

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Minutes of the Meeting of the GRP-MILF TWG on Resources
Date	6 Feb 2006
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	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	ASec. Matanog M. Mapandi, GRP TWG Chairman; Dep. Exec. Dir. Ali B. Sangki, GRP TWG Member; Datu Al S. Saliling, GRP TWG Member; Datu Antonio P. Kinoc, MILF TWG Chairman; Amor B. Pandaliday, MILF TWG Member; Sultan Liwalug B. Dimapunung, MILF TWG Member
Third parties	-
Description	Agreement by the Technical Working Groups on the Strand of Resources that details the process of reaching consensus on certain issues relating to resources. It was agreed upon that the matter of restorations and reparations would be elevated to the Peace Panels for further discussion.

Agreement document [PH_060206_Minutes of TWG Meeting on Resources.pdf \(opens in new tab\)](#) | [Download PDF](#)

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

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Page 2, 9. On Paragraph 4. the GRP TWG presented the following amendments to the MILF position: "To ensure the development of the Bangsamoro homeland, the Bangsamoro may enter into economic cooperation agreements on the exploration, extraction, and utilization of natural resources within their homeland, consistent with sound policies on ecological balance and environmental standards. Arrangements for areas of cooperation shall be drawn up and annexed to the comprehensive agreement. Economic cooperation arrangements, including joint development, utilization and exploitation of natural resources, may also be undertaken by the Bangsamoro as regards common or shared resources found within protected areas (such as marshes or wetlands, lakes, or inland bodies of waters, mangroves, seas, gulfs, straits, channels, and bays) of the Bangsamoro homeland. Strategic minerals or materials within the homeland may also be the object of economic cooperation, subject to the modalities agreed upon by the Parties."

Page 2, 10. MILF TWG chair Kinoc commented that it is the Bangsamoro Juridical Entity that manages cooperation agreements and thus, the words juridical entity must be included. The GRP Panel consented: "To ensure the development of the Bangsamoro homeland, the Bangsamoro juridical entity may enter into economic cooperation agreements on the exploration, extraction, and utilization of natural resources within their homeland, consistent with sound policies on ecological balance and environmental standards. Arrangements for areas of cooperation shall be drawn up and annexed to the comprehensive agreement."

Page 3, 13. MILF Panel observer Alonto clarified that the term Bangsamoro juridical entity has to be stated to line it up with the other strands and to avoid confusion in referring to either the Juridical entity or the Bangsamoro as a whole. He added that the Bangsamoro Juridical entity cannot exist without the Bangsamoro people.

Page 3, 17. MILF Panel observer Alonto stated that the TWGs include both terms. The statement thus reads as follows: Any joint development, utilization and exploitation of natural resources designated as commons or shared resources found within protected areas such as marshes or wetlands, lakes or inland bodies of waters, mangroves, seas, gulfs, straits, channels and bays within the Bangsamoro territorial jurisdiction may be subject to an economic cooperation arrangement. Mineral lands and Strategic minerals or materials within the Bangsamoro territory may also be the object of economic cooperation upon entry into force of the comprehensive compact.

Page 3, 19. On Paragraph 5, the GRP TWG proposed that the following phrase be included to amend the MILF position: "Customary laws shall govern the delineation, disposition, perfection of land claims, ownership of communal lands, and settlement of land disputes between and among the Bangsamoro people."

Page 4, 30. On the remaining item 6, the MILF TWG presented their amended proposed position as follows: "The legitimate grievances of the Bangsamoro people are formally acknowledge in regard to the unjust dispossession of their territorial and proprietary

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Rhetorical
Page 6, 50. MILF TWG chair Kinoc stated that for centuries their people had been deprived, assailed, their lands removed, their communities strafed and bombed and their people were practically displaced. He said that they just want recognition and acknowledgement that their people, the Bangsamoro people, have always been there. Item no 6 is beyond the authority of the MILF TWG to decide and what has been stated cannot be changed. He requested that the GRP TWG shall try to convince their Principals to consider their position. This is their stand and unless the Government recognizes they leave it as it is.

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) No specific mention.

State configuration No specific mention.

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 Power sharing→Territorial power sharing→Autonomous regions
Summary: Provides for economic power-sharing aspects of autonomy, see economic power sharing.
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Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Page 1, 2. GRP Panel member Gov. Pax Mangudadatu, who is sitting as observer welcomed the group and said that the group discussed the strand on resources already and will just have to finalize the consensus point. He expressed hopes that discussions on the joint TWG on the strand on resources will conclude successfully.

