c. The MILF-TWG is approaching the discussions on "territory" along the point of geography, and not on demography.
d. The term "Bangsamoro" is not only confined to the Muslim group but it also includes the non-Muslim native inhabitants in Mindanao.

9. Chairperson Serrano cited Consensus Point No. 1, Par. 2 on the strand of Concept adopted by the GRP-MILF TWG during the 7th Exploratory Talks. Both parties reaffirmed this point.

10. With the technical maps, lists and other related data formally submitted and/or presented to both sides, the group reached an agreement to elevate to the Panels for resolution the question of which areas indicated in their respective presentations will be delimited as part of the Bangsamoro homeland.

11. There being no other matters to discuss, the meeting adjourned at around 12:30 p.m.

12. The group agreed to reconvene at 2:00 p.m. to finalize the highlights of the discussions.

For the GRP: For the MILF:

(NASSER PANGANDAMAN) (ABDULLA CAMLIAN)
5. MILF TWG chairman Datu Antonio Kinoc then clarified with the group that he will be the joint TWG on resources that will draft Paragraph 6 of the MILF position paper.

6. GRP TWG member Dep. Ed. Sangi went over the items point by point.

7. The group agreed to work on the consensus points vs.-vs. the MILF draft.

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, mining concessions, mineral production and sharing agreements, Industrial Forest Management Agreements (IFMAs) 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 state of tenurial arrangement of the Bangsamoro jurisdictional entity unless otherwise expired, modified and/or cancelled by the latter."

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 exploitation, 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 modalities agreed upon by the Parties."

10. MILF TWG chair Kinoc commented that it is the Bangsamoro Jurisdictional Entity that manages cooperation agreements and thus, the words 'jurisdictional entity' must be included. The GRP Panel concurred.

"To ensure the development of the Bangsamoro homeland, the Bangsamoro Jurisdictional entity may enter into economic cooperation agreements on the exploitation, 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."

11. GRP TWG chair Mapandi said that the substance of the MILF position is captured in essence in the consensus points and the newly proposed GRP statements are only meant to summarize and provide details for the items in the MILF position paper.

12. MILF TWG chair Kinoc said that the details will likewise be subsumed in the other stands.

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

14. MILF TWG member Sultan Livatug Dimapagung raised the point that the term "strategic minerals" be converted to read as "mineral lands."

15. MILF TWG chair Kinoc pointed out that the term "strategic minerals" is replaceable.

16. GRP TWG chair Mapandi mentioned that RA 9054 covers the devolution of powers concerning use of natural resources except "strategic minerals."

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 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 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.

18. 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."

19. Both TWGs agreed to adopt Items 1, 2, 3, 4, 5 with the corresponding amendments and amplifications incorporated.

20. The group then went on a break at 3:00 p.m. and convened at 4:00 in the afternoon.
5 MILF TWG chairman Datu Antonio Kinoc then clarified with the group that the joint TWG on resources will be the joint TWG on resources that will craft Paragraph 6 of the MILF position paper.

6. GRP TWG member Dep. Ed. Saki Si went over the items point by point.

7. The group agreed to work on the consensus points vs-a-vs the MILF draft.

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, 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 issued by the Autonomous Region in Muslim Mindanao (ARMN) shall continue to operate from the state of tenure arrangement of the Bangsamoro juridical entity unless otherwise expired, modified and/or cancelled by the latter."

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 water, 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 modalities agreed upon by the Parties."

10. MILF TWG chair Kinoc commented that it is the Bangsamoro Judicial Entity that manages cooperation agreements and thus, the words 'juridical entity' must be included. The GRP Panel concurred.

"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.

[Signatures]

[Handwritten Notes]
21 MILF TWG chair Kinoc asked that the proposed GRP amendments be reviewed by the MILF Panel as changes in the consensus points have to be referred to their principals.

22 GRP TWG member Sangil suggested that the group finish discussions on the items via e-mails the signed matrix in the last 7th GRP-MILF Exploratory Talks, provide details on how to resolve the points stated in the remarks portion and complete their observations regarding such.

23 MILF TWG chair stated that the group is bound by the signed Consensus Points.

24 MILF Panel observe Alorio suggested that the GRP TWG have in writing the proposed amendments and asked for a recess.

25 A print out of the proposed GRP amendments of Paragraphs 1 to 5 was then provided by the GRP TWG to the MILF TWG (see attachment).

