



PRIMER ON THE ANNEX ON POWER SHARING TO THE FRAMEWORK AGREEMENT ON THE BANGSAMORO

FREQUENTLY ASKED QUESTIONS ON THE ANNEX ON POWER SHARING OF THE FRAMEWORK AGREEMENT ON THE BANGSAMORO

1. What is the Annex on Power Sharing? Why is it crucial to the Framework Agreement on the Bangsamoro?

The Annex on Power Sharing is the third of the four Annexes to the Framework Agreement on the Bangsamoro (FAB) that will complete the Comprehensive Peace Agreement on the Bangsamoro.

It is composed of four parts:

- **Part I** on Intergovernmental Relations enumerates the principles that will govern the relationship between the Central Government and the Bangsamoro Government, as well as with the local governments in the Bangsamoro;
- **Part II** on Governance Structure provides some details on the ministerial form of government for the Bangsamoro, including the composition of the Bangsamoro assembly;
- **Part III** on Delineation of Powers identifies the powers under the three lists of powers – reserved, concurrent, and exclusive; and
- **Part IV** on Other Matters provides guiding principles in relation to taxation, transportation and communication, mineral and energy resources, and powers already devolved to the Autonomous Region in Muslim Mindanao (ARMM).

The Annex on Power Sharing will guide the Bangsamoro Transition Commission (BTC) in the drafting of the Bangsamoro Basic Law (BBL) that will be submitted to the Philippine Congress. Together with the Annex on Revenue Generation and Wealth Sharing, it aims to ensure that the Bangsamoro Government will enjoy meaningful autonomy based on the inhabitants' *"distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics"*¹. Moreover, it provides the Bangsamoro with the competencies to be able to exercise accountable and effective self-governance.

2. The Bangsamoro shall have a ministerial form of government. Is such a government structure possible under the 1987 Constitution?

Yes. The Constitution provides for a structure of government for the national government, i.e. the presidential system and its three branches of government.

¹ Sec. 15, Art. X, 1987 Constitution

At the same time, consistent with the principles of devolution and autonomy, the Constitution left it to the wisdom of Congress to determine the appropriate government structures for local government units and the autonomous regions. The government structure of the Bangsamoro shall be provided in the Bangsamoro Basic Law, or the organic act for the Bangsamoro.

On local governments, Sec. 3, Article X stipulates that “The Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure...”.

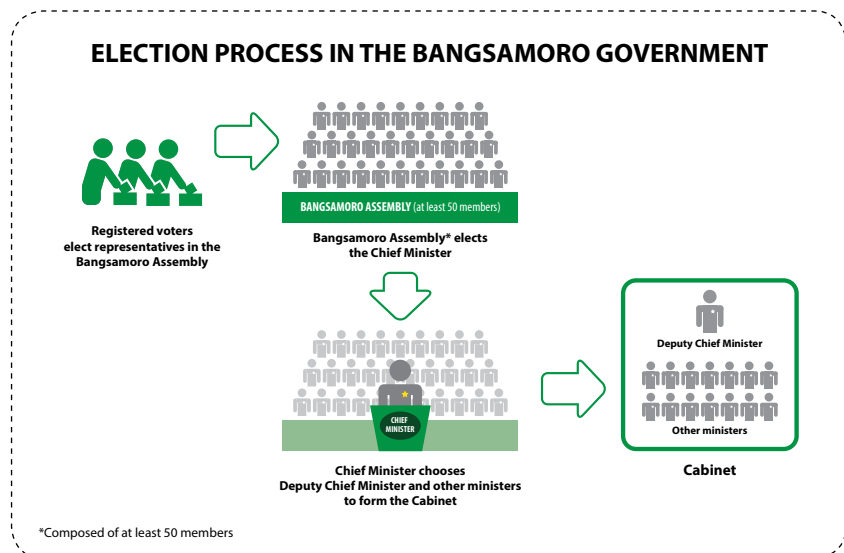
On the autonomous regions in Muslim Mindanao and the Cordillera, Sec. 18, Article X, states that “*The organic act shall define the basic structure of government for the region consisting of the executive department and the legislative assembly...*”

3. Who will head the Bangsamoro Government? Will the leaders be democratically elected?

Notably, the Constitution requires that the members of the executive and legislative departments of autonomous regions be *elective* and *representative of the constituent political units*.

The Annex on Power Sharing ensures that these requirements are met.

Registered voters in the Bangsamoro shall elect their representatives in the Bangsamoro assembly. These representatives, in turn, will elect among



themselves the Chief Minister. The Chief Minister will then choose the deputy and other ministers that will form the Cabinet. Most of these ministers shall come from the assembly.

This system of election encourages the formation of political parties because usually, the political party that wins the majority of seats and/or is allied with the other political parties is able to secure the post of Chief Minister. It is very different from the current set up wherein the ARMM regional governor and vice-governor are elected directly by the people.

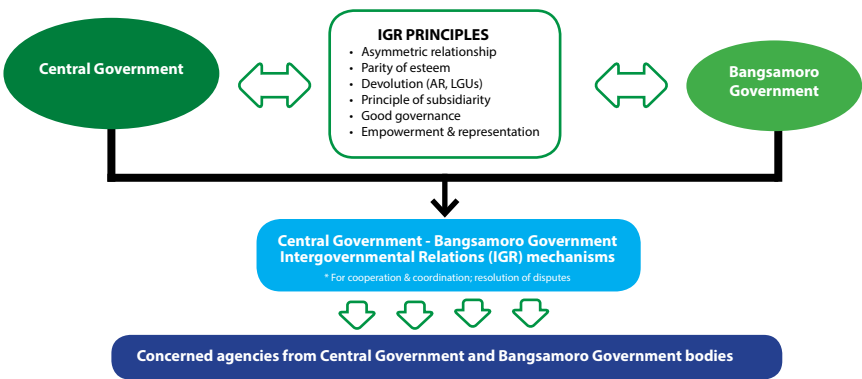
4. Who will sit in the Bangsamoro assembly? How do we make sure that other groups will be represented in the assembly?

