

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Third Regular Session

Bangsamoro Transition Authority
OFFICE OF MP AMIR S. MAWALLIL
RELEASE

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BTA Bill No. 181

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Introduced by **MP AMILBAHAR S. MAWALLIL**
Co-authored by **MPs ATTY. LAISA MASUHUD ALAMIA, ATTY. SUHARTO M. AMBOLODITO, ATTY. RASOL Y. MITMUG, JR., ENGR. BAINATAN A. AMPATUAN, ENGR. DON MUSTAPHA A. LOONG, RASUL E. ISMAEL, ABRAHAM T. BURAHAN, SITTIE SHAHARA I. MASTURA**

AN ACT INSTITUTIONALIZING CONFLICT SENSITIVITY IN THE DIFFERENT PLANNING PROCESSES THROUGHOUT THE HIERARCHIES OF THE BANGSAMORO GOVERNMENT

EXPLANATORY NOTE

The establishment of the Bangsamoro Autonomous Region in Muslim Mindanao is one of the biggest positive milestones in the decades-long protracted social conflict in Mindanao and marks a turning point in the Bangsamoro People's struggle for self-determination. This development, lauded throughout the country and by the international community, is a chance to reverse the negative consequences of armed conflict that have plagued the country and its people. It is also an occasion to usher in a more peaceful and prosperous future for the Bangsamoro People and other inhabitants.

For the Bangsamoro Government, despite the positive outlook, the task at hand is formidable, responsibilities and challenges aplenty, and the potential for setbacks present. The paradox of post-conflict governance is that expectations to produce and deliver public value is high, yet in these conflict-affected and conflict-vulnerable areas capacities, in terms of governance, are often weak and resources are insufficient. For these reasons, thorough planning, meticulous programming, and judicious resource allocation are vital.

In the context of the Bangsamoro, despite its expanded autonomy, many of the root causes of conflict remain. Moreover, due to its long history of conflict, it would take concerted and sustained efforts toward conflict transformation to address underlying causes of conflict and

deep social cleavages that have persisted. Hence, it takes more than good intentions to further develop the region. Even well-intentioned interventions have the potential to cause harm due to existing vulnerabilities.

However, planning without quality data and analysis to base on may lead to unintended consequences. And as stated, in the Bangsamoro, unintended consequences can mean causing harm to already vulnerable communities. It can lead to increased tensions between groups, resurfacing of latent conflict, or even incidents of violence. Thus, it is incumbent upon the Bangsamoro Government to promote conflict sensitivity in government and in how it governs.

By institutionalizing conflict-sensitive planning, and in consequence, producing conflict-sensitive plans, the Bangsamoro Government is more likely to sustain the peace gains and introduce policies, programs, projects, and activities that are responsive and do not cause harm.

In view of the foregoing, the passage of this bill is earnestly sought.

AMILBAHAR S. MAWALLIL

Member of the Parliament

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AN ACT INSTITUTIONALIZING CONFLICT SENSITIVITY IN THE DIFFERENT
PLANNING PROCESSES THROUGHOUT THE HIERARCHIES OF THE
BANGSAMORO GOVERNMENT

Section 1. Title. – This Act shall be known as the “*Conflict Sensitive Planning in the Bangsamoro Act of 2022*”.

Section 2. Declaration of Policy. – It is the policy of the Bangsamoro Government to establish and sustain peace and order in the region based on the principles of social justice and human rights. This means promoting moral governance that puts a premium on the rights and welfare of the governed, especially those at-risk and vulnerable, during and after armed conflicts and incidents of violence. It also includes pursuing a sustainable development framework that gives due consideration to the marginalized groups.

Consistent with this policy, the Bangsamoro Government shall ensure multisectoral participation in the planning processes, including the representation of women, internally displaced persons, other vulnerable sectors, and peace and development actors.

Towards this end, the Bangsamoro Government shall institutionalize conflict sensitivity in the different planning processes throughout its hierarchies to prevent or mitigate possible harms that may be caused by government programs, projects, activities, and all other interventions in the region.

