

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Consensus Points on the Strand on Governance of the Ancestral Domain Aspect at TWG level
Date	16 Sep 2005
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	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	Prof. Rudy B. Rodil, GRP-TWG Chairman; Atty. Musib Buat, MILF-TWG Chairm
Third parties	-
Description	Agreement according competences to the Bangsamoro juridical entity, committing to a transitional period for institution building and providing that details of certain competencies will be further specified in a comprehensive compact.

Agreement document	PH_050916_Consensus Points on Governance of Ancestral Domain.pdf (opens in new tab) Download PDF
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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** No specific mention.

Religious groups No specific mention.

Indigenous people Groups→Indigenous people→Substantive
Page 1, 1. On Item 2 of the MILF position paper on Governance, the Parties agree that the entrenchment of the Bangsamoro homeland as a territorial space aims to security the identity and posterity of the Bangsamoro people, protect their proprietary rights and resources and establish a system of governance suitable and acceptable to them as a distinct dominant people. The Parties respect the freedom of choice of the indigenous people.

Page 1, 2. On Item 3, the Parties reaffirm popular consultation leading to a referendum as the modality to determine the future political status of the Bangsamoro people. The details of the implementation of this modality shall be contained in the comprehensive compact.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, 1. On Item 2 of the MILF position paper on Governance, the Parties agree that the entrenchment of the Bangsamoro homeland as a territorial space aims to security the identity and posterity of the Bangsamoro people, protect their proprietary rights and resources and establish a system of governance suitable and acceptable to them as a distinct dominant people. The Parties respect the freedom of choice of the indigenous people.

State configuration No specific mention.

Self determination No specific mention.

Referendum Page 1, 2. On Item 3, the Parties reaffirm popular consultation leading to a referendum as the modality to determine the future political status of the Bangsamoro people. The details of the implementation of this modality shall be contained in the comprehensive compact.

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) Governance→Political institutions (new or reformed)→General references
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Governance→Political institutions (new or reformed)→New political institutions (indefinite)
Page 1, 8. The Parties agree that the Bangsamoro juridical entity should be provided powers over budgeting and allocation of funds for governmental functions, development and public services. Such powers, which will be spelled out in detail in the comprehensive compact, will include financial control for government accounting and auditing systems and standards suitable to the Bangsamoro juridical entity.

Page 2, 9. The Parties agree to the establishment of a constitutional commission tasked to write the organic charter of the Bangsamoro juridical entity, the modalities of which shall be specified in the comprehensive compact.

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 1, 3. The Parties agree to a transition period for institution building simultaneous with the transfer of power of governance to the Bangsamoro juridical entity prior to the determination of the formal final political status.

Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.

Elections Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.

Electoral commission No specific mention.

Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	<p>Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.</p> <p>Page 1, 8. The Parties agree that the Bangsamoro juridical entity should be provided powers over budgeting and allocation of funds for governmental functions, development and public services. Such powers, which will be spelled out in detail in the comprehensive compact, will include financial control for government accounting and auditing systems and standards suitable to the Bangsamoro juridical entity.</p>
Constitution	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 2, 9. The Parties agree to the establishment of a constitutional commission tasked to write the organic charter of the Bangsamoro juridical entity, the modalities of which shall be specified in the comprehensive compact.</p>

Power sharing

Political power sharing

No specific mention.

Territorial power sharing

Power sharing→Territorial power sharing→Autonomous regions

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Page 1, 6. On Item 6, the Parties agree to empower the Bangsamoro juridical entity to legislate and administer revenue-generating measures through taxation, public borrowings (foreign and domestic), licensing and income from government investments. The grant of authority to the Bangsamoro juridical entity in creating its own tax base, rates, customs duties and collections shall be provided in the comprehensive compact.

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Page 1, 7. The Parties agree on the establishment and entrenchment of government institutions in the Bangsamoro homeland during the transition period with defined executive, legislative, and judicial powers and functions. The contents and scope will be subject to further discussion by the Panels and provided for in the comprehensive compact.

Page 2, 9. The Parties agree to the establishment of a constitutional commission tasked to write the organic charter of the Bangsamoro juridical entity, the modalities of which shall be specified in the comprehensive compact.

Economic power sharing Power sharing→Economic power sharing→Sharing of resources
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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 Human rights and equality→Civil and political rights→Freedom of association
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Socio-economic rights Human rights and equality→Socio-economic rights→Property
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Human rights and equality→Socio-economic rights→Cultural life
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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 Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.

Prisons and detention	Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.</p>
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National economic plan	No specific mention.
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Natural resources	Page 1, 1. On Item 2 of the MILF position paper on Governance, the Parties agree that the entrenchment of the Bangsamoro homeland as a territorial space aims to security the identity and posterity of the Bangsamoro people, protect their proprietary rights and resources and establish a system of governance suitable and acceptable to them as a distinct dominant people. The Parties respect the freedom of choice of the indigenous people.
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International funds	No specific mention.
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Business	No specific mention.
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Taxation	<p>Socio-economic reconstruction→Taxation→Reform of taxation</p> <p>Page 1, 6. On Item 6, the Parties agree to empower the Bangsamoro juridical entity to legislate and administer revenue-generating measures through taxation, public borrowings (foreign and domestic), licensing and income from government investments. The grant of authority to the Bangsamoro juridical entity in creating its own tax base, rates, customs duties and collections shall be provided in the comprehensive compact.</p>
Banks	<p>Socio-economic reconstruction→Banks→Personal or commercial banking</p> <p>Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.</p> <p>Socio-economic reconstruction→Banks→International finance</p> <p>Page 1, 6. On Item 6, the Parties agree to empower the Bangsamoro juridical entity to legislate and administer revenue-generating measures through taxation, public borrowings (foreign and domestic), licensing and income from government investments. The grant of authority to the Bangsamoro juridical entity in creating its own tax base, rates, customs duties and collections shall be provided in the comprehensive compact.</p>

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	Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.
Ceasefire	No specific mention.
Police	Page 1, 4. The details on the structure of governance during the transition period of five (5) years or as mutually agreed for institution building shall be embodied in the comprehensive compact. The Parties agree that the Bangsamoro juridical entity shall be empowered to build, develop and maintain institutions (such as civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institutions) necessary for developing a progressive Bangsamoro society.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Page 1, 5. The Parties agree to invite a multinational 3rd party to monitor the actual implementation of the comprehensive compact.

Page 2, 10. Details of the implementation of these consensus points shall be contained in the comprehensive compact.

Related cases No specific mention.

Source GRP-MILF Peace Process: Compilation of Signed Agreements & other related Documents (1997-2010); (MILF Peace Panel/Asia Foundation, 2010), pp. 152-153.