The Annex on Power Sharing states that the Bangsamoro assembly will be made up of at least 50 members. Through different kinds of seats -- district, reserved, party-list and sectoral – it ensures that the Bangsamoro assembly shall be *“representative of the Bangsamoro’s constituent political units, as well as non-Moro indigenous communities, women, settler communities, and other sectors.”*

The Bangsamoro Basic Law shall define how the people will vote for and how the winners in the district, sectoral, party-list and reserved seats shall be determined. The system of election may combine diverse modes of proportional representation, alongside the current set-up of geographic/district seats where the candidates with the highest number of votes secure the district seats.

5. In the event of conflict between the laws, programs and standards of the Central Government and that of the Bangsamoro Government, which shall prevail? Is there a mechanism to address these conflicts?

Part I of the Annex on Power Sharing enumerates the principles that will govern the relationship between the Central Government and the Bangsamoro



Government. One of these principles is the creation of Central Government – Bangsamoro Government Intergovernmental Relations mechanisms that will serve as venue for the resolution of any issues that may arise on the exercise within the Bangsamoro of the respective powers of the Central Government and the Bangsamoro Government.

The objective is to resolve any conflict and to harmonize and coordinate Central Government and Bangsamoro Government actions through regular consultations and continuing negotiations in a non-adversarial manner.

The Annex also provides for a Philippine Congress – Bangsamoro assembly forum for purposes of cooperation and coordination of legislative initiatives.

6. What are reserved powers? Why are these reserved to the Central Government?

Reserved powers are authorities that are by their nature to be exercised only by a state, and are thus retained by the Central Government. They apply to the Bangsamoro as part of the Republic of the Philippines.

For example, *defense and external security*, which involves the actions of the Armed Forces of the Philippines, is within the full control of its Commander-in-Chief, the President. *Foreign policy*, which affects the overall relations of the Philippines with other states, also remains the reserved power of the Central Government. By the same token, jurisdiction over *citizenship and naturalization, immigration, customs and tariff, common market and global trade, and intellectual property rights* – matters which inherently impact on the Philippines' dealings with other nations – are retained by the Central Government.

Other reserved powers that must be centrally administered if these are to remain effective are *coinage and monetary policy and postal service*.

7. What are concurrent powers?

The term "concurrent" is used generally to refer to powers that the Central Government and the Bangsamoro Government will share or jointly exercise within the Bangsamoro, or where ways and means for cooperation and coordination shall be further defined in the Bangsamoro Basic Law.

For example, in the exercise of powers over *quarantine, land registration, pollution control, penology and penitentiary, coastguard, disaster risk reduction and management, and public order and safety*, the Bangsamoro Government and the Central Government will work closely and will cooperate and coordinate to

ensure the effective execution of these functions within the Bangsamoro. The exercise of concurrent powers over the *enforcement of customs and tariff laws and regulations and funding for the maintenance of national roads, bridges, and irrigation systems* likewise calls for cooperation and coordination between the two.

Concurrent powers can also mean “shared” powers wherein the Bangsamoro Government can establish its own systems and policies, without diminishing the authorities of the existing Central Government bodies. This is true in the case of *social security and pensions, human rights promotion and protection, auditing, civil service, and administration of justice*.

In all, there are 14 concurrent powers listed in the Annex.

8. There are 58 items under the list of exclusive powers of the Bangsamoro. What do “exclusive powers” mean and what are these powers?

The list of exclusive powers refers to those matters over which authority and jurisdiction pertain, or are effectively devolved, to the Bangsamoro Government. They cover diverse concerns ranging from education, history and culture to regulation of trade, manufacturing and public utilities, as well as management of the environment. Altogether they provide a set of responsibilities and functions, the meaningful and effective exercise of which will prove the true worth of an autonomous government.

The list of exclusive powers can be found on pages 7-12 of the signed Annex.

9. Is the Central Government prevented from intervening on matters that are within the exclusive powers of the Bangsamoro Government?

The Bangsamoro Government is still a governmental unit within the ambit of the Philippine state. As such, the provisions in the Annex on Power Sharing are subject to all constitutional guidelines including the general supervision of the President over the autonomous regions². However, the President’s general supervision over the Bangsamoro, especially in the exercise of its exclusive powers, will be with due deference to its regional autonomy, a notion likewise guaranteed in the Constitution.

Moreover, it is understood that standards and programs pertaining to matters such as *education, trade, labor, budgeting, financial and banking system*, etc. shall be harmonized.

² Sec. 16, Art X. 1987 Constitution

It must be stressed that these exclusive governmental powers are to be exercised by the Bangsamoro Government within its jurisdiction. When there is impact beyond its territorial jurisdiction, other concerned government units shall exercise their respective authorities.

10. Will the powers of the constitutional bodies (Commission on Elections, Civil Service Commission, Commission on Audit, and Commission on Human Rights) be affected by the Bangsamoro Government's powers over the same subject matters?

No. The Annex on Power Sharing does not at any instance diminish the powers granted to these bodies under the Constitution.

In the exercise of the concurrent power over human rights and humanitarian protection and promotion, the Bangsamoro government's human rights body will work cooperatively with the national Commission on Human Rights (CHR). Notably, this is the on-going arrangement between the current Regional Human Rights Commission in the ARMM and the CHR.

Likewise, the creation of their own auditing bodies and own civil service code are expressly without prejudice to the authorities of the national Civil Service Commission and the national Commission on Audit. In the same manner, the Bangsamoro Government may enact regional laws that will operationalize the electoral system suitable to a ministerial form of government as provided in the Bangsamoro Basic Law. The COMELEC shall still enforce and administer all laws and regulations relative to the conduct of elections.

11. What would the administration of justice look like in the Bangsamoro? Will the power of the Supreme Court be diminished?

Justice institutions in the Bangsamoro shall consist of regular civil courts in accordance with national laws, Shari'ah courts that would enforce the Shari'ah justice system within the Bangsamoro, and institutions that would operationalize the recognition of indigenous processes as alternative modes of dispute resolution.

