

<b>Country/entity</b>	Philippines Mindanao
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Consensus Points on the Strand on Governance of the Ancestral Domain Aspect at TWG level
<b>Date</b>	16 Sep 2005
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	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

<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Philippines - Mindanao process
<b>Parties</b>	Prof. Rudy B. Rodil, GRP-TWG Chairman; Atty. Musib Buat, MILF-TWG Chairm
<b>Third parties</b>	-
<b>Description</b>	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.

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**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.

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## **Gender**

**Women, girls and gender** No specific mention.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## **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.

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## **Governance**

**Political institutions (new or reformed)** Governance→Political institutions (new or reformed)→General references  
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.

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** 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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**Constitution** Governance→Constitution→Constitutional reform/making  
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.

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## **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.

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## **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.

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## **Rights institutions**

**NHRI** No specific mention.

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

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## **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.

**Traditional Laws** No specific mention.

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### **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. 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.

**International funds** No specific mention.

**Business** No specific mention.

<b>Taxation</b>	<p>Socio-economic reconstruction→Taxation→Reform of taxation  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>
<b>Banks</b>	<p>Socio-economic reconstruction→Banks→Personal or commercial banking  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  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**

<b>Security Guarantees</b>	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.
<b>Ceasefire</b>	No specific mention.
<b>Police</b>	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.
<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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## **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.

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## **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.

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