Page 1, 4. Office of Muslim Affairs Deputy Executive Director Ali Sangki pointed out that both the Consensus Points on Resources and the MILF position paper submitted to the GRP during the 7th Exploratory Talks held in Port Dickson, Malaysia shall be used as references to guide the discussion. Correspondingly, he pointed out that there are pending issues that need to be further amplified, among which are item no. 3 and item no. 5.

Page 2, 8. On the second statement on item no 3 of the MILF draft position paper, the paragraph was amended as agreed by both Parties to read as follows: "Forest concessions, timber licenses, contracts or agreements, Industrial Forest Management Agreements (IFMA), and other tenurial instruments of any kind or nature whatsoever granted by the Philippine government including those issued by the Autonomous Region in Muslim Mindanao (ARMM) shall continue to operate from the date of formal entrenchment of the Bangsamoro juridical entity unless otherwise expired, modified, and/or cancelled by the latter."

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Page 2, 10. MILF TWG chair Kinoc commented that it is the Bangsamoro Juridical Entity that manages cooperation agreements and thus, the words juridical entity must be included. The GRP Panel consented: "To ensure the development of the Bangsamoro homeland, the Bangsamoro juridical entity may enter into economic cooperation agreements on the exploration, extraction, and utilization of natural resources within their homeland, consistent with sound policies on ecological balance and environmental standards. Arrangements for areas of cooperation shall be drawn up and annexed to the comprehensive agreement.

Page 3, 16. GRP TWG Mapandi mentioned that RA 9054 covers the devolution of powers covering use of natural resources except "strategic minerals".

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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 No specific mention.

Socio-economic rights Human rights and equality→Socio-economic rights→Property
Page 4, 30. On the remaining item 6, the MILF TWG presented their amended proposed position as follows: "The legitimate grievances of the Bangsamoro people are formally acknowledge in regard to the unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of: [...] When the restoration of proprietary rights is no longer possible, the government shall provide for the equitable means of restoration of the proprietary rights or losses arising therefrom.

Page 5, 36. As a result of their consultation with their principals, the GRP TWG chair Mapandi agreed as stated in Paragraphs 1, 2, 4 and 5 of the MILF Position Paper and made a counter-proposal for Par. 6 to read as follows: "The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of: [...] shall be acknowledged."

The GRP TWG chair proposed that the line below be deleted: "When the restoration of proprietary rights is no longer possible, the government shall provide for the equitable means of restoration of the proprietary rights or losses arising therefrom."

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 2, 10. MILF TWG chair Kinoc commented that it is the Bangsamoro Juridical Entity that manages cooperation agreements and thus, the words juridical entity must be included. The GRP Panel consented: "To ensure the development of the Bangsamoro homeland, the Bangsamoro juridical entity may enter into economic cooperation agreements on the exploration, extraction, and utilization of natural resources within their homeland, consistent with sound policies on ecological balance and environmental standards. Arrangements for areas of cooperation shall be drawn up and annexed to the comprehensive agreement.

Prisons and detention No specific mention.

Traditional Laws Page 3, 19. On Paragraph 5, the GRP TWG proposed that the following phrase be included to amend the MILF position: "Customary laws shall govern the delineation, disposition, perfection of land claims, ownership of communal lands, and settlement of land disputes between and among the Bangsamoro people."

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Page 7, 56. Upon resumption, both Parties agreed on the following: 2) That item No. 5 of the Consensus Points on Resources (or Paragraph 6 of the MILF Position Paper) shall be re-stated as follows: "The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization shall be acknowledge. Whenever restoration is no longer possible, the GRP shall take effective measures or adequate reparations collectively beneficial to the Bangsamoro people, in such quality, quantity and status to be determined mutually by both Parties.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

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National economic plan

No specific mention.

Natural resources Page 1, 1. The Joint Meeting of the Technical Working Groups of the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) on the Resources Strand of the Ancestral Domain Aspect of the Agreement of Peace of 2001 started with a prayer [...].

Page 1, 2. GRP Panel member Gov. Pax Mangudadatu, who is sitting as observer welcomed the group and said that the group discussed the strand on resources already and will just have to finalize the consensus point. He expressed hopes that discussions on the joint TWG on the strand on resources will conclude successfully.