The adoption of Shari'ah and customary justice in the overall justice system in the Bangsamoro is not novel as these are already recognized in the current ARMM Organic Act (Republic Act No. 9054). Personal and family laws for Muslims are already codified under the Code of Muslim Personal Laws (Presidential Decree No. 1083). Current alternative dispute resolution practice accommodates any process, including indigenous dispute resolution, used to resolve a dispute other than by court action.

These arrangements do not diminish the judicial power of the Supreme Court. The Supreme Court may also institute the necessary offices that will administer the courts in this region, such as a deputy court administrator, and inform its own processes, such as the *jurisconsult* which renders legal opinions on Shari'ah matters.

12. Will non-Muslims in the Bangsamoro be affected by Shari'ah law?

The FAB provides that the Shari'ah and its application shall only be to Muslims.

However, given that the Bangsamoro shall be the only region in the country where majority of the population are Muslims, matters important to the practices and way of life of Muslims (*hajj, umrah, halal* certification, Islamic banking systems, *awqaf, hisbah* and Shari'ah courts) shall form part of the offices and programs of the Bangsamoro Government.

13. How will the Bangsamoro Government's exclusive powers over *trade, barter trade and countertrade, registration of business names, and other items relevant to trade* affect the Central Government's reserved powers over *foreign policy and common market and global trade*?

Only the Central Government, through the President, can enter into international agreements, set foreign policy, and represent the country in matters dealing with foreign relations. International treaties, moreover, need the ratification of the Philippine Congress. It follows that only the Central Government can make commitments to trade organizations and establish diplomatic and economic ties with other states. These are consistent with the reserved powers of the Central Government over *foreign policy and common market and global trade*.

The Bangsamoro Government may promote business investments and engage in trade (and cultural activities) among foreign entities, including the traditional *barter trade and countertrade* with the ASEAN countries. Such endeavors are to be guided by the country's international commitments and obligations, diplomatic relations, and relevant national laws.

14. How are the rights of indigenous peoples (IPs) protected by the Annex on Power Sharing?

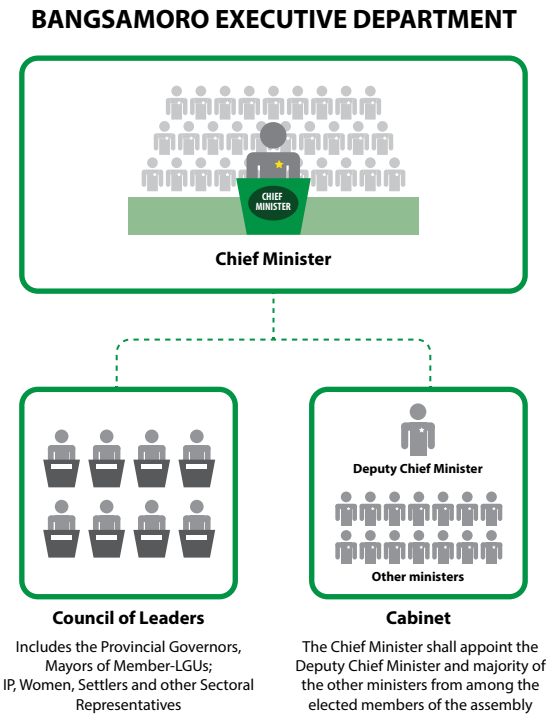
The Annex on Power Sharing contains a provision obligating the Bangsamoro Government to protect the rights of IPs under its administrative jurisdiction. The reference to the United Nations Declaration on the Rights of Indigenous Peoples indicates the commitment to upholding IP's rights to self-determination, non-discriminatory treatment, and their traditional lands, among others. Moreover,

individual and community property rights, cultural integrity, customary beliefs, historical and community traditions are recognized. These parameters are to be observed by the Bangsamoro Government.

The IPs are likewise guaranteed representation in the Bangsamoro assembly and the council of leaders.

15. In all, how can women, indigenous peoples and other sectors in the Bangsamoro directly participate in governance? How can their welfare be promoted?

The Annex on Power Sharing specifically provides that the Bangsamoro assembly shall be representative of its constituent sectors. Seats for IPs, women, and other sectors shall be allocated in the Bangsamoro assembly and ministers responsible for promoting their rights and welfare may be appointed. The Bangsamoro council of leaders shall include their representatives.



Moreover, the Annex on Power Sharing compels the Bangsamoro Government to establish appropriate mechanisms for consultations with women and

marginalized sectors, and to institute special development programs and laws for women, the youth, the elderly, labor, the differently-abled, and indigenous cultural communities.

16. In what ways does the Annex on Power Sharing build on the Final Peace Agreement (FPA) with the Moro National Liberation Front (MNLF)?

The Annex on Power Sharing stipulates that specific powers already contained in other peace agreements such as the FPA and already provided by Republic Act No. 9054 or the Organic Act for the Autonomous Region in Muslim Mindanao, may be adopted in the Bangsamoro Basic Law.

Moreover, the recommendations from the review process of the 1996 FPA that is being facilitated by the Organization of Islamic Cooperation shall be taken into account for possible incorporation in the Bangsamoro Basic Law. The recommended amendments of the ARMM Regional Legislative Assembly to R.A. No. 9054 shall also be considered.

Following the passage of the Basic Law and the conduct of the plebiscite, the Bangsamoro can have a potentially expanded core territory. As provided in the Annex on Revenue Generation and Wealth Sharing, there shall be a much-enhanced wealth sharing arrangement between the Central Government and the Bangsamoro Government in the form of additional taxes devolved and new sharing formula from government revenues. The Bangsamoro Government will likewise receive an automatically appropriated and regularly released Bangsamoro block grant. In addition, a Special Development Fund for rehabilitation and development purposes shall be released to the Bangsamoro Government upon the ratification of the Bangsamoro Basic Law.

The short transition period under the Bangsamoro Transition Authority and the broad-based representation in the Bangsamoro assembly will open many spaces for enhanced collaboration between those coming from the MILF and the MNLF leadership and membership, as well as with other social and political groups. All of them are encouraged to form their respective political parties so that they can ably and peacefully compete in the first regular election for the Bangsamoro assembly in 2016, and amicably share political power in the legislative body and the other governance institutions that will make up the Bangsamoro Government.