Section 3. Definition of Terms. – As used in this Act:

- a. *Armed conflict* – A narrower category of conflict where parties on both sides resort to the use of force.
- b. *Conflict* – The pursuit of incompatible goals by different groups. Applies whether by peaceful means or use of force.
- c. *Conflict Analysis* – A structured inquiry into the causes and potential trajectory of a conflict that seeks to identify opportunities for managing and resolving disputes. It integrates conflict sensitivity into a broad range of development, humanitarian, and peacebuilding activities.
- d. *Conflict Assessment* – The first step to the broader conflict analysis process where qualitative and quantitative analytical tools are used to address questions about the conflict. Offers a snapshot of a conflict at a particular time.
- e. *Conflict Sensitivity* – The ability to:
 1. Understand the context in which you operate;
 2. Understand the interaction between your intervention and the context; and
 3. Act upon the understanding of this interaction, to avoid negative impacts and maximize positive impacts.
- f. *Do No Harm* – An approach that recognizes the presence of ‘dividers’ and ‘connectors’ in conflict. It seeks to analyze how an intervention may be implemented in a way that supports local communities to address the underlying causes of conflict rather than exacerbating conflict.
- g. *Violent conflict* – Similar to armed conflict but also includes one-sided violence such as those committed against unarmed civilians and violence associated with criminality.

Section 4. Scope. – This Act shall primarily cover all provincial, city, and municipal governments, and barangays in the Bangsamoro, the Ministry of Interior and Local Government, and all other concerned ministries, agencies, and instrumentalities involved in the preparation of the Comprehensive Development Plan (CDP), Contingency Plan (CP), and Disaster Risk Reduction and Management Plan (DRRMP).

Whenever practicable, the principles of conflict sensitivity and Do No Harm (DNH) may be applied to other planning processes of the Bangsamoro Government and its constituent local government units.

**ARTICLE I
GENERAL PROVISIONS**

Section 5. Bangsamoro Peace and Order Status Report. – Within twelve (12) months from the promulgation of the Internal Rules and Regulations (IRR) of this Act, the Bangsamoro Regional Peace and Order Council (BRPOC) shall prepare a Bangsamoro Peace

and Order Status Report that shall serve as an annual conflict analysis for the region. The Report shall include conflict assessments of ongoing armed or violent conflicts in the region. Capacities of the Bangsamoro Government, its ministries, agencies, and offices to prevent, manage, resolve, and transform conflict shall also be evaluated. It shall also identify areas that: (1) have ongoing or active protracted armed conflict, (2) are conflict-affected, and (3) are vulnerable to armed conflict or incidence of violence.

In accordance with the iterative nature of conflict analysis, the BRPOC shall revisit and revise the Bangsamoro Peace and Order Status Report on a bi-annual basis to account for changing conflict factors, and periodically present and/or submit the same to the Bangsamoro Parliament.

Section 6. Local Conflict Analyses. – Bangsamoro constituent LGUs shall conduct their own conflict analyses to understand existing conflicts and how factors affect the conflict dynamics in the area. Local conflict analysis reports shall inform local planning processes and help identify capacities for intervention. Such conduct of local conflict analysis shall be integrated into the existing planning processes and considered as a necessary step prior to the conduct of planning activities. For specific areas identified in the Report pursuant to the immediately preceding section of this Act, the conduct of a conflict analysis shall be indispensable.

Additional conflict analyses may be conducted by the constituent LGUs for other purposes when warranted or on as-needed basis.

Finally, in the case of Barangay LGUs (BLGUs), a conflict assessment shall be sufficient to determine the peace and conflict situation in their respective jurisdictions.

Section 7. Key Elements of Conflict Analysis. – The Bangsamoro Government, in consultation with government and non-government experts, may freely design or otherwise determine the contents of its conflict analysis, or choose to adopt or combine existing frameworks used by practitioners. However, a conflict analysis must contain the following key elements:

- a. Self-assessment;
- b. Profile of the area, issue or conflict;
- c. Drivers of conflict;
- d. Capacities for peace;
- e. Actors or stakeholders analysis; and
- f. Dynamics, windows, and scenarios.