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Page 3, 14. MILF TWG member Sultan Liwalug Dimapunung raised the point that the term "strategic minerals" be converted to read as "mineral lands."

Page 3, 15. MILF TWG chair Kinoc pointed out that the terms "strategic minerals" is restrictive.

International funds No specific mention.

Business

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c) settlement programs or corporate plantations; [...]"

Page 5, 36. As a result of their consultation with their principals, the GRP TWG chair Mapandi agreed as stated in Paragraphs 1, 2, 4 and 5 of the MILF Position Paper and made a counter-proposal for Par. 6 to read as follows: "The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of:
c) settlement programs or corporate plantations; [...]"

Page 6, 43. On Par. 3, the group discussed the issue on the phrase "unless subsequently granted or renewed..." the MILF submitted that government has jurisdiction over the concessions, licenses, contracts or agreements granted.

Page 6, 44. MILF TWG chair Kinoc clarified that the phrase starting from "No forest concessions, timber license, contracts or agreements of any kind or nature whatsoever granted by the Philippine Government including those issued by the Autonomous Region in Muslim Mindanao (ARMM) shall continue to operate from the date of formal entrenchment of the Bangsamoro juridical entity unless subsequently granted or renewed..." is a prohibitive provision which indicates that the operation of the forest concessions, timber license, contracts or agreement of any kind or nature will continue to exist unless subsequently granted or renewed by the Bangsamoro juridical entity. He further clarified that in legal parlance this provisions should begin with the negative word "No" for purposes of consistency.

Page 8, 58. Upon resumption, both Parties agreed on the following: 3) Forest concessions, timber licenses, contracts or agreements, mining concessions, mineral production and sharing agreements, Industrial Forest Management Agreements (IFMA), and other tenurial instruments of any kind or nature whatsoever granted by the Philippine Government including those issues by the Autonomous Region in Muslim Mindanao (ARMM) shall continue to operate form the date of formal entrenchment of the Bangsamoro juridical entity unless otherwise expired, reviewed, modified and/or cancelled by the latter."

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Property return and restitution
Page 7, 56. Upon resumption, both Parties agreed on the following: 2) That item No. 5 of the Consensus Points on Resources (or Paragraph 6 of the MILF Position Paper) shall be re-stated as follows: "The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization shall be acknowledge. Whenever restoration is no longer possible, the GRP shall take effective measures or adequate reparations collectively beneficial to the Bangsamoro people, in such quality, quantity and status to be determined mutually by both Parties.

Land, property and environment→Land reform/rights→Other land rights
Page 3, 19. On Paragraph 5, the GRP TWG proposed that the following phrase be included to amend the MILF position: "Customary laws shall govern the delineation, disposition, perfection of land claims, ownership of communal lands, and settlement of land disputes between and among the Bangsamoro people."

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- a) central government-sponsored agricultural colonies;
- b) pasture and agricultural leases;
- c) settlement programs or corporate plantations; [...]"

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- a) agricultural colonies;
- b) pasture and agricultural leases;
- c) settlement programs or corporate plantations; and
- d) civil and military reservations leading to the disruptions of their prior established communities shall be acknowledged.

Page 6, 50. MILF TWG chair Kinoc stated that for centuries their people had been deprives, assailed, their lands removed, their communities strafed and bombed and their people were practically displaced. He said that they just want recognition and acknowledgement that their people, the Bangsamoro people, have always been there. Item no 6 is beyond the authority of the MILF TWG to decide and what has been stated cannot be changed. He requested that the GRP TWG shall try to convince their Principals to consider their position. This is their stand and unless the Government recognizes they leave it as it is.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment

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Water or riparian rights or access

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Page 7, 58. Upon resumption, both Parties agreed on the following: 3) That item No. 2 of the Consensus Points on Resources (or Paragraph 3 of the MILF Position Paper) shall read as follows: "All proclamations, issuances, policies, rules and guidelines declaring old growth or natural forests and all watersheds within the Bangsamoro homeland as forest reserves shall continue to remain in force until otherwise modified, revised or superseded by subsequent policies, rules and regulations issued by the competent Bangsmaoro authority or juridical entity. [...]"