In the Name of God, the Beneficent, the Merciful

ANNEX ON POWER SHARING

This Annex on Power Sharing forms part of the Framework Agreement on the Bangsamoro between the Government of the Republic of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). It contains details about the particular competencies and authorities of the Central Government and the Bangsamoro Government which shall serve as guide in the drafting of the Basic Law pursuant to the Framework Agreement on the Bangsamoro.

The Framework Agreement delineates powers at different levels. The Central Government will have its reserved powers, the Bangsamoro Government will have its exclusive powers within its territorial jurisdiction, and there will be concurrent powers shared by the Central Government and the Bangsamoro Government. The delineation of reserved, concurrent, and exclusive powers is provided in Part Three of this Annex, and is guided by the processes established under the Framework Agreement.

"Reserved powers" are powers or matters over which authority and jurisdiction are retained by the Central Government.

"Concurrent powers" shall refer to the shared powers between the Central Government and the Bangsamoro Government, as contained in this Annex and as shall be further provided in the Bangsamoro Basic Law.

"Exclusive powers" shall refer to powers or matters over which authority and jurisdiction pertain to the Bangsamoro Government.

PART ONE INTERGOVERNMENTAL RELATIONS

The following points on intergovernmental relations, among others, will govern the relationship between the Central Government and the Bangsamoro Government and its constituent units. Issues arising from the exercise of powers shall be resolved through the mechanism of intergovernmental relations below:

1. The relationship between the Central Government and the Bangsamoro Government is asymmetric. This relation is reflective of the recognition of the Bangsamoro identity and their aspiration for self-governance. This makes it distinct from the regions and other local governments.
2. The Central Government and the Bangsamoro Government shall be guided by the principle of parity of esteem and accepted norms of good governance. The Central Government shall respect the exercise of the competencies or exclusive powers of the Bangsamoro Government. The Bangsamoro Government shall respect the exercise of the competencies and reserved powers of the Central Government in the Bangsamoro.
3. The Central Government and the Bangsamoro Government shall establish a mechanism at the highest levels that will coordinate and harmonize their relationships. For this purpose, a primary mechanism shall be a Central Government – Bangsamoro Government Intergovernmental Relations body to resolve issues on intergovernmental relations. Disputes relating to these intergovernmental relations shall be resolved through regular consultations and continuing negotiations in a non-adversarial manner.
4. The Parties accept the concept of devolution as inspired by the principle of subsidiarity. Decisions are to be made at the appropriate level to ensure public accountability and transparency, and in consideration of good governance and the general welfare.
5. Devolution will involve a process of empowerment, mobilization, capacity building and financing that can be strengthened by strong cooperation and partnership between the Central Government and the Bangsamoro Government.
6. The authority to regulate on its own responsibility the affairs of the local government units (LGUs) is guaranteed within the limit of the Bangsamoro Basic Law. The privileges already enjoyed by the LGUs under existing laws shall not be diminished unless otherwise altered, modified or reformed for good governance pursuant to the provisions of the Bangsamoro local government code.
7. As a matter of policy, the Central Government shall ensure the participation and representation of the Bangsamoro in national agencies and other Central Government instrumentalities through the intergovernmental relations mechanism. The Bangsamoro Basic Law shall provide for the appointment of Bangsamoros to positions provided under Republic Act No. 9054 (R.A. No. 9054).

The Bangsamoro Transition Commission may also propose other modalities for Bangsamoro representation as part of its set of recommendations for constitutional amendments.

PART TWO GOVERNANCE STRUCTURE

Bangsamoro Ministerial Government

1. The Bangsamoro shall have a democratically-elected assembly consistent with the principles of a ministerial form of government. The Bangsamoro Transition Commission may provide for the name of the assembly in the Bangsamoro Basic Law;
2. The Bangsamoro assembly shall be representative of the Bangsamoro's constituent political units, as well as non-Moro indigenous communities, women, settler communities, and other sectors. The Bangsamoro Basic Law shall ensure that representation in the assembly reflects the diversity of the Bangsamoro;
3. The Bangsamoro assembly will be composed of at least 50 members whose district, party-list, reserved seats, and sectoral constituencies shall be provided in the Bangsamoro Basic Law. The Bangsamoro Basic Law shall provide for the term of office and the manner of selection of sectoral representatives, party-list, and reserved seats. The Bangsamoro Basic Law shall provide the parameters for the assembly to reconstitute its districts;
4. The Parties agree to entrench an electoral system suitable to a ministerial form of government. The electoral system shall allow democratic participation, ensure accountability of public officers primarily to their constituents and encourage formation of genuinely principled political parties. The electoral system shall be contained in the Bangsamoro Basic Law to be implemented through legislation enacted by the Bangsamoro Government and correlated with national laws;
5. The Bangsamoro cabinet shall be composed of the Chief Minister, a Deputy Chief Minister, and such other ministers necessary to perform the functions of government. The Chief Minister shall be elected by majority votes from among the members of the assembly and shall exercise executive authority on its behalf. The Chief Minister shall appoint the Deputy Chief Minister from among the elected members of the assembly and the rest of ministers, majority of whom shall also come from among the members of the assembly;

6. The Bangsamoro assembly may remove the government of the day by a vote of no confidence of at least two-thirds of the assembly, in which case the government shall be reconstituted in accordance with the principles of a ministerial form of government. The Bangsamoro Basic Law shall provide for the manner of reconstitution;
7. There shall be a Bangsamoro council of leaders composed of the Chief Minister, provincial governors, mayors of chartered cities, and a representative each of the non-Moro indigenous communities, women, settler communities, and other sectors. The Bangsamoro council of leaders shall be chaired by the Chief Minister;
8. The ministers shall constitute the cabinet, which will be convened and presided over by the Chief Minister, or in his or her absence and with his or her consent, the Deputy Chief Minister;
9. There shall be a Philippine Congress – Bangsamoro assembly forum for purposes of cooperation and coordination of legislative initiatives.

