

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Terms of Reference on the Establishment of the Bangsamoro Normalization Trust Fund (BNTF)
Date	30 May 2016
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Philippine Insurgencies (1968 -)

The Maoist Insurgencies (1968 -)

Philippines-NDF

The Philippines have been defined by a series of center-periphery and often ideologically Maoist, separatist insurgencies. The Communist Party of the Philippines (CPP), began its war against the central Philippine government in 1968 through their armed wing – the New People’s Army (NPA). Further legitimacy was gained through the establishment of the National Democratic Front (NDF) in 1973. Grievances were predominantly opposed to the corruption and repression under the authoritarian Marcos regime.

Philippines-Cordillera

With the overthrow of Marcos’ regime in 1986, the CPP factionalized further to take on more localized characteristics. The Cordillera Peoples Liberation Army (CPLA) broke away from the NDF in 1986 to focus on the protection of the Cordilleran people and land in northern Luzon. Hostilities were formally ended in July 2011, with an agreement signed between the central government, the CPLA and the Cordillera Bodong Administration (CBA) that allowed for the absorption of CPLA fighters into the Philippine Army and the re-working of the CBA-CPLA into a socio-development organisation.

Philippines-RPM-P

Meanwhile, purge among the CPP in the early 1990s, encouraged the formation of a parallel party, the Revolutionary Workers Party (RPM-P). Their armed wing, the Alex Boncayao Brigade (ABB) which had carried out a number of assassinations during the 1980s at the bequest of the CPP, followed suit and allied themselves with the RPM-P in 1997 forming the (RPM-P-RPA-ABB). Severely weakened by the split with the CPP and with the arrest of several key figures, the RPM-P-RPA-ABB signed a peace agreement in December 2000, which encouraged the RPM-P’s branch in Mindanao to break away in 2001.

The CPP-NPA has only participated in intermittent talks with the government. Talks halted in 2004 when Gloria Macapagal-Arroyo’s administration sought closer ties with the U.S. in the war on terror and added the CPP-NPA to the list of terrorist organisations, renewing violence. Following the launch of a counter-insurgency by the Philippine government, negotiations have been further delayed due to suspected internal differences between the CPP ‘old guard’ and younger members.

The Moro Insurgency (1968 -)

Philippines-Mindanao

The Moro Insurgency began in 1968, in Mindanao and the Sulu archipelago after the killing of Moro Commandos, the so-called Jabidah Massacre, by the Philippine Army following a plot to invade Sabah province in Malaysia. The Moro National Liberation Front (MNLF) captured a swath of territory in the mid-1970s. In an attempt to stem the violence, the constitution was reformed and Autonomous Region in Muslim Mindanao (ARMM) was created 1990 granting a devolution of power to the provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. Following the establishment of the ARMM, the MNLF splintered into a range of smaller groups including Islamic factions such as the

Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	<p>Page 3: FOR THE GPH:</p> <p>MIRIAM CORONEL FERRER GPH Panel</p> <p>FOR THE MILF: MILF Panel</p> <p>FOR THE MILF: MOHAGHER IQBAL MILF Panel</p>
Third parties	<p>Page 3: Signed in the presence of Tengku Dato'Ab Ghafar Tengku Mohamed Malaysian Facilitator</p>
Description	The document describes the purpose and structure of the Bangsamoro Normalization Trust Fund, with sections on objectives, fund governance, funding sources, and duration of the fund.

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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

Racial/ethnic/ national group	Groups→Racial/ethnic/national group→Substantive Page 1, III. OBJECTIVE AND PURPOSE OF THE BNTF ...The purpose of the BNTF is to finance, coordinate and oversee delivery of assistance from international partners and other donors in the implementation of the normalization process, particularly for development efforts and the rehabilitation, reconstruction and development of Bangsamoro communities and other vulnerable sectors , including those of decommissioned MILF combatants as identified by the Parties.
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Religious groups	No specific mention.
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Indigenous people	Groups→Indigenous people→Substantive Page 1, III. OBJECTIVE AND PURPOSE OF THE BNTF ...The purpose of the BNTF is to finance, coordinate and oversee delivery of assistance from international partners and other donors in the implementation of the normalization process, particularly for development efforts and the rehabilitation, reconstruction and development of Bangsamoro communities and other vulnerable sectors , including those of decommissioned MILF combatants as identified by the Parties.
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Other groups	No specific mention.
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Refugees/displaced persons	No specific mention.
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Social class	No specific mention.
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Gender

Women, girls and gender	No specific mention.
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Men and boys	No specific mention.
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LGBTI	No specific mention.
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Family	No specific mention.
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State definition

Nature of state (general)	No specific mention.
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State configuration	No specific mention.
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Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

II. OVERVIEW

The Bangsamoro Normalization Trust Fund (BNTF) is the multi-donor trust fund envisioned by the parties in the Framework Agreement on the Bangsamoro (FAB) and its Annex on Normalization through which urgent support, recurrent and investment budget cost will be released with efficiency, transparency and accountability in support of the process of normalization, whereby former combatants, their communities, and other vulnerable sectors can achieve their desired quality of life, including the pursuit of sustainable livelihood and political participation within a peaceful deliberative society. It expresses the commitment of the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) and the international community to the full implementation of the Comprehensive Agreement on the Bangsamoro (CAB).