26 The group went on recess at 6 p.m. and convened at 6:00 in the afternoon to continue discussions.

27 After referring to their principals, the MILF TWG chair Kinoc informed that all the issues on changes and amendments incorporated and agreed upon by both Parties before they took the recess are considered null and void.

28 GRP TWG chair Mapandi pointed out that Paragraph 6 should also be included in the print-out.

29 The MILF TWG chair Kinoc mentioned that the consensus points would have to be maintained and any change or amendment to it would have to be referred to the Panels. He said that the MILF TWG has to go back and refer to the documents signed by both Parties during the 7th GRP-MILF Exploratory Talks held on April 10, 2006 in Port Dickson, Malaysia.

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 acknowledged in regard to the unjust dispossessions 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."

31 MILF TWG chair Kinoc mentioned that the proposed position is in response to the request to provide details on the said item.

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.

33 GRP TWG member Dep Ed Sangil stated that while the grievances are legitimate, the group must agree on a term that would better frame the present conditions. In addition, GRP TWG member Datu Ali Salting mentioned that it is only the President of the Philippines that can acknowledge said grievances.

34 MILF TWG chair Kinoc clarified that the terms are included to clarify as to who the responsible party will be.

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

36 The group then agreed for another recess at 6:00 p.m. to allow the GRP TWG to take up the remaining item 6 with their principals.

37 The group resumed at 9:15 in the evening.

38 As a result of their consultation with their principals, the GRP TWG chair Mapandi agreed as stated in Paragraphs 1, 2, and 4 of the MILF Position Paper, and made a counter-proposal on 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."

39 MILF TWG chair Kinoc said that the counter proposal of the GRP TWG on Par. 6 fails short as it does not contain a provision on granting of reparations.
21 MILF TWG chair Kinloc asked that the proposed GRP amendments be reviewed by the MILF Panel as changes in the consensus points have to be referred to their principals.

22 GRP TWG member Sengi suggested that the group finish discussions on the items via e-mail the signed matrix in the last 7th GRP-MILF Exploratory Talks, provide details on how to resolve the points stated in the remarks portion and complete their observations regarding such.

23 MILF TWG chair stated that the group is bound by the signed Consensus Points.

24 MILF Panel observe Aloio suggested that the GRP TWG have in writing the proposed amendments and asked for a recess.

25 A print out of the proposed GRP amendments of Paragraphs 1 to 5 was then provided by the GRP TWG to the MILF TWG (see attachment).

26 The group went on recess at 4:00 p.m. and convened at 6:00 in the afternoon to continue discussions.

27 After referring to their principals, the MILF TWG chair Kinloc informed that all the issues on changes and amendments incorporated and agreed upon by both Parties before they took the recess are considered null and void.

28 GRP TWG chair Mapandi pointed out that Paragraph 6 should also be included in the print-out.

29 The MILF TWG chair Kinloc mentioned that the consensus points would have to be maintained and any change or amendment to it would have to be referred to the Panels. He said that the MILF TWG has to go back and refer to the documents signed by both Panels during the 7th GRP-MILF Exploratory Talks held on April 10, 2006 in Port Dickson, Malaysia.

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 acknowledged in regard to the unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization as a consequence of:

a) centralized government-sponsored agricultural colonies;
b) pastures 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."

31 MILF TWG chair Kinloc mentioned that the proposed position is in response to the request to provide details on the said item.

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

33 GRP TWG member Dep Edi Sengi stated that while the grievances are legitimate, the group must agree on a term that would better frame the present conditions. In addition, GRP TWG member Datu Al Salting mentioned that it is only the President of the Philippines that can acknowledge said grievances.

34 MILF TWG chair Kinloc clarified that the terms are included to clarify as to who the responsible party will be.

35 In response, GRP TWG observer Gov. Mangidease said that restoration and reparations are huge terms and an enormous task to undertake.

36 The group then agreed for another recess at 5:00 p.m. to allow the GRP TWG to take up the remaining item 6 with their principals.

37 The group resumed at 9:15 in the evening.

38 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 on Paragraph 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) pastures 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."

39 MILF TWG chair Kinloc 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.
40. The MILF TWG chair Khoq said that the GRP TWG position was not explicit on how they will compensate and acknowledge their losses.

