

**MINUTES OF THE MEETING OF THE  
GRP-MILF TWG ON RESOURCES**

10th Exploratory Talks  
February 6-7, 2008

**GRP TWG**

Asst. Secretary Matanog M. Mapandi  
*Chairman*

*Members:*

Datu Al S. Saleng  
Deputy Executive Director Ail B. Sangki

**GRP Panel Observer**

Gov. Datu Pax S. Mangudadatu

**GRP Panel Secretariat**

Jennie Claire V. Laruan  
Emilia O. Zozobrado

**MILF TWG**

Datu Antonio P. Kinoc  
*Chairman*

*Members:*

Amor B. Perdaliday  
Sultan Liwalug B. Dinapurning

**MILF Panel Observer**

Maulana M. Alonto

**MILF Panel Secretariat**

Engr. Mohajrin T. Ali

**Highlights:**

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 led by the GRP TWG-Resources Chair Asst. Sec. Matanog M. Mapandi at 10:30 a.m. of February 6, 2008.
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 points. He expressed hopes that discussions on the joint TWG on the strand on resources will conclude successfully.
3. MILF Panel member Maulana Alonto, sitting as observer, expressed his agreement that the unsettled issues in the consensus points should be resolved by the joint TWGs.
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 7<sup>th</sup> 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.

*For the MILF side*

- 5 MILF TWG chairman Datu Antonio Kinoc then clarified with the group if it will be the joint TWG on resources that will craft Paragraph 6 of the MILF position paper
6. GRP TWG member Dep. Edir Sangki went over the items point by point.
7. The group agreed to work on the consensus points vis-à-vis 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 (ARMM) shall continue to operate from the date of formal entrenchment of the Bangsamoro judicial 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:

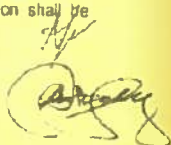
*"To ensure the development of the Bangsamoro homeland, the Bangsamoro may enter into economic cooperation agreements on the exploration, extraction and utilization of natural resources within their homeland, consistent with sound policies on ecological balance and environmental standards. Arrangements 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 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 Judicial Entity that manages cooperation agreements and thus, the words judicial entity must be included. The GRP Panel consented

*"To ensure the development of the Bangsamoro homeland, the Bangsamoro Judicial 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"*

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- 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 amplify 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 strands
- 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.
- 14 MILF TWG member Sultan Liwalug Dimapunung 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 restrictive.
- 16 GRP TWG chair Mapandi mentioned that RA 9054 covers the devolution of powers covering 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 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 funds 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 1:00 p.m. and convened at 3:00 in the afternoon.

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- 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 Sangki suggested that the group finish discussions on the items via-à-vis the signed matrix in the last 7<sup>th</sup> 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 observer Alonto 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 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 7<sup>th</sup> GRP-MILF Exploratory Talks held on April 19, 2005 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) 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."*

*7/2/05. 12/2/05. 12/2/05. 12/2/05.*

- 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 Edir Sangki 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 Saling 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 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 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 falls short as it does not contain a provision on granting of reparations.

40. The MILF TWG chair Kinoc 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 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 agreements 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 provision should begin with the negative word "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 juridical entity, should this be set up
46. The MILF TWG emphasized that any existing contract will not be violated by the Bangsamoro juridical 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 Pandaliday and carried on with the discussion on Par. 6.
49. GRP TWG chair Mapand recalled that Par 6 formed part of the homework of both TWGs on Resources for discussion today
50. MILF TWG chair Kinoc stated that for centuries their people had been deprived and assailed, 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 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.

51. GRP TWG chair gave the floor to GRP Observer Gov. Mangudadatu.
52. GRP Observer Gov. Mangudadatu 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.
53. GRP TWG Sanglu said that for purposes of continuity, both Parties need to focus on pending items, particularly on Par. 6.
54. GRP TWG chair Mapandi commented that since their counterparts declared that they are not in the position to discuss Par. 6 further, this paragraph will have to be elevated to the Panel level.
55. GRP TWG members Sanglu and Salling also agreed on the elevation of Par. 6 to the Panel level.
56. MILF TWG member pointed out that Par. 3 is still a pending issue and needs to be discussed.
57. Both Parties agreed to take a break for lunch at 12:00 noon and resumed session at 3:00 in the afternoon.
58. Upon resumption, both Parties agreed on the following.

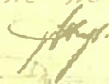
- 1) That Item Nos. 1, 3 and 4 of the Consensus Points on Resources (copy attached) have been discussed fully and affirmed the same items as stated and signed by both Parties during the 7<sup>th</sup> GRP-MILF Exploratory Talks conducted on April 16-17, 2006 in Port Dickson, Malaysia; and
- 2) That Item No. 5 of the Consensus Points on Resources (or Paragraph 6 of the MILF Position Paper) shall be re-stated as follows:

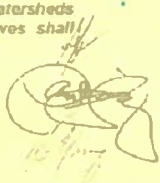
*"The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization shall be acknowledged.*

*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 proclamations, issuances, policies, rules and guidelines declaring old growth or natural forests and all watersheds within the Bangsamoro homeland as forest reserves shall*

*Dr. M. Mangudadatu*  




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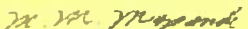
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continue to remain in force until otherwise modified, revised or superseded by subsequent policies, rules and regulations issued by the competent Bangsamoro authority or judicial entity.

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 (ARMM) shall continue to operate from the date of formal entrenchment of the Bangsamoro judicial entity unless otherwise expired, reviewed, modified and/or cancelled by the latter."

59 There having no other matters to be discussed, the meeting adjourned at 4:30 p.m.

For the GRP:

  
ASEC MATANOG M. MAPANDI  
Chairman

  
DEP. EXEC. DIR. ALI B. BANGKI

  
DATU AL S. SALILING

For the MILF:

  
DATU ANTONIO P. KINOC  
Chairman

  
AMOR B. PENGALIDAY

  
SULTAN LIWALUG B. DIMAPUNUNG

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