PART THREE DELINEATION OF POWERS

The Framework Agreement delineates powers at different levels as follows:

I. The Central Government shall retain the following reserved powers:

1. Defense and external security;
2. Foreign policy;
3. Coinage and monetary policy;
4. Postal service;
5. Citizenship and naturalization;
6. Immigration;
7. Customs and tariff, as qualified by no. 10 in concurrent;
8. Common market and global trade, provided however that the power to enter into economic agreements already allowed under R.A. No. 9054 shall be transferred to the Bangsamoro Government; and
9. Intellectual property rights.

II. The Central Government and the Bangsamoro Government shall exercise concurrent powers within the Bangsamoro on the following matters:

1. Social security and pensions - The Bangsamoro Government may organize its own social security and pension systems alongside the existing Central Government social security and pensions systems.

The Bangsamoro Government and the Central Government, through the intergovernmental relations mechanism, and other consultative processes shall, among others, ensure that the investment of the contributions from the members from the Bangsamoro in the Central Government social security and pensions is responsive to their cultural and religious sensitivities.

The future relationship of the Central Government system and the Bangsamoro Government system with respect to new government employees and other qualified individuals in the Bangsamoro may be further provided for in the Bangsamoro Basic Law or in a law duly enacted for the purpose;

2. Quarantine – There shall be cooperation and coordination among the relevant Central Government and Bangsamoro Government agencies on quarantine,
3. Land registration - The Bangsamoro Government, in accordance with the land registration system of the Central Government, shall administer land registration in the Bangsamoro territory through an office it shall create for the purpose. The Bangsamoro Government shall furnish copies of the titles, deeds and other instruments to the relevant Central Government agencies. The Bangsamoro Government can act on *consultas*.

The Bangsamoro Government may institute processes to promote more efficient registration of lands in the Bangsamoro;

4. Pollution control – There shall be cooperation and coordination among the relevant Central Government and Bangsamoro Government agencies on pollution control;
5. Human rights and humanitarian protection and promotion – The Bangsamoro Government may organize its own bodies for human rights and humanitarian protection and promotion that will work cooperatively with relevant national institutions;
6. Penology and penitentiary – There shall be cooperation and coordination between the Central Government and the Bangsamoro Government

institutions through the intergovernmental relations mechanism including on the matter of recommending parole and pardons. Applications for pardons and parole shall be processed by an appropriate mechanism created by the Bangsamoro Government, which shall submit its recommendations to the Office of the President.

The Bangsamoro Government may create and manage jails, penal colonies and other facilities. It shall ensure the compatibility of these facilities with the national jail management and penitentiary system through the intergovernmental relations mechanism. These facilities are understood to be part of the country's administration of justice;

7. Auditing, as set forth in the Framework Agreement on the Bangsamoro and the Annex on Revenue Generation and Wealth Sharing;
8. Civil Service – The Bangsamoro Government shall develop and administer a professional civil service corps, to include the powers and privileges on civil service matters provided in R.A. No. 9054, and without prejudice to the power, authority, and duty of the national Civil Service Commission;
9. Coastguard – The Central Government shall have primary responsibility over coastguard matters. There shall be cooperation and coordination over coastguard matters between the Central Government and the Bangsamoro Government through the intergovernmental relations mechanism;
10. There shall be a mechanism for cooperation and coordination between the Central Government and the Bangsamoro Government with regard to the enforcement of customs and tariff laws and regulations to ensure the effective exercise of its powers on barter trade and countertrade with ASEAN countries as well as the regulation of the entry of *haram* goods in the Bangsamoro territorial jurisdiction;
11. Administration of Justice – Administration of justice, in connection with the relevant provisions of the Framework Agreement on the Bangsamoro, and with due regard to the powers of the Supreme Court and the competence of the Bangsamoro Government over Shari'ah courts and the Shari'ah justice system in the Bangsamoro;
12. Funding for the maintenance of national roads, bridges, and irrigation systems – There shall be coordination through the intergovernmental relations mechanism between the relevant Central Government and Bangsamoro Government agencies on the Central Government funding for the maintenance of national roads, bridges, and irrigation systems within the Bangsamoro;

13. Disaster risk reduction and management – The Bangsamoro Government shall have primary responsibility over disaster risk reduction and management within the Bangsamoro. There shall be cooperation and coordination among relevant Central Government and Bangsamoro Government agencies on disaster risk reduction and management;

14. Public order and safety – The Bangsamoro Government shall have primary responsibility over public order and safety within the Bangsamoro. There shall be cooperation and coordination between the Central Government and the Bangsamoro Government through the intergovernmental relations mechanism.

III. The Bangsamoro Government shall have exclusive powers that it exercises within its territorial jurisdiction, over the following matters:

1. Agriculture, livestock and food security;
2. Economic and cultural exchange;
3. Contract loans, credits, and other forms of indebtedness with any government or private bank and other lending institutions, except those requiring sovereign guaranty, which require Central Government approval;
4. Trade, industry, investment, enterprises and regulation of businesses taking into consideration the relevant laws;
5. Labor, employment and occupation;
6. Registration of business names, with the Bangsamoro Government listing these in the Philippine Business Registry for business names;
7. Barter trade and countertrade with ASEAN countries;
8. Economic zones and industrial centers;
9. Free ports – The Bangsamoro Government may establish free ports in the Bangsamoro. The Bangsamoro Government shall cooperate with the Central Government through the intergovernmental relations mechanism on customs, immigration, quarantine service, and international commitments. Business and other enterprises operating within the Bangsamoro free ports shall be entitled to the fiscal incentives and other benefits provided by the Central Government to special economic zones. Bangsamoro free ports shall be contiguous/adjacent to seaport or airport and shall have a coverage area not exceeding limits provided in the Bangsamoro Basic Law;
10. Tourism;
11. Creation of sources of revenue;
12. Budgeting;
13. Financial and banking systems – This is without prejudice to the power of supervision of the Bangko Sentral ng Pilipinas (BSP) and provided that the Bangsamoro Government, the BSP, the Department of Finance

(DOF), and the National Commission on Muslim Filipinos (NCMF) shall jointly promote the development of the Islamic banking system, to include among others the establishment of a Shari'ah supervisory board;

