of private armies by clans to settle score or secure elections. Without accountability, the path towards normalization stretches further along.

³⁸ The removal of non-Indigenous peoples from Indigenous lands was, for example, recognized as the most fundamental form of collective reparations in the Brazilian National Truth Commission, *Report*, Vol. 2, 2014, p. 254 (<https://www.legal-tools.org/doc/da4019/>).

³⁹ In the Colombian peace process, for example, the legal process for perpetrators is fundamentally dependent on acknowledgement of wrongdoing.

⁴⁰ By January 2026, only 991 applications had been received, much below the 1,500 target, though the deadline is March 2026.

⁴¹ Jayson Lamchek and George Radics, "Dealing with the Past or Moving Forward?", in *International Criminal Law Review*, 2021, vol. 21, no. 5, p. 986.

⁴² Tatsuya Koyama, "Who Supports the Peace?", in *Journal of Current Southeast Asian Affairs*, 2025, vol. 44, no. 3, p. 471.

4. Priority Shift and the Role of International Actors

The Bangsamoro peace process has numerous shortcomings and valuable suggestions for improvement have continually been made.⁴³ From the perspective of accountability and the rule of law, however, implementation appears stuck at institution creation and data collection. More has been done for Moros since the CAB than ever before. However, it is imperative that efforts be now re-channelled to establishing a credible accountability *record*, not merely laws or institutions. The BTJRC may be a step in the right direction, but only if it can effect the granular activation of laws which depends on the quality of its investigation and undeniability of evidence gathered, along with the political will of prosecutorial authorities.

A unique feature of the Bangsamoro process has been the deep involvement of international actors – specifically nine countries, seven international non-governmental organizations, the European Union, and the OIC – from initiation of negotiations, to sustenance amidst violent outbreaks, and implementation of peace agreements.⁴⁴ But international monitoring bodies have no stated capacity to enforce, unlike those created by the 2005 Indonesia-Aceh Memorandum of Understanding.⁴⁵ Thus, international involvement has been limited to funding, administrative training, developmental planning, and ceasefire monitoring. The 2004-established International Monitoring Team ('IMT'), led by Malaysia and consisting of Brunei, Libya, Japan, Norway, the European Union and Indonesia, was perhaps the closest the Bangsamoro came to an accountability mechanism. The IMT, tasked with monitoring and investigating violations of ceasefire and international humanitarian law, had boots on the ground, a high field presence, and the capacity to conduct granular verification. Not only did it substantially reduce ceasefire violations (from 569 in 2003 to 16 in 2004, for example), but also effected PAF court martials and suspensions of MILF commanders. Most importantly, it possessed serious diplomatic leverage since it projected political and reputational costs for those opposing or impeding the work of a stabilizing actor popularly viewed as neutral and effective. The IMT inspired confidence since, it consisted of states that had been long invested in the peace process without an apparent *quid pro quo*, which is why there was mass opposition to the Duterte administration's refusal to renew its mandate in 2022. In 2025, after a deadly clash in Sumisip, Basilan, the government and MILF agreed to revitalize the IMT,⁴⁶ but no further progress has been made.

A return of the IMT may be a promising catalyst for peace-building in the Bangsamoro. More concerted effort must be invested to realize this objective. In any case, states, acting through a revived IMT or otherwise, must put their diplomatic weight behind getting Philippine governance actors to prioritize accountability and the rule of law.

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⁴³ See ICG, "Keeping the Bangsamoro Peace Process on Track", 30 January 2024 (<https://www.legal-tools.org/doc/5wx0uk5s/>).

⁴⁴ For a detailed account, see Rood, pp. 63 ff., *supra* note 16.

⁴⁵ See Nathan Quimpo, "Mindanao: Nationalism, Jihadism and Frustrated Peace", in *Journal of Asian Security and International Affairs*, 2016, vol. 3, no. 1, p. 80.

⁴⁶ Charles Dantes and Nash Maulana, "Gov't, MILF panels approve IMT revival, security transition", *Manila Standard*, 2 February 2025.



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