

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Annex on Transitional Arrangements and Modalities to the Framework Agreement on the Bangsamoro (FAB)
Date	27 Feb 2013
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Philippine Insurgencies (1968 -)

The Maoist Insurgencies (1968 -)

Philippines-NDF

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

Philippines-Cordillera

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

Philippines-RPM-P

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

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

The Moro Insurgency (1968 -)

Philippines-Mindanao

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

Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	Miriam Coronel-Ferrer, Panel Chair for the Government of the Philippines Mohagher Iqbal, Panel Chair for the Moro Islamic Liberation Front
Third parties	Tengku Dato'Ab Ghafar Tengku Mohamed, Facilitator and Representative of Malaysia
Description	This Annex on Transitional Arrangements and Modalities provides for, on the basis of the Framework Agreement on the Bangsamoro, the modalities by which the institutions and mechanisms will become fully operational in the Bangsamoro.
Agreement document	PH_130227_Annex on Transitional Arrangements.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
Page 3, II. Transition Mechanisms and Modalities
A. The Transition Commission (TC)
A.1. The TC shall be composed of fifteen (15) members all of whom are Bangsamoro.
Seven (7) members shall be selected by the GPH and eight (8) member, including the
Chair, shall be selected by the Moro Islamic Liberation Front.

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) No specific mention.

State configuration Page 4, II. Transition Mechanisms and Modalities, A. The Transition Commission (TC)
(e) All of the areas enumerated in Part V item 1 of the FAB shall undergo a plebiscite to determine the territorial jurisdiction of the Bangsamoro.
(f) Areas contiguous to the core territory of the Bangsamoro shall be included in the plebiscite if there is a resolution of the local government unit or a petition of at least 10% of the qualified voters therein. Such a resolution or petition shall be submitted to the Parties at least two (2) months prior to the conduct of ratification of the Bangsamoro Basic Law. A majority vote of the qualified voters decides the inclusion in the territorial jurisdiction of the Bangsamoro.
(g) Both Parties agree to the creation of a robust international-domestic monitoring body to be accredited by the Commission on Elections (COMELEC) to monitor the administration of the plebiscite. [...]

Page 5, II. Transition Mechanisms and Modalities, B. The Bangsamoro Transition Authority (BTA)
3. The BTA shall serve as the main mechanism for the MILF's leadership in the Bangsamoro during the transition process. Once the Basic Law comes into force, and the BTA established, the devolved powers of the new political entity are vested in the Government of the Bangsamoro.
6. The Parties agree that as a consequence of the change in the territory constituting the Bangsamoro, the Basic Law shall provide for a new redistricting or other modalities of ensuring more equitable representations of the constituencies in the Bangsamoro Assembly.

Self determination No specific mention.

Referendum

Page 2, I. Transition Process

E. Ratification of the Bangsamoro Basic Law - the Bangsamoro Basic Law, once enacted by Congress, shall undergo a process of popular ratification by the qualified voters in the core territory of the Bangsamoro identified in Part V., Paragraph 1 of the FAB not later than 120 days from the legislative enactment.

Page 4, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

A.6. In relation to the TC's task of working on the drafting of the Basic Law and the proposals to amend the Philippine Constitution, the following procedures shall be observed:

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Page 4, II. Transition Mechanisms and Modalities

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Page 4, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

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(g) Both Parties agree to the creation of a robust international-domestic monitoring body to be accredited by the Commission on Elections (COMELEC) to monitor the administration of the plebiscite. The monitoring body will have access to all operations related to the conduct of the plebiscite and be able to conduct regular and random checks. The reports of the monitoring body shall be made available to the Panels for their disposition. The Panels shall request the COMELEC to conduct a special registration before the date of the plebiscite on the Bangsamoro Basic Law. The Parties shall undertake measures to ensure the wide participation in the plebiscite of the people in the core territory of the Bangsamoro.

Page 4, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

A.6. In relation to the TC's task of working on the drafting of the Basic Law and the proposals to amend the Philippine Constitution, the following procedures shall be observed:

(h) The Parties shall confirm the fact of the ratification of the Bangsamoro Basic Law.