14. Establishment of government-owned and controlled corporations (GOCCs) and financial institutions – The Bangsamoro Government may legislate and implement the creation of its own GOCCs in the pursuit of the common good and subject to economic viability. The GOCCs shall be duly registered with the Securities and Exchange Commission or established under legislative charter by the Bangsamoro Government;
15. The Bangsamoro Government shall have authority to regulate power generation, transmission, and distribution operating exclusively in the Bangsamoro. It shall promote investments, domestic and international, in the power sector industry in the Bangsamoro. Power plants and distribution networks in the Bangsamoro shall be able to interconnect and sell power over the national transmission grid to electric consumers. The Bangsamoro Government may assist electric cooperatives in accessing funds and technology, to ensure their financial and operational viability. When power generation, transmission, and distribution facilities are connected to the national transmission grid, the Central Government and the Bangsamoro Government shall cooperate and coordinate through the intergovernmental relations mechanism;
16. Public utilities operations in the Bangsamoro – In case of inter-regional utilities, there shall be cooperation and coordination among the relevant government agencies;
17. Receive grants and donations;
18. Education and skills training;
19. Science and technology;
20. Research councils and scholarships;
21. Culture and language;
22. Sports and recreation;
23. Regulation of games and amusement operations within the Bangsamoro;
24. Libraries, museums, historical, cultural and archaeological sites – The Bangsamoro Government shall have the power to establish its own libraries and museums, and declare historical and cultural sites. The Central Government shall transfer the management of such sites currently under the jurisdiction of the National Museum, National Historical Commission, or other national agencies, to the Bangsamoro Government or local governments therein following certain processes through the intergovernmental relations mechanism. With regards to archaeological sites, the Bangsamoro Government shall coordinate with the relevant national agencies on the regulation, excavation, preservation, and exportation of cultural properties, as well as on the recovery of lost historical and cultural artifacts;
25. Regulations on manufacture and distribution of foods, drinks, drugs and tobacco for the welfare of the Bangsamoro;

26. *Hajj and Umrah* – The Bangsamoro Government shall have primary jurisdiction over *Hajj* and *Umrah* matters affecting pilgrims from within the Bangsamoro. The Central Government shall have competence over *Hajj* and *Umrah* matters affecting pilgrims coming from outside the Bangsamoro. The Bangsamoro pilgrimage authority shall act in close coordination with the Central Government on *Hajj* and *Umrah* matters involving offices and agencies outside of the Bangsamoro;
27. Customary laws;
28. Declaration of Bangsamoro holidays;
29. Ancestral domain and natural resources;
30. Protection of the rights of the indigenous peoples in the Bangsamoro in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and taking into account, in addition to economic and geographical criteria, their individual and communal property rights, cultural integrity, customary beliefs, historical and community traditions;
31. Land management, land distribution, and agricultural land use reclassification – The classification of public lands into alienable and disposable lands shall be initiated and recommended by the Bangsamoro Government to the President for the timely implementation of Bangsamoro development plans and targets;
32. Cadastral land survey – The Bangsamoro Government shall have the authority to conduct cadastral surveys, lot surveys, and isolated and special surveys in the Bangsamoro. The Bangsamoro Government shall furnish the results of these surveys to, and coordinate with, relevant Central Government agencies to effect inclusion into the national cadastral survey;
33. Expropriation and eminent domain;
34. Environment, parks, forest management, wildlife nature reserves and conservation – The Bangsamoro Government shall have the authority to protect and manage the environment. It shall have the power to declare nature reserves and aquatic parks, forests, and watershed reservations, and other protected areas in the Bangsamoro. The Bangsamoro Basic Law will provide for the process that will transfer the management of national reserves and aquatic parks, forests and watershed reservations, and other protected areas already defined by and under the authority of the Central Government;
35. Inland waterways for navigation;
36. Inland waters;
37. Management, regulation and conservation of all fishery, marine and aquatic resources within the Bangsamoro territorial jurisdiction;
38. Bangsamoro settlements;
39. Customary justice – The customary rights and traditions of indigenous peoples shall be taken into consideration in the formation of the Bangsamoro's justice system. This may include the recognition of indigenous processes as alternative modes of dispute resolution;

40. Shari'ah courts and Shari'ah justice system, as set forth in relevant provisions of the Framework Agreement;
41. Public administration and bureaucracy for the Bangsamoro;
42. Health – The Central Government and the Bangsamoro Government shall cooperate with and assist each other in the prevention and control of epidemic and other communicable diseases;
43. Social services, social welfare and charities;
44. Waste management;
45. Establishment and supervision of humanitarian services and institutions;
46. Identification, generation and mobilization of international human resources for capacity building and other activities involving the same within the Bangsamoro – The Central Government shall cooperate with and assist the Bangsamoro Government towards ensuring access to such relevant human resources through the intergovernmental relations mechanism;
47. *Awqaf* and charitable trusts;
48. *Hisbah* office for accountability as part of the Shari'ah justice system;
49. Registration of births, marriages, and deaths, copies of which shall be forwarded to the National Statistics Office;
50. Housing and human settlements;
51. Development planning;
52. Urban and rural development;
53. Water supplies and services, flood control and irrigation systems in the Bangsamoro – With regard to water supplies and services, flood control and irrigation systems that connect to or from facilities outside the Bangsamoro, there shall be cooperation and coordination between the Bangsamoro Government and the appropriate Central or local government bodies;
54. Public works and highways within the Bangsamoro;
55. Establishment of appropriate mechanisms for consultations for women and marginalized sectors;
56. Special development programs and laws for women, the youth, the elderly, labor, the differently-abled, and indigenous cultural communities;
57. Local administration, municipal corporations and other local authorities including the creation of local government units – The Bangsamoro Government shall manage and build its own bureaucracy and administrative organization, in accordance with the ministerial form of government envisioned by the Framework Agreement on the Bangsamoro, and as shall be provided by the Bangsamoro Basic Law creating the Bangsamoro, and subsequent laws to be passed by its assembly. However, when such acts require the creation of a congressional district, the Philippine Congress and the Bangsamoro assembly shall work together in order to facilitate the creation of the same, through the appropriate intergovernmental relations mechanism;
58. Establishment or creation of other institutions, policies and laws for the general welfare of the people in the Bangsamoro.

