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**Country/entity** Philippines

Mindanao

**Region** Asia and Pacific

**Agreement name** Government of the Philippines-MILF Decision Points on Principles as of April 2012

**Date** 24 Apr 2012

Agreement status Multiparty signed/agreed

**Interim** Yes

arrangement

#### 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 graphing adjuvolution of power to the provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. Following the establishment of the ARMM, the

**Stage** Framework/substantive - partial

**Conflict nature** Government/territory

**Peace process** Philippines - Mindanao process

**Parties** Marvic M.V.F. Leonen, Panel Chair on behalf of the Government of the Philippines

Mohagher Iqbal, Panel Chair on behalf of the Moro Islamic Liberation Front

**Third parties** Tengku Dato' Ab Ghafar Tengku Mohamed, Facilitator and Representative of Malaysia

**Description** Agreement on principles that will guide discussion on the future substantive agenda of

the negotiations, though not exhaustive. Principles include, recognition of the

Bangsamoro identity and that a political entity, set up with a transition period, should be established with power-sharing and wealth-sharing between the National Government and the new entity. Agreement also includes a list of rights for citizens in the new

political entity.

Agreement document

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PDF

**Groups** 

**Children/youth** No specific mention.

**Disabled persons** Groups→Disabled persons→Anti-discrimination

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed:

...

i. Right to equal opportunity and non-discrimination in social and economic activity and

public service, regardless of class, creed, disability, gender or ethnicity;

**Elderly/age** No specific mention.

**Migrant workers** No specific mention.

Racial/ethnic/ national group Groups→Racial/ethnic/national group→Anti-discrimination

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed: [...]

10.i. Right to equal opportunity and non-discrimination in social and economic activity

and public service, regardless of class, creed, disability, gender or ethnicity;

**Religious groups** 

Groups→Religious groups→Anti-discrimination

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed: [...]

10.i. Right to equal opportunity and non-discrimination in social and economic activity

and public service, regardless of class, creed, disability, gender or ethnicity;

**Indigenous people** Groups→Indigenous people→Rhetorical

Page 1, 1. The Parties recognize the Bangsamoro identity and the legitimate grievances

of the Bangsamoro people.

Other groups

No specific mention.

**Refugees/displaced** No specific mention.

persons

Social class

Groups→Social class→Anti-discrimination

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed: [...]

10.i. Right to equal opportunity and non-discrimination in social and economic activity

and public service, regardless of class, creed, disability, gender or ethnicity;

#### Gender

Women, girls and gender

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed: [...]

10.g. Right of women to meaningful political participation, and protection for all forms of

violence;

10.i. Right to equal opportunity and non-discrimination in social and economic activity

and public service, regardless of class, creed, disability, gender or ethnicity;

Men and boys

No specific mention.

**LGBTI** 

No specific mention.

**Family** 

#### **State definition**

# Nature of state (general)

Page 1, 2. The Parties agree that the status quo is unacceptable and that the Parties will work for the creation of a new autonomous political entity in place of the ARMM.

Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity.

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed [...]

State configuration Page 1, 2. The Parties agree that the status quo is unacceptable and that the Parties will work for the creation of a new autonomous political entity in place of the ARMM.

**Self determination** No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession

No specific mention.

Accession/ unification No specific mention.

**Border delimitation** No specific mention.

**Cross-border** provision

### Governance

**Political** reformed)

Governance→Political institutions (new or reformed)→General references institutions (new or Page 1, 1. The Parties recognize Bangsamoro identity and the legitimate grievances and claims of the Bangsamoro people.

- Page 1, 2. The Parties agree that the status quo is unacceptable and that the Parties will work for the creation of a new autonomous political entity in place of the ARMM.
- Page 1, 4. The Parties agree that the new autonomous political entity shall have a ministerial form of government.
- Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity.
- Page 1, 7. The Parties agree that wealth creation (or revenue generation and sourcing) is important. The Parties also acknowledge the power of the new political entity to create its own sources of revenue, subject to limitations as maybe mutually agreed upon by the parties, and to have a just share in the revenues generated through the exploration, development, or utilization of natural resources.
- Page 2, 8. The Parties recognize the need to strengthen the Shari'ah courts and to expand their jurisdiction over cases. The new political entity shall also have competence over the Shariah justice system.
- Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed [...]
- Governance→Political institutions (new or reformed)→New political institutions (indefinite)
- Page 1, 4. The Parties agree that the new autonomous political entity shall have a ministerial form of government.
- Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity.
- Page 1, 7. The Parties agree that wealth creation (or revenue generation and sourcing) is important. The Parties also acknowledge the power of the new political entity to create its own sources of revenue, subject to limitations as maybe mutually agreed upon by the parties, and to have a just share in the revenues generated through the exploration, development, or utilization of natural resources.
- Page 2, 8. The Parties recognize the need to strengthen the Shari'ah courts and to expand their jurisdiction over cases. The new political entity shall also have competence over the Shariah justice system.
- Governance→Political institutions (new or reformed)→Temporary new institutions Page 1, 5. The Parties agree to the need for a transition period and the institution of transitional mechanisms in order to implement the provisions of the agreement.