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)→Temporary new institutions

Page 1, I The Transition Process

The Parties agree on the following process that shall guide the transition from the status quo to the entrenchment of the Bangsamoro.

Page 1, I The Transition Process

A. Creation of the Transition Commission (TC) - The President of the Republic of the Philippines shall issue an executive order effecting the establishment of a Transition Commission. Congress shall express its support for such establishment. The Executive Order shall provide for the compositions of the TC, its authority and functions, its relationship with government agencies and branches of government, and the budgetary allocation sufficient for its operations.

Page 1, I The Transition Process

B. Operation of the Transition Commission - Once the TC is created, it shall exercise its functions in accordance with the FAB and its Annexes, and such other functions that are necessary in the performances of its mandate as provided in the Executive Order. To facilitate its tasks, it may create technical committees and a secretariat. The TC may also solicit assistance and advice from experts. The TC shall adopt necessary administrative guidelines for the speedy, efficient and effective performance of its functions.

Page 2, I. Transition Process

C. The Bangsamoro Basic Law - The TC shall work on the drafting of the Bangsamoro Basic Law, in accordance with the provisions of the FAB. The proposed Basic Law shall be submitted to the Office of the President. The President shall submit the proposed Basic Law to Congress as a legislative proposal. The bill for the proposed Basic Law shall be certified as urgent by the President.

Page 2, I. Transition Process

D. Work on Constitutional Amendments - The TC shall work on proposals to amend the Philippine Constitution for the purpose of accommodating and entrenching in the Constitution the agreement of the parties whenever necessary without derogating from any prior peace agreements.

Page 2, I. Transition Process

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Page 2, I. Transition Process

F. Bangsamoro Transition Authority (BTA) - The BTA shall have as its core function the preparation for the transition to the ministerial government in the Bangsamoro. It shall exercise governance functions devolved to the Bangsamoro in accordance with the Basic Law, and shall set up the institutions and mechanisms necessary to establish the Bangsamoro ministerial government.

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Elections

Page 4, II. Transition Mechanisms and Modalities

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(g) Both Parties agree to the creation of a robust international-domestic monitoring body to be accredited by the Commission on Elections (COMELEC) to monitor the administration of the plebiscite. The monitoring body will have access to all operations related to the conduct of the plebiscite and be able to conduct regular and random checks. The reports of the monitoring body shall be made available to the Panels for their disposition. The Panels shall request the COMELEC to conduct a special registration before the date of the plebiscite on the Bangsamoro Basic Law. The Parties shall undertake measures to ensure the wide participation in the plebiscite of the people in the core territory of the Bangsamoro.

Page 5, II. Transition Mechanisms and Modalities, B. The Bangsamoro Transition Authority (BTA)

5. The BTA shall continue to perform its function as interim Bangsamoro Government until the duly elected officials of the Bangsamoro shall have been qualified into office in 2016.

**Electoral
commission**

Page 4, II. Transition Mechanisms and Modalities

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**Political parties
reform**

No specific mention.

Civil society

Page 5, II. Transitional Mechanisms and Modalities

C. Third Party Monitoring Team (TPMT)

2. The TPMT is an independent body composed of international bodies, as well as domestic groups, as follows: [...]

-A representative from a local non-government organization registered with the Securities and Exchange Commission, to be nominated by the GPH;

-A representative from a local non-government organization registered with the Securities and Exchange Commission, to be nominated by the MILF;

-A representative from an international non-government organization to be nominated by the GPH;

-A representative from an international non-government organization to be nominated by the MILF;

All members shall be mutually acceptable and agreed upon by the Parties.

Page 6, II. Transitional Mechanisms and Modalities

C. Third Party Monitoring Team (TPMT): 4. The basic functions of the TPMT are, but not limited to, the following:

a. Monitoring and evaluation of the implementation of all agreements

b. Submit comprehensive periodic reports and updates to both Parties.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

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A. Creation of the Transition Commission (TC) - The President of the Republic of the Philippines shall issue an executive order effecting the establishment of a Transition Commission. Congress shall express its support for such establishment. The Executive Order shall provide for the compositions of the TC, its authority and functions, its relationship with government agencies and branches of government, and the budgetary allocation sufficient for its operations.