Section 8. Objectives of Conflict Analysis. – A conflict analysis may be used to:

- a. Assess conflict and intervention capacity;
- b. Strategically design the objectives of the intervention prior to implementation;
- c. Assess the impact of a specific intervention;

- d. Raise awareness of implementing partners engaged in a development or peacebuilding initiative of the linkages between their work and the conflict dynamics of the area where they are working; or
- e. Engage in dialogue between local government and communities about visions for peace and development priorities.

Section 9. Bangsamoro Conflict Monitoring System. – The Bangsamoro Conflict Monitoring System (BCMS) shall be revived to serve as the repository of data, information, and analyses on conflicts in the region. It shall be expanded to contain, among others, sectoral and cross-sectoral analysis within the context of peace and conflict, situation analyses, conflict and actors/stakeholder maps, and drivers of peace and conflict. The BCMS shall be linked to existing regional and local planning databases.

To safeguard the integrity and quality of data, public and private research or academic institutions may be engaged to serve as data and knowledge hubs. These hubs shall assist in collecting, processing, and analyzing peace and conflict data in a particular area.

Section 10. Conflict Sensitivity Capacity Development Program. – Within three (3) months from the presentation and submission of the Report to the Parliament, the BRPOC shall design a comprehensive capacity development program to address the gaps in the Bangsamoro Government's capacities for peace. The comprehensive capacity development program shall guide the Bangsamoro Government and its constituent LGUs in conducting capacity development activities. Bangsamoro officials, officers, and personnel involved in the various planning processes shall be required to participate in such capacity development activities.

Section 11. Assistance from Peace Partners. – In carrying out the objectives of this Act, the Bangsamoro Government may seek assistance from the National Government and its agencies. Among others, the Office of the Presidential Adviser on the Peace, Reconciliation, and Unity may be tapped for its technical expertise.

Similarly, non-government peace actors with a proven track record and competence may also be engaged to provide technical assistance to the Bangsamoro Government or its constituent LGUs.

Finally, the assistance of international peace, humanitarian, and/or development organizations shall be encouraged. The Bangsamoro Government shall set up a mechanism to facilitate their assistance.

Section 12. Prioritization of Conflict Sensitive Policies, Programs, Projects, and Activities. – LGUs shall prioritize crafting policies that are based on robust conflict analysis. Programs, projects, and activities that are results of ex-ante conflict analyses shall be given priority in terms of approval and resource allocation.

Section 13. Lead Body. – The BRPOC shall take the lead in ensuring compliance with the provisions of this Act. Authorities and responsibilities not expressly mentioned in this Act that are deemed reasonable and necessary to effectively implement this Act shall fall under the MILG.

ARTICLE II

CONFLICT SENSITIVE COMPREHENSIVE DEVELOPMENT PLANNING

Section 14. Institutionalization of Conflict Sensitivity in the Comprehensive Development Planning. – The preparation of the CDPs must be based on the Report, local conflict analyses, and situation analyses. Throughout the planning process, the sectoral issues of the vulnerable groups must be highlighted. The identification of strategic priorities for vulnerable groups across the five development sectors of the CDP shall be guided by conflict-sensitive sectoral and cross-sectoral analyses.

Section 15. Strengthening the Local Development Council. – Members of the LDC shall undergo conflict sensitivity capacity development. Planning team members shall be required to complete a training on the DNH Action and Relationship Frameworks and other training as may be deemed necessary by the LDC.

Section 16. Participative Local Planning Structure. – The participation of vulnerable sectors, agencies, and institutions, both government and non-government, involved in peace and conflict transformation shall be guaranteed. Existing policies as regards the representation of specific sectors in the local planning shall be strengthened. A mechanism for public consultation as an integral part of the planning shall be established.