**Elections** No specific mention.

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 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.i. Right to equal opportunity and non-discrimination in social and economic activity and public service, regardless of class, creed, disability, gender or ethnicity;

Constitution

Governance→Constitution→Constitutional reform/making

Page 1, 5. The Parties agree to the need for a transition period and the institution of transitional mechanisms in order to implement the provisions of the agreement.

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed [...]

10.f. Right to seek constitutional change by peaceful and legitimate means;

#### **Power sharing**

# Political power sharing

No specific mention.

# Territorial power sharing

Power sharing→Territorial power sharing→Autonomous regions

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Page 1, 4. The Parties agree that the new autonomous political entity shall have a ministerial form of government.

Page 1, 5. The Parties agree to the need for a transition period and the institution of transitional mechanisms in order to implement the provisions of the agreement.

Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity.

Page 1, 6. [...] The Parties Agree that the following matters are reserved for the competence of the National Government:

- a. defense and external security
- b. foreign policy
- c. common market and global trade (FOOTNOTE: the power to enter into economic agreement already allowed under R.A. 9054 shall be transferred to the new political entity.)
- d. coinage and monetary policy
- e. citizenship and naturalization
- f. postal service

This list is without prejudice to other powers, which the Parties may agree to reserve to the National government in the course of the negotiation.

Page 2, 8. The Parties recognize the need to strengthen the Shari'ah courts and to expand their jurisdiction over cases. The new political entity shall also have competence over the Shariah justice system.

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Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed [...]

### **Economic power** sharing

Power sharing→Economic power sharing→Sharing of resources

Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity. The Parties agree that the following matters are reserved for the competence of the National Government: [...]

6.c. Common market and global trade (FOOTNOTE: The power to enter into economic agreements already allowed under R.A. 9054 shall be transferred to the new political entity.)

Page 1, 7. The Parties agree that wealth creation (or revenue generation and sourcing) is important. The Parties also acknowledge the power of the new political entity to create its own sources of revenue, subject to limitations as maybe mutually agreed upon by the parties, and to have a just share in the revenues generated through the exploration, development, or utilization of natural resources.

### Military power sharing

No specific mention.

#### **Human rights and equality**

# general

**Human rights/RoL** Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed [...]

Bill of rights/similar Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed:

- 10.a. Right to life and to inviolability of one's person and dignity;
- 10.b. Right to freedom and expression of religion and beliefs;
- 10.c. Right to privacy;
- 10.d. Right to freedom of speech
- 10.e. Right to express political opinion and pursue democratically political aspiration;
- 10.f. Right to seek constitutional change by peaceful and legitimate means;
- 10.g. Right of women to meaningful political participation, and protection from all forms of violence;
- 10.h Right to freely choose one's place of residence and the inviolability of the home;
- 10.i. Right to equal opportunity and non-discrimination in social and economic activity and public service, regardless of class, creed, disability, gender or ethnicity;
- 10.j. Right to establish cultural and religious associations;
- 10.k. Right to freedom from religious, ethnic and sectarian harassment;
- 10.l. Right to redress of grievances and due process of law.

### **Treaty** incorporation

# Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed:

10.a. Right to life and to inviolability of one's person and dignity;

Human rights and equality→Civil and political rights→Equality

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.i. Right to equal opportunity and non-discrimination in social and economic activity and public service, regardless of class, creed, disability, gender or ethnicity;

Human rights and equality→Civil and political rights→Liberty and security of person Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

10.a. Right to life and to inviolability of one's person and dignity;

enforceable law and are guaranteed: [...]

10.g. Right of women to meaningful political participation, and protection from all forms of violence;

Human rights and equality→Civil and political rights→Freedom of movement

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.h Right to freely choose one's place of residence and the inviolability of the home; Human rights and equality→Civil and political rights→Freedom of association

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.j. Right to establish cultural and religious associations;

10.k. Right to freedom from religious, ethnic and sectarian harassment;

Human rights and equality→Civil and political rights→Fair trial

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.l. Right to redress of grievances and due process of law.

Human rights and equality→Civil and political rights→Privacy and family life

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.c. Right to privacy;

Human rights and equality→Civil and political rights→Vote and take part

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.e. Right to express political opinion and pursue democratically political aspiration;

10.f. Right to seek constitutional change by peaceful and legitimate means;

10.g. Right of women to meaningful political participation, and protection from all forms of violence;

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.b. Right to freedom and exagression of religion and beliefs;

10.d. Right to freedom of speech

O i Dight to establish sultural and religious associations.

# Socio-economic rights

Human rights and equality→Socio-economic rights→Property

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.h Right to freely choose one's place of residence and the inviolability of the home; Human rights and equality→Socio-economic rights→Work

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.i. Right to equal opportunity and non-discrimination in social and economic activity and public service, regardless of class, creed, disability, gender or ethnicity.

Human rights and equality→Socio-economic rights→Cultural life

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed: [...]