Page 2, I. Transition Process

C. The Bangsamoro Basic Law - The TC shall work on the drafting of the Bangsamoro Basic Law, in accordance with the provisions of the FAB. The proposed Basic Law shall be submitted to the Office of the President. The President shall submit the proposed Basic Law to Congress as a legislative proposal. The bill for the proposed Basic Law shall be certified as urgent by the President.

Page 2, I. Transition Process

D. Work on Constitutional Amendments - The TC shall work on proposals to amend the Philippine Constitution for the purpose of accommodating and entrenching in the Constitution the agreement of the parties whenever necessary without derogating from any prior peace agreements.

Page 2, I. Transition Process

E. Ratification of the Bangsamoro Basic Law - the Bangsamoro Basic Law, once enacted by Congress, shall undergo a process of popular ratification by the qualified voters in the core territory of the Bangsamoro identified in Part V., Paragraph 1 of the FAB not later than 120 days from the legislative enactment.

Page 2, I. Transition Process

F. Bangsamoro Transition Authority (BTA) - The BTA shall have as its core function the preparation for the transition to the ministerial government in the Bangsamoro. It shall exercise governance functions devolved to the Bangsamoro in accordance with the Basic Law, and shall set up the institutions and mechanisms necessary to establish the Bangsamoro ministerial government.

Page 3, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

A.4. The TC may coordinate with legislative bodies in order to accomplish its duties.

Page 3, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

A.5. The TC shall cease to exist upon the enactment of the Bangsamoro Basic Law.

Page 3, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

A.6. In relation to the TC's task of working on the drafting of the Basic Law and the proposals to amend the Philippine Constitution, the following procedures shall be observed:

- (a) The TC shall draft the Bangsamoro Basic Law, using as bases the FAB and its annexes.
- (b) The draft of the Bangsamoro Basic Law, as formulated by the TC, shall thereafter be submitted to the President.

Page 4, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)



Power sharing

Political power sharing

Power sharing→Political power sharing→Other State level

Page 1, I The Transition Process

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Page 1, I The Transition Process

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B. Operation of the Transition Commission - Once the TC is created, it shall exercise its functions in accordance with the FAB and its Annexes, and such other functions that are necessary in the performances of its mandate as provided in the Executive Order. To facilitate its tasks, it may create technical committees and a secretariat. The TC may also solicit assistance and advice from experts. The TC shall adopt necessary administrative guidelines for the speedy, efficient and effective performance of its functions.

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F. Bangsamoro Transition Authority (BTA) - The BTA shall have as its core function the preparation for the transition to the ministerial government in the Bangsamoro. It shall exercise governance functions devolved to the Bangsamoro in accordance with the Basic Law, and shall set up the institutions and mechanisms necessary to establish the Bangsamoro ministerial government.

II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

The TC shall be composed of fifteen (15) members all of whom are Bangsamoro. Seven (7) members shall be selected by the GPH, and eight (8) members, including the Chair, shall be selected by the Moro Islamic Liberation Front.

Page 4, II. Transition Mechanisms and Modalities,

B. The Bangsamoro Transition Authority (BTA)

1. The Bangsamoro Basic Law shall provide for the organization and composition of the BTA. Its members shall be appointed by the President

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government

Page 3, II. Transition Mechanisms and Modalities

A. The Transition Commission (TC)

A.3. The TC will be independent from the ARMM. All government agencies, including but not limited to, the ARMM Regional Government, local government units, and GOCCs shall support the TC in the performance of its tasks and responsibilities.

Page 5, II. Transition Mechanisms and Modalities, B. The Bangsamoro Transition Authority (BTA)

4. The entrenchment of the Basic Law will make it possible for the BTA to assume the powers of governance in the territory of the Bangsamoro, and its local constituents shall carry out underlying devolution with appropriate inter-governmental fiscal administration and the overall requirements of financial equalization.

6. The Parties agree that as a consequence of the change in the territory constituting the Bangsamoro, the Basic Law shall provide for a new redistricting or other modalities of ensuring more equitable representations of the constituencies in the Bangsamoro Assembly.