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces Page 4, 30. On the remaining item 6, the MILF TWG presented their amended proposed position as follows: "The legitimate grievances of the Bangsamoro people are formally acknowledge in regard to the unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of: d) civil and military reservations leading to the disruptions of their prior established communities [...]"

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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 Page 4, 30. On the remaining item 6, the MILF TWG presented their amended proposed position as follows: "The legitimate grievances of the Bangsamoro people are formally acknowledge in regard to the unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of:

- a) central government-sponsored agricultural colonies;
- b) pasture and agricultural leases;
- c) settlement programs or corporate plantations; and
- d) civil and military reservations leading to the disruptions of their prior established communities.

When the restoration of proprietary rights is no longer possible, the government shall provide for the equitable means of restoration of the proprietary rights or losses arising therefrom."

Page 5, 32. The GRP TWG chair Mapandi pointed out two things in the proposed MILF position paper that needs to be considered. One is on the enumerated grievances and the term "acknowledge" and the other is on the issue of reparations."

Page 5, 33. GRP TWG member Dep. E. Dir. Sangki stated that while the grievances are legitimate, the group must agree on a term that would better frame the present conditions in addition, the GRP TWG member Datu Al Saling mentioned that it is only the President of the Philippine that can acknowledge said grievances.

Page 5, 36. As a result of their consultation with their principals, the GRP TWG chair Mapandi agreed as stated in Paragraphs 1, 2, 4 and 5 of the MILF Position Paper and made a counter-proposal for Par. 6 to read as follows: "The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of [...] shall be acknowledged."

Page 6, 40. The MILF TWG chair Kinoc said that the GRP TWG positions was not explicit on how they will compensate and acknowledge their losses.

Page 7, 56. 2) That item No. 5 of the Consensus Points on Resources (or Paragraph 6 of the MILF Position Paper) shall be re-stated as follows: "The legitimate grievances of the Bangsamoro people arising form any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization shall be acknowledge. Whenever restoration is no longer possible, the GRP shall take effective measures or adequate reparations collectively beneficial to the Bangsamoro people, in such quality, quantity and status to be determined mutually by both Parties.

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

Transitional justice→Reparations→Material reparations

Page 4, 30. On the remaining item 6, the MILF TWG presented their amended proposed position as follows: "The legitimate grievances of the Bangsamoro people are formally acknowledge in regard to the unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization [...] When the restoration of proprietary rights is no longer possible, the government shall provide for the equitable means of restoration of the proprietary rights or losses arising therefrom."

Page 5, 32. The GRP TWG chair Mapandi pointed out two things in the proposed MILF position paper that needs to be considered. One is on the enumerated grievances and the term "acknowledge" and the other is on the issue of reparations."

Page 5, 34. In response, GRP TWG observer Gov. Mangudadatu said that restoration and reparations are huge terms and an enormous task to undertake.

Page 5, 36. As a result of their consultation with their principals, the GRP TWG chair Mapandi agreed as stated in Paragraphs 1, 2, 4 and 5 of the MILF Position Paper and made a counter-proposal for Par. 6 to read as follows: "The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of:

- a) agricultural colonies;
- b) pasture and agricultural leases;
- c) settlement programs or corporate plantations; and
- d) civil and military reservations leading to the disruptions of their prior established communities shall be acknowledged.

The GRP TWG chair proposed that the line below be deleted: "When the restoration of proprietary rights is no longer possible, the government shall provide for the equitable means of restoration of the proprietary rights or losses arising therefrom."

Page 5, 39. MILF TWG Kinoc said that the counter proposal of the GRP TWG on Par. 6 falls short as it does not contain a provision on granting of reparations.

Page 6, 40. The MILF TWG chair Kinoc said that the GRP TWG positions was not explicit on how they will compensate and acknowledge their losses.

Page 7, 52. GRP Observer Gov. Magudadatu stated that the issue on restoration and reparation is not within the capacity of the GRP TWG to address. This will be referred to the GRP Panel to consider.

Page 7, 56. 2) That item No. 5 of the Consensus Points on Resources (or Paragraph 6 of the MILF Position Paper) shall be re-stated as follows: "The legitimate grievances of the Bangsamoro people arising form any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization shall be acknowledge. Whenever restoration is no longer possible, the GRP shall take effective measures or adequate reparations collectively beneficial to the Bangsamoro people, in such quality, quantity and status to be determined mutually by both Parties.

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 No specific mention.

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. 161-168.