10.i. Right to equal opportunity and non-discrimination in social and economic activity and public service, regardless of class, creed, disability, gender or ethnicity;

10.j. Right to establish cultural and religious associations;

#### **Rights related issues**

**Citizenship** Rights related issues→Citizenship→Citizen, general

Page 1, 6. [...] The Parties Agree that the following matters are reserved for the

competence of the National Government:

e. citizenship and naturalization

Rights related issues→Citizenship→Citizens, specific rights

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed: [...]

**Democracy** Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens

residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed:

10.e. Right to express political opinion and pursue democratically political aspiration;

Detention procedures

No specific mention.

Media and communication

No specific mention.

**Mobility/access** No specific mention.

**Protection** Rights related issues→Protection measures→Protection of groups

measures Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens

residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed: [...]

10.g. Right of women to meaningful political participation, and protection for all forms of

violence;

**Other** No specific mention.

### **Rights institutions**

**NHRI** No specific mention.

Regional or international human rights institutions

#### Justice sector reform

**Criminal justice and** No specific mention. **emergency law** 

**State of emergency** No specific mention. **provisions** 

# Judiciary and courts

Page 2, 8. The Parties recognize the need to strengthen the Shari'ah courts and to expand their jurisdiction over cases. The new political entity shall also have competence over the Shariah justice system.

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed [...]

# Prisons and detention

No specific mention.

#### **Traditional Laws**

Page 2, 8. The Parties recognize the need to strengthen the Shari'ah courts and to expand their jurisdiction over cases. The new political entity shall also have competence over the Shariah justice system.

# **Socio-economic reconstruction**

# **Development or** socio-economic reconstruction

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

Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity. The Parties Agree that the following matters are reserved for the competence of the National Government:

c. common market and global trade (FOOTNOTE: the power to enter into economic agreement already allowed under R.A. 9054 shall be transferred to the new political entity.)

d. coinage and monetary policy

[...] This list is without prejudice to other powers, which the Parties may agree to reserve to the National government in the course of the negotiation.

Page 1, 7. The Parties agree that wealth creation (or revenue generation and sourcing) is important. The Parties also acknowledge the power of the new political entity to create its own sources of revenue, subject to limitations as maybe mutually agreed upon by the parties, and to have a just share in the revenues generated through the exploration, development, or utilization of natural resources.

# plan

**National economic** Page 1, 7. The Parties agree that wealth creation (or revenue generation and sourcing) is important. The Parties also acknowledge the power of the new political entity to create its own sources of revenue, subject to limitations as maybe mutually agreed upon by the parties, and to have a just share in the revenues generated through the exploration, development, or utilization of natural resources.

#### **Natural resources**

Page 1, 7. The Parties agree that wealth creation (or revenue generation and sourcing) is important. The Parties also acknowledge the power of the new political entity to create its own sources of revenue, subject to limitations as maybe mutually agreed upon by the parties, and to have a just share in the revenues generated through the exploration, development, or utilization of natural resources.

International funds No specific mention.

#### **Business**

Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity. The Parties Agree that the following matters are reserved for the competence of the National Government:

c. common market and global trade (FOOTNOTE: the power to enter into economic agreement already allowed under R.A. 9054 shall be transferred to the new political entity.)

**Taxation** No specific mention.

**Banks** Socio-economic reconstruction→Banks→Central bank

Page 1, 6. There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity. The Parties Agree that the following matters are reserved for the

competence of the National Government:

... d. coinage and monetary policy

### Land, property and environment

Land reform/rights No specific mention.

Pastoralist/

No specific mention.

nomadism rights

**Cultural heritage** 

No specific mention.

**Environment** No specific mention.

Water or riparian rights or access

1103

No specific mention.

#### **Security sector**

**Security** 

Page 1, 6. [...] The Parties Agree that the following matters are reserved for the

**Guarantees** competence of the National Government:

a. defense and external security

**Ceasefire** No specific mention.

**Police** No specific mention.

**Armed forces** Page 1, 6. [...] The Parties Agree that the following matters are reserved for the

competence of the National Government:

a. defense and external security

**DDR** No specific mention.

Intelligence services

Parastatal/rebel and opposition group forces No specific mention.

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** No specific mention.

general

Amnesty/pardon No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** No specific mention.

**Vetting** No specific mention.

**Victims** Page 1, 1. The Parties recognize the Bangsamoro identity and the legitimate grievances

of the Bangsamoro people.

Page 2, 10. In addition to basic rights already enjoyed, the following rights of all citizens

residing in the new political entity bind the legislature, executive and judiciary as directly

enforceable law and are guaranteed: [...]

l. Right to redress of grievances and due process of law.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

### **Implementation**

**UN signatory** No specific mention.

Other international Tengku Dato' Ab Ghafar Tengku Mohamed, representative of Malaysia [Facilitator]

signatory

Referendum for

No specific mention.

International

agreement

No specific mention.

mission/force/

similar

No specific mention.

Enforcement mechanism

Page 2, 9. The Parties agree to the creation of (third party) monitoring and evaluation mechanisms, which may utilize competencies already available in existing mechanisms,

eg. ICG, IMT, CCCH.

**Related cases** No specific mention.

**Source** UN Peacemaker http://peacemaker.un.org/philippines-decision-principles2012