Power sharing→Territorial power sharing→Autonomous regions

Page 1, I The Transition Process

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Page 1, I The Transition Process

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Page 2, I. Transition Process

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Page 2, I. Transition Process

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Page 2, I. Transition Process

E. Ratification of the Bangsamoro Basic Law - the Bangsamoro Basic Law, once enacted by Congress, shall undergo a process of popular ratification by the qualified voters in the core territory of the Bangsamoro identified in Part V, Paragraph 1 of the FAB not later

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 6, II. Transitional Mechanisms and Modalities
D. Joint Normalization Committee (JNC) - The Joint Normalization Committee shall be created to ensure the coordination between the Government and remaining MILF forces through which the MILF shall assist in maintaining peace and order in the area of the Bangsamoro until decommissioning have been fully completed. Other bodies supporting the work of the JNC shall be defined in the Annex on Normalization.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees	Page 6, II. Transitional Mechanisms and Modalities D. Joint Normalization Committee (JNC) - The Joint Normalization Committee shall be created to ensure the coordination between the Government and remaining MILF forces through which the MILF shall assist in maintaining peace and order in the area of the Bangsamoro until decommissioning have been fully completed. Other bodies supporting the work of the JNC shall be defined in the Annex on Normalization.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	Page 6, II. Transitional Mechanisms and Modalities D. Joint Normalization Committee (JNC) - The Joint Normalization Committee shall be created to ensure the coordination between the Government and remaining MILF forces through which the MILF shall assist in maintaining peace and order in the area of the Bangsamoro until decommissioning have been fully completed. Other bodies supporting the work of the JNC shall be defined in the Annex on Normalization.
DDR	Security sector→DDR→DDR programmes Page 6, II. Transitional Mechanisms and Modalities D. Joint Normalization Committee (JNC) - The Joint Normalization Committee shall be created to ensure the coordination between the Government and remaining MILF forces through which the MILF shall assist in maintaining peace and order in the area of the Bangsamoro until decommissioning have been fully completed. Other bodies supporting the work of the JNC shall be defined in the Annex on Normalization.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	Page 6, II. Transitional Mechanisms and Modalities D. Joint Normalization Committee (JNC) - The Joint Normalization Committee shall be created to ensure the coordination between the Government and remaining MILF forces through which the MILF shall assist in maintaining peace and order in the area of the Bangsamoro until decommissioning have been fully completed. Other bodies supporting the work of the JNC shall be defined in the Annex on Normalization.
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 Tengku Dato'Ab Ghafar Tengku Mohamed, Representative of Malaysian Facilitator

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism

Page 2, I. Transition Process

G. Monitoring - A Third Party Monitoring Team composed of international bodies as well as domestic groups shall be created by the Parties for the purpose of periodic monitoring of the implementation of all the agreements.

Page 3, I. Transition Process

H. Exit Document - The Parties' respective negotiating panels, together with the Malaysian Facilitator and Third Party Monitoring Team, shall convene a meeting to review, assess or evaluate the implementation of all agreements and the progress of the transition. An Exit Document officially terminating the peace negotiation may be crafted and signed by both parties if and only when all agreements have been fully implemented.

Page 5, II. Transition Mechanisms and Modalities

C. The TPMT

1. Pursuant to Provision No. VII (Transition and Implementation), Paragraph 11 and 12, of the Framework Agreement on the Bangsamoro (FAB), a Third Party Monitoring Team shall be established to monitor the implementation of all agreements by the Parties.
2. The TPMT is an independent body composed of international bodies, as well as domestic groups, as follows: [...] all members shall be mutually acceptable and agreed upon by the Parties.

Page 6, II. Transitional Mechanisms and Modalities

C. TPMT

3. The TPMT shall be covered by a set Terms of Reference (ToR) and Guidelines that shall define and frame the scope of its operational functions and administrative requirements. The ToR and Guidelines shall be approved by the parties.

Page 6, II. Transitional Mechanisms and Modalities

C. TPMT

4. The basic functions of the TPMT are, but not limited to, the following:
 - 4.a Monitoring and evaluation of the implementation of all agreements
 - 4.b. Submit comprehensive periodic reports and updates to both Parties

Related cases

No specific mention.

Source

UN Peacemaker <http://peacemaker.un.org/philippines-annex-TAM2013>