Section 17. Integration of Sectoral and Cross-Sectoral Analysis. – Multi-level and multi-stakeholder participation in data gathering and analysis shall be adopted. Constituent LGUs shall promote participatory approaches throughout the different planning activities. Conflict analysis used as a basis for the local situation analysis, resource allocation, and policy direction must also be participatory. All sectoral and cross-sectoral data and analysis can be used in the preparation of other local and regional plans. As such, they shall be part of the BCMS.

ARTICLE III

CONFLICT SENSITIVE CONTINGENCY PLANNING

Section 18. Institutionalization of Conflict Sensitivity in the Contingency Planning (CP). – In the preparation of the CP, due emphasis should be placed on upholding the principle of Do No Harm. Planners shall assess potential sources of conflict and cohesion in times of emergencies, and utilize this assessment in setting up mechanisms for coordination and utilization of standby resources to prevent and mitigate possible causes of conflict.

Section 19. Multistakeholder Contingency Planning. – To ensure effective implementation, participants to the contingency planning shall be individuals, agencies, and organizations representing the different stakeholders during emergency response.

The responsible LGU shall carefully identify the participants from local stakeholders that shall include, but not be limited to, heads of agencies and/or their representatives, technical officers or personnel of the LGU, representatives of Non-Governmental Organizations (NGOs) engaged in an emergency or humanitarian response, and local experts from civil society.

Each constituent LGU shall determine the composition, number, and qualifications of the members of the contingency planning team based on their operational context.

Section 20. Format of the Contingency Plan. – To promote interoperability, the Ministry of Interior and Local Government (MILG) shall determine the required format of the local CPs: Provided, That the CP shall, at the minimum, have the following sections—(1) situation analysis, (2) scenario planning, (3) objectives and strategies, (4) management and coordination, and (5) response plans with preparedness actions: Provided, finally, that the MILG shall integrate conflict sensitivity across the different sections of the CP.

ARTICLE IV

CONFLICT SENSITIVE DISASTER RISK REDUCTION AND MANAGEMENT PLANNING

Section 21. Institutionalization of Conflict Sensitivity in the DRRMP. – In the conduct of the DRRM planning, the BDRRMC shall strengthen the mainstreaming of conflict sensitivity across the four thematic areas of (1) disaster prevention and mitigation, (2) disaster preparedness, (3) disaster response and early recovery, and (4) disaster rehabilitation and recovery. Emphasis must be given in the surfacing of conflict hazards and risk of conflicts, and their implications to DRRM in the Bangsamoro.

Section 22. Strengthening the DRRMCs. – The Bangsamoro DRRM Council led by the Chief Minister and the Local DRRM Councils, or their representatives, charged with the duty to conduct DRRM planning at their respective levels shall undergo capacity development on conflict sensitivity.

ARTICLE V

FINAL PROVISIONS

Section 23. Appropriations. – Upon the effectivity of this Act, such sum as may be necessary for the initial implementation of this Act shall be determined by the Ministry of Finance, Budget, and Management in consultation with the Ministry of Interior and Local Government.

Thereafter, the amount necessary to effectively carry out the provision of this Act shall be included in the General Appropriations Act of the Bangsamoro of the year following its enactment into law and thereafter.

Section 24. Implementing Rules and Regulations. – The BRPOC and its member ministries, shall promulgate the Implementing Rules and Regulations (IRR) of this Act not later than one (1) year after the effectivity of this Act. In crafting the IRR, public consultations shall be made to relevant regional and local stakeholders.

Section 25. Separability. – If any Section or part of this Act is held unconstitutional or invalid, all other Sections or provisions not otherwise affected shall remain in full force and effect.

Section 26. Repealing Clause. – All ordinances, executive orders, administrative orders, or other rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 27. Effectivity. – This Act shall take effect fifteen (15) days after publication.

Adopted,

AUTHOR:



AMILBAHAR S. MAWALLIL
Member of the Parliament

Certified correct:

PROF. RABY B. ANGKAL
Secretary-General

Attested by:

ATTY. ALI PANGALIAN M. BALINDONG
Speaker