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Country/ entity	Philippines Mindanao
Region	Asia and Pacific Asia and Pacific
Agreement name	Consensus Points on the Strand on Governance of the Ancestral Domain Aspect at TWG level
Date	16 Sep 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Philippine Insurgencies (1968 -))
Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	Prof. Rudy B. Rodil, GRP-TWG Chairman; Atty. Musib Buat, MILF-TWG Chairm
Third parties	-
Description	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.

Agreement document [PH_050916_Consensus Points on Governance of Ancestral Domain.pdf](#)  | [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	<p>Groups→Indigenous people→Substantive</p> <p>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.</p> <p>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.</p>
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) 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.

Governance

Political institutions (new or reformed)	<p>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.</p>
	<p>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.</p>
	<p>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.</p>
	<p>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.</p>
	<p>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>
Elections	<p>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>

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.

Power sharing

Political
power
sharing No specific mention.

Territorial
power
sharing

Power sharing→Territorial power sharing→Autonomous regions
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, 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.

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 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.
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	Human rights and equality→Civil and political rights→Freedom of association 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.

Socio-economic rights	<p>Human rights and equality→Socio-economic rights→Property 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.</p> <p>Human rights and equality→Socio-economic rights→Cultural life 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.</p>
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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.

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 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.

Socio-economic reconstruction

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

Taxation	<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>
Banks	<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.
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Security sector

Security Guarantees	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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Ceasefire	No specific mention.
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Police	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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Armed forces	No specific mention.
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DDR	No specific mention.
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Intelligence services	No specific mention.
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Parastatal/ rebel and opposition group forces	No specific mention.
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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 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.