PART FOUR OTHER MATTERS PERTAINING TO POWER SHARING

1. Transportation and Communications

On transportation and communications, the Central Government and the Bangsamoro Government shall have reserved, concurrent, and exclusive powers, based on the following principles:

- Subsidiarity
- Technical and financial viability
- Harmonization: uniform system concept
- Compliance with international standards, treaties and conventions
- Mutual respect and recognition
- Recognition of the aspiration of the Bangsamoro to assume further powers as may be practically operational as its capacity develops.

The Bangsamoro Basic Law shall delineate the appropriate powers that the Central Government and the Bangsamoro Government shall exercise on transportation and communications. All revenues derived by the Bangsamoro Government from the exercise of its exclusive and concurrent powers, taking into account any administrative costs to the Central Government agencies, shall pertain to the Bangsamoro Government.

The Bangsamoro Basic Law shall provide for an intergovernmental body to harmonize policies, programs, regulations and standards, and to resolve problems of implementation between the Central Government and the Bangsamoro Government.

2. Mineral and Energy Resources

The Bangsamoro Government shall have authority and jurisdiction over the exploration, development, and utilization of mines and minerals in its territory. The applications for financial and technical assistance agreements (FTAAs) shall be commenced at and recommended by the Bangsamoro Government to the President. The Bangsamoro Government and the Central Government shall jointly exercise the power to grant rights, privileges and concessions over the exploration, development and utilization of fossil fuels (petroleum, natural gas, and coal) and uranium in the Bangsamoro, giving preferential rights to qualified citizens who are *bona fide* inhabitants of the Bangsamoro. The modalities for the exercise of this power shall be provided in the Bangsamoro Basic Law. Implementing rules and regulations for the

exercise of this power, including safeguards against potential unfair business practices, shall be jointly drawn up.

3. Taxation

The Central Government shall continue to levy national taxes in the Bangsamoro. The Bangsamoro Government shall also have the power to levy taxes, as provided in the Annex on Revenue Generation and Wealth Sharing.

4. Powers Already Devolved

All other powers granted to the Autonomous Region in Muslim Mindanao (ARMM) which are relevant to the Framework Agreement on the Bangsamoro shall be transferred to the Bangsamoro Government.

As part of the Philippine Government commitment in other peace agreements involving the Bangsamoro, the Bangsamoro Basic Law may adopt specific powers contained in these agreements and in the ARMM Organic Law, as amended.

The Bangsamoro Transition Commission shall undertake an inventory of the powers and consider the proposed recommendations from the review process of the 1996 Final Peace Agreement between the Government and the Moro National Liberation Front for possible incorporation into the Bangsamoro Basic Law. It shall also take into account the proposed amendments of the ARMM Regional Legislative Assembly to R.A. No. 9054.

Done this 8th day of December 2013 in Kuala Lumpur, Malaysia.

FOR THE GPH:


PROF. MIRIAM CORONEL-FERRER
GPH Panel Chair

FOR THE MILF:


MOHAGHER IQBAL
MILF Panel Chair

SIGNED IN THE PRESENCE OF:


TENGKU DATO' AB GHAFAR TENGKU MOHAMED
Malaysian Facilitator

**FRAMEWORK AGREEMENT ON THE
BANGSAMORO**

Signed 15 October 2012

**ANNEX ON TRANSITIONAL MODALITIES AND
ARRANGEMENTS**

Signed 27 February 2013

Roadmap attached

**ANNEX ON REVENUE GENERATION AND
WEALTH SHARING**

Signed 13 July 2013

Components:

- Revenue Generation
- Wealth Sharing
- Fiscal Administration

ANNEX ON POWER SHARING

Signed 8 December 2013

Components:

- Principles of Intergovernmental Relations
- Government Structure
- Delineation of Powers under the three lists of powers--reserved, concurrent, and shared
- Other Matters

ANNEX ON NORMALIZATION

Components:

- Policing
- Transitional Security Arrangements
- Decommissioning
- Disposition of AFP
- Disbandment of Private Armed Groups
- Socio-Economic Programs
- Reconciliation and justice

