

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	On the Bangsamoro Waters and Zones of Joint Cooperation Addendum to the Annex on Revenue Generation and Wealth-sharing and the Annex on Power-sharing
Date	25 Jan 2014
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	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	For the GPH: Prof. Miriam Cornonel-Ferrer, GPH Panel Chair; For the MILF: Mohagher Iqbal, MILF Panel Chair
Third parties	Signed in the presence of: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian Facilitator
Description	Addendum to the annexes on Revenue Generation and Wealth sharing and on Power Sharing to formalize the jurisdiction of the Bangsamoro Waters and create Zones of Joint Cooperation, and establish a Joint Body for the Zones of Joint Cooperation.

Agreement document	PH_140125_Addendum on Waters.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	Groups→Indigenous people→Substantive Page 2, 9. The Bangsamoro people, other indigenous peoples in the adjoining provinces, and the resident fishers in the Bangsamoro shall have preferential rights over fishery, aquamarine, and other living resources in the Zones of Joint Cooperation.
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 No specific mention.

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 Page 1, 1. The Bangsamoro Waters shall extend up to 22.224 kilometers (12 nautical miles) from the low-water mark of the coasts that are part of the Bangsamoro territory. The Bangsamoro Waters shall be part of the territorial jurisdiction of the Bangsamoro political entity.

Page 1, 2. Where a constituent local government unit of the Bangsamoro and an adjoining local government unit are so situated on the opposite shores such that there is thirty (30) kilometers of waters or less between them, a line equally distant from the opposite shores shall be drawn to demarcate the Bangsamoro Waters and the municipal waters of the adjoining local government unit. Should they be so situated that there is more than thirty (30) kilometers but less than 37.224 kilometers of waters between them, a line shall be drawn at the edge of the 15 kilometers municipal waters of the adjoining local government unit to demarcate it from the Bangsamoro Waters.

Page 1, 4 .The specific coordinates delineating the Bangsamoro Waters and the Zones of Joint Cooperation shall be determined in the Bangsamoro Basic Law. The map attached shall serve as the guide in mapping out the specific coordinates.

See Page 3 for Map.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

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 No specific mention.

Constitution Governance→Constitution→Constitutional reform/making
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Power sharing

Political power sharing

Power sharing→Political power sharing→Other
State level

Page 1, 3. There shall be Zones of Joint Cooperation in the Sulu Sea and the Mora Gulf for the purpose of a) protection of traditional fishing grounds, b) benefitting from the resources, and c) interconnectivity of the islands and the mainland parts of a cohesive Bangsamoro political entity; provided that the zones do not include the Bangsamoro Waters and the municipal waters of all adjoining local government units.

...

Page 1, 5. There shall be free movement of vessels, goods, and people in the Zones of Joint Cooperation.

Page 2, 8. Transportation plying direct routes connecting the islands in Sulu, Basilan, Tawi-Tawi and/or the mainland parts of the Bangsamoro and passing through the Zones of Joint Cooperation shall be considered intra-regional routes.

Page 2, 10. Ten years after the signing of the comprehensive agreement on the Bangsamoro, the Central Government and the Bangsamoro Government shall discuss the enhancement of the area of the Bangsamoro Waters, through the necessary processes and modalities.

See Page 3 for Map.

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government

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Page 1, 3. There shall be Zones of Joint Cooperation in the Sulu Sea and the Mora Gulf for the purpose of:

- a) protection of traditional fishing grounds,
- b) benefitting from the resources, and
- c) interconnectivity of the islands and the mainland parts of a cohesive Bangsamoro political entity; provided that the zones do not include the Bangsamoro Waters and the municipal waters of all adjoining local government units.

Page 1, 6. There shall be created a Joint Body for the Zones of Joint Cooperation composed of representatives of the Bangsamoro Government and Central Government. The Bangsamoro Government and the Central Government shall ensure the participation of concerned local government units (LGUs). This body shall ensure the cooperation and coordination of appropriate agencies for fisheries and marine development and environmental protection, and enhance the movement of vessels, goods, and people in the Zones of Joint Cooperation.

Power sharing→Territorial power sharing→Other

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Economic power sharing	Power sharing→Economic power sharing→Sharing of resources
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	Pg. 2, 7. The intergovernmental relations mechanism shall ensure the cooperation and coordination between the Central Government and the Bangsamoro Government on the exploration, development and utilization of non-living resources in the Zones of Joint Cooperation and determine the sharing of income and revenues derived therefrom.
	Page 2, 9. The Bangsamoro people, other indigenous peoples in the adjoining provinces, and the resident fishers in the Bangsamoro shall have preferential rights over fishery, aquamarine, and other living resources in the Zones of Joint Cooperation.
	See Page 3 for Map.

Military power sharing	No specific mention.
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Human rights and equality

Human rights/RoL general	No specific mention.
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Bill of rights/similar	No specific mention.
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Treaty incorporation	No specific mention.
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Civil and political rights	No specific mention.
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Socio-economic rights	No specific mention.
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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	Page 1, 5. There shall be free movement of vessels, goods, and people in the Zones of Joint Cooperation.
Protection measures	<p>Rights related issues→Protection measures→Other</p> <p>Page 1, 3. There shall be Zones of Joint Cooperation in the Sulu Sea and the Mora Gulf for the purpose of:</p> <ul style="list-style-type: none">a) protection of traditional fishing grounds,b) benefitting from the resources, andc) interconnectivity of the islands and the mainland parts of a cohesive Bangsamoro political entity; provided that the zones do not include the Bangsamoro Waters and the municipal waters of all adjoining local government units. <p>Page 1, 6. There shall be created a Joint Body for the Zones of Joint Cooperation composed of representatives of the Bangsamoro Government and Central Government. The Bangsamoro Government and the Central Government shall ensure the participation of concerned local government units (LGUs). This body shall ensure the cooperation and coordination of appropriate agencies for fisheries and marine development and environmental protection, and enhance the movement of vessels, goods, and people in the Zones of Joint Cooperation.</p>
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
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National economic plan No specific mention.

Natural resources Page 1, 6. There shall be created a Joint Body for the Zones of Joint Cooperation composed of representatives of the Bangsamoro Government and Central Government. The Bangsamoro Government and the Central Government shall ensure the participation of concerned local government units (LGUs). This body shall ensure the cooperation and coordination of appropriate agencies for fisheries and marine development and environmental protection, and enhance the movement of vessels, goods, and people in the Zones of Joint Cooperation.

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International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment

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Water or riparian rights or access

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Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
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 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	Signed in the presence of: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian Facilitator
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	UN Peacemaker http://peacemaker.un.org/philippines-addendum-waters2014