This document sets out the parameters within which the BNTF shall be established and organized.

III. OBJECTIVE AND PURPOSE OF THE BNTF

The objective of the BNTF is to assist MILF combatants and their communities achieve their desired quality of life in a peaceful and inclusive manner. The BNTF will also assist in the development of six (6) previously acknowledged MILF Camps with the end view of transforming these areas into peaceful and productive communities.

The purpose of the BNTF is to finance, coordinate and oversee delivery of assistance from international partners and other donors in the implementation of the normalization process, particularly for development efforts and the rehabilitation, reconstruction and development of Bangsamoro communities and other vulnerable sectors, including those of decommissioned MILF combatants as identified by the Parties.

It is expected that the BNTF will :

(continued on page 2)

- i. Attract and mobilize international resources through this funding mechanism in support of the Normalization process. It may also accept contributions from the domestic private sector when there is no conflict of interest and when applicable regulations allow;
- ii. Enhance donor coordination for financing and policy dialogue ;
- iii. Promote capacity-building over time;
- iv. Provide funding for elements of the Normalization process, as identified by the Parties;
- v. Promote efficiency, transparency and accountability in the utilization of funds and implementation of programs and projects;
- vi. Provide predictability in the financing of the Normalization process;

National economic plan No specific mention.

Natural resources No specific mention.

International funds This agreement sets out the purpose and structure of the Bangsamoro normalization Trust Fund, which is primarily funded from international sources.

Page 2:

IV. FUND GOVERNANCE AND MANAGEMENT

1. Oversight Body

The GPH and MILF Peace Panels shall constitute and serve as the Oversight Body for the BNTF. It shall be responsible for the strategic direction and guidance for the BNTF. Either Party may exercise veto power on decisions made by the Steering Committee .

2. Steering Committee

There shall be a Steering Committee that shall provide policy guidance for the BNTF. It shall be responsible for management directions, and shall make decisions on which programs and projects to fund as well as on the acceptance of donations, as guided by the provisions of the Annex on Normalization.

The following shall be members of the Steering Committee : Two representatives from the GPH;

Two representatives from the MILF; Representatives from donor agencies ; and One representative from the Fund Manager.

One of the representatives from the GPH and the MILF shall serve as Co-Chairs.

Expansion of the members. for the committee shall be open as agreed by the Parties.

It shall meet once in every quarter, and release annual reports on the BNTF's operations , and the status and utilization of the Fund. When necessary, any Co-Chair may call for a special meeting.

3. Fund Manager

The BNTF shall be administered by a Fund Manager that shall be mutually identified by the Parties. The Fund Manager shall receive policy guidance and direction from the Steering Committee , and provide accountability for the utilization of the BNTF. It

(continued on Page 3)

shall implement measures to ensure transparency and efficiency in the mobilization and utilization of resources.

Financing for the Fund Manager shall be sourced from the BNTF. The Fund Manager shall report regularly and as necessary to the Steering Committee.

4. Secretariat

The Steering Committee shall be supported by a Secretariat , whose operations shall likewise be supported by the BNTF. The Secretariat shall provide technical and administrative assistance to the Steering Committee, including review of project proposals, monitoring of implementation of programs and projects, and other functions as necessary. The Secretariat shall work in close coordination with the Fund Manager especially with respect to recommendations on fund allocations.

V. FUNDING SOURCES

Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.

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iii. Promote capacity-building over time;

iv. Provide funding for elements of the Normalization process, as identified by the Parties;

v. Promote efficiency, transparency and accountability in the utilization of funds and implementation of programs and projects;

vi. Provide predictability in the financing of the Normalization process;

vii. Exert effort to align itself with the Bangsamoro Development Plan

**Intelligence
services**

No specific mention.

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- vii. Exert effort to align itself with the Bangsamoro Development Plan.

Withdrawal of foreign forces	No specific mention.
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Corruption	No specific mention.
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Crime/organised crime	No specific mention.
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Drugs	No specific mention.
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Terrorism	No specific mention.
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Transitional justice

Transitional justice general	No specific mention.
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Amnesty/pardon	No specific mention.
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Courts	No specific mention.
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Mechanism	No specific mention.
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Prisoner release	No specific mention.
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Vetting	No specific mention.
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Victims	No specific mention.
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Missing persons	No specific mention.
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Reparations	No specific mention.
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Reconciliation	No specific mention.
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Implementation

UN signatory No specific mention.

Other international signatory Page 3:
Signed in the presence of
Tengku Dato'Ab Ghafar Tengku Mohamed
Malaysian Facilitator

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source On file with PI. Also available at <http://peace.gov.ph/wp-content/uploads/2016/06/314445327-Bangsamoro-Norm-Trust-Fund-Terms-of-Reference.pdf>