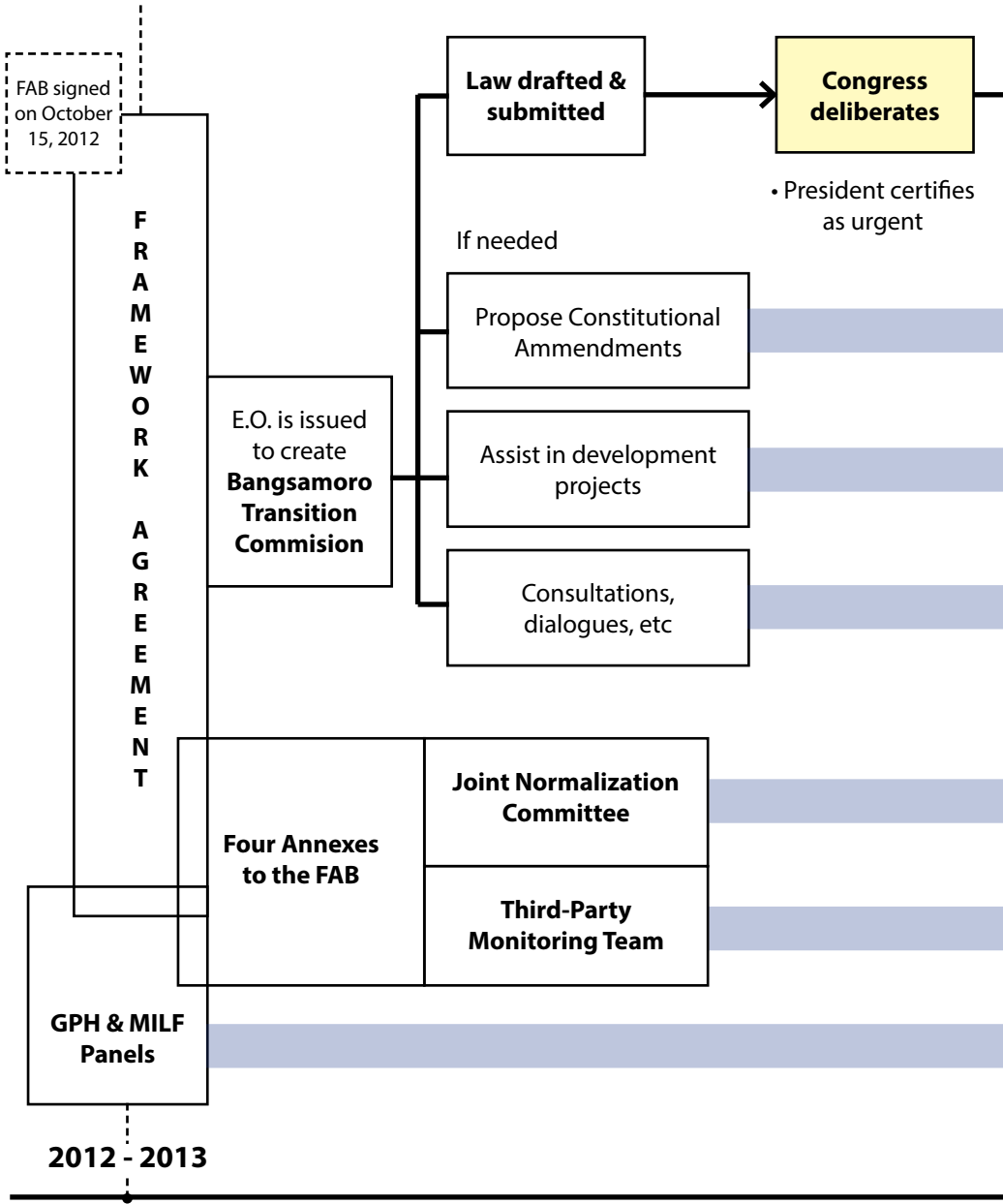
COMPREHENSIVE AGREEMENT

Components:

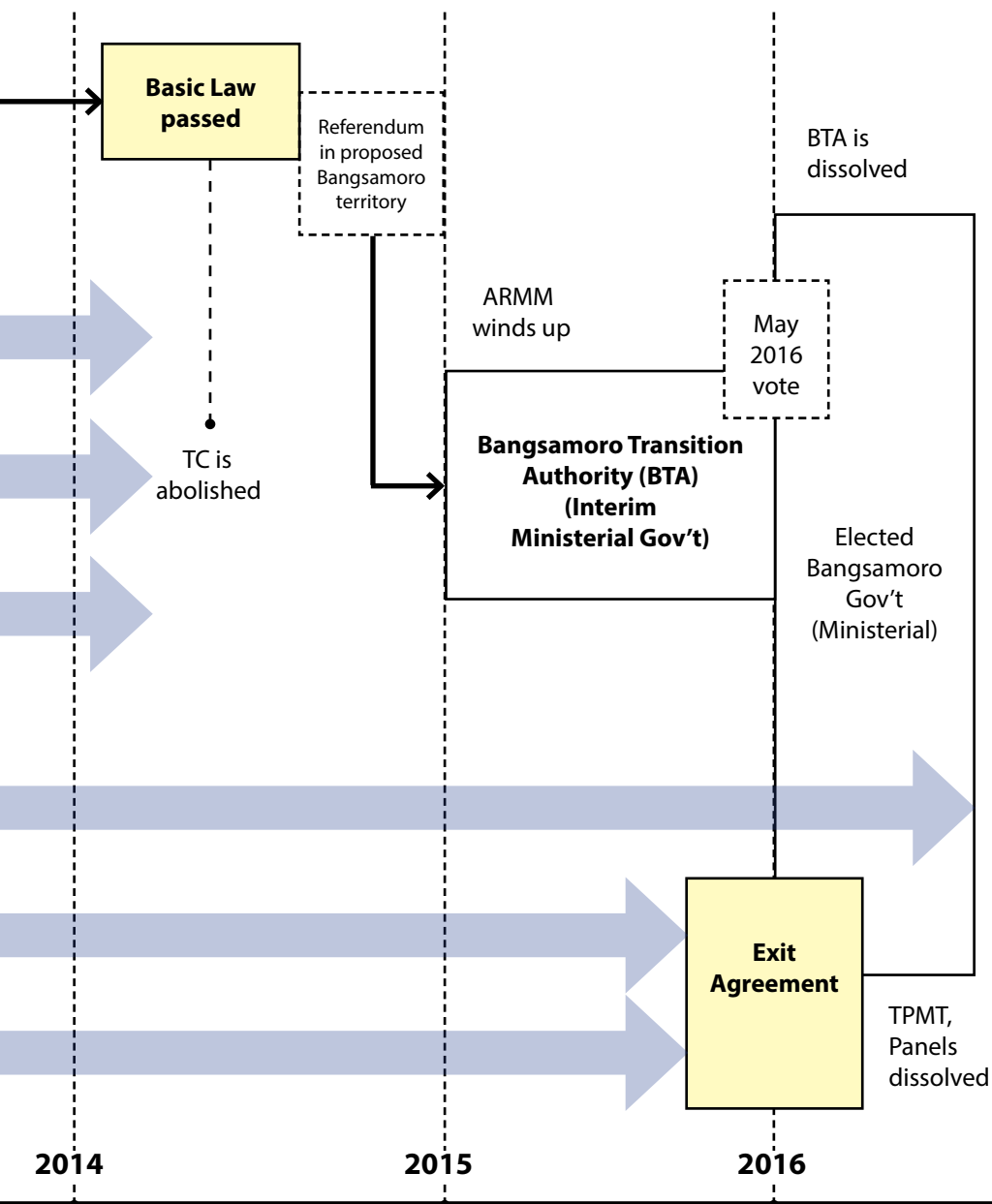
- Framework Agreement on the Bangsamoro
- 4 annexes
- Introductory text
- Addendum on the matter of Bangsamoro Waters

ROADMAP TO THE BANGSAMORO POLITICAL ENTITY

Advocates campaign for



passage and ratification



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