41. The group then went on a 10-minute break.

42. Upon resumption, the group agreed to refer the matter to their respective Panels.

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

44. MILF TWG chair Khoq 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 establishment of the Bangsamoro judicial entity, unless subsequently granted or renewed." is a prohibitive provision which indicates that the operation of the forest concessions, timber license, contracts or agreements of any kind or nature will continue to exist unless subsequently granted or renewed by the Bangsamoro judicial entity. He further clarified that in legal parlance this provision should begin with the negative word "No" for purposes of consistencey.

45. The group agreed that any existing contract earlier entered into by Parties will not be revoked by the Bangsamoro judicial entity, should this be set up.

46. The MILF TWG emphasized that any existing contract will not be violated by the Bangsamoro judicial entity.

47. Upon agreeing that Par 6 will be referred to their respective Panels, the group adjourned at 10:45 in the evening and shall resume at 8:00 tomorrow morning (February 7, 2006) to continue discussions on Par. 6.

48. Both the GRP TWG and MILF TWG on Resources resumed session at 9:00 a.m. on February 7, 2006 starting with a prayer led by MILF TWG Member Amor Pendarada and carried on with the discussion on Par. 6.

49. GRP TWG chair Mapandi recalled that Par 6 formed part of the homework of both TWGs on Resources for discussion today.

50. MILF TWG chair Khoq stated that for centuries their people had been deprived and asalied, their lands removed, their communities strafed and bombed and their people were practically displaced. He said that they just want recognition and acknowledgment 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 try to convince their Principals to consider...
40. The MILF TWG chair, Kho'c, said that the GRP TWG position was not explicit on how they will compensate and acknowledge their losses.

41. The group then went on a 10-minute break.

42. Upon resumption, the group agreed to refer the matter to their respective Panels.

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

44. MILF TWG chair Kho'c 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 transfer of jurisdiction of the Bangsamoro jurisdictional entity..." is a proviso that the operation of the forest concessions, timber license, contracts or agreements of any kind or nature shall continue to exist unless subsequently granted or renewed by the Bangsamoro jurisdictional entity. He further clarified that this proviso should begin with "No" for purposes of consistency.

45. The group agreed that any existing contract earlier entered into by Parties will not be revoked by the Bangsamoro jurisdictional entity. This should be set up.

46. The MILF TWG emphasized that any existing contract will not be violated by the Bangsamoro jurisdictional entity.

47. Upon agreeing that Par 6 will be referred to their respective Panels, the group adjourned at 10:45 a.m. in the evening and shall resume at 8:00 tomorrow morning (February 7, 2006) to continue discussions on Par 6.

48. Both the GRP TWG and MILF TWG on Resources resumed session at 5:00 a.m. on February 7, 2006 starting with a prayer led by MILF TWG Member Amor Pendaran and continued on with the discussion on Par 5.

49. GRP TWG Chair Mapandi recalled that Par 6 formed part of the homework of both TWGs on Resources for discussion today.

50. MILF TWG Chair Kho'c stated that for centuries their people have been deprived and assaulted, their lands removed, their communities starved and bombed and their people were forcibly displaced. He said that they just want recognition and acknowledgment 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.
JOINT STATEMENT
Joint Meeting of the GRP and MILF Technical Working Groups on Resources

The Technical Working Groups of the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) on the Resources Issues on the Ancestral Domain Aspects of the Tripoli Agreement of Peace of 2001 agreed on the following:

1) That Item Nos. 1, 3 and 4 of the Consensus Points on Resources (copy attached) have been discussed fully and affirmed the same items as stated and signed by both Parties during the 7th GRP-MILF Exploratory Talks conducted on April 15-17, 2005 in Port Dickson, Malaysia and

2) That Item No. 5 of the Consensus Points on Resources (or Paragraph 5 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 acknowledged.

Whenever restoration is no longer possible, the GRP shall take effective measures or adequate reparation collectively beneficial to the Bangsamoro people, in such quality, quantity and status to be determined mutually by both Parties."

3) That Item No. 2 of the Consensus Points on Resources (or Paragraph 3 of the MILF Position Paper) shall read as follows:

"All proclamation, issuances, policies, rules and guidelines declaring old groves 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 Bangsamoro authority or jurisdictional entity.

Forest concessions, timber licenses, contracts or agreements, mining concessions, mineral production and sharing agreements, Industrial Forest Management Agreements (IFMA), and other tenure 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 entrustment of the Bangsamoro juridical entity unless otherwise expired, reviewed, modified and/or cancelled by the latter."