

ANNEX ON TRANSITIONAL ARRANGEMENTS AND MODALITIES

This Annex on Transitional Arrangements and Modalities lays down, on the basis of the Framework Agreement on the Bangsamoro (FAB), the modalities by which the institutions and mechanisms will become fully operational.

I. THE TRANSITION PROCESS

The Parties agree on the following process that shall guide the transition from the status quo to the entrenchment of the Bangsamoro.

A. Creation of the Transition Commission (TC)

The President of the Republic of the Philippines shall issue an executive order effecting the establishment of a Transition Commission. Congress shall express its support for such establishment.

The Executive Order shall provide for the composition of the TC, its authority and functions, its relationship with government agencies and branches of government, and the budgetary allocation sufficient for its operations.

B. Operation of the Transition Commission

Once the TC is created, it shall exercise its functions in accordance with the FAB and its Annexes, and such other functions that are necessary in the performance of its mandate as provided in the Executive Order.

To facilitate its tasks, it may create technical committees and a secretariat. The TC may also solicit assistance and advice from experts.

The TC shall adopt necessary administrative guidelines for the speedy, efficient and effective performance of its functions.

C. The Bangsamoro Basic Law

The TC shall work on the drafting of the Bangsamoro Basic Law, in accordance with the provisions of the FAB. The proposed Basic Law shall be submitted to the Office of the President. The President shall submit the proposed Basic Law to Congress as a legislative proposal. The bill for the proposed Basic Law shall be certified as urgent by the President.

D. Work on Constitutional Amendments

The TC shall work on proposals to amend the Philippine Constitution for the purpose of accommodating and entrenching in the Constitution the agreement of the Parties whenever necessary without derogating from any prior peace agreements.

E. Ratification of the Bangsamoro Basic Law

The Bangsamoro Basic Law, once enacted by Congress, shall undergo a process of popular ratification by the qualified voters in the core territory of the Bangsamoro identified in Part V, Paragraph 1 of the FAB not later than 120 days from the legislative enactment.

It shall provide for the repeal of Republic Act 9054, and the creation of the Bangsamoro Transition Authority.

F. Bangsamoro Transition Authority (BTA)

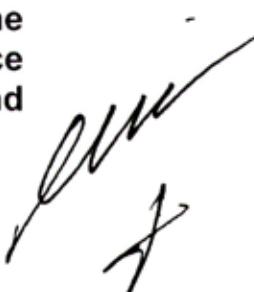
The BTA shall have as its core function the preparation for the transition to the ministerial government in the Bangsamoro. It shall exercise governance functions devolved to the Bangsamoro in accordance with the Basic Law, and shall set up the institutions and mechanisms necessary to establish the Bangsamoro ministerial government.

G. Monitoring

A Third Party Monitoring Team composed of international bodies as well as domestic groups shall be created by the Parties for the purpose of periodic monitoring of the implementation of all the agreements.

H. Exit Document

The Parties' respective negotiating panels, together with the Malaysian Facilitator and Third Party Monitoring Team, shall convene a meeting to review, assess or evaluate the implementation of all agreements and the progress of the transition. An Exit Document officially terminating the peace negotiation may be crafted and signed by both Parties if and only when all agreements have been fully implemented.

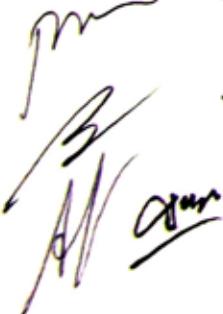


II. TRANSITION MECHANISMS AND MODALITIES

A. The Transition Commission (TC)

1. The TC shall be composed of fifteen (15) members all of whom are Bangsamoro. Seven (7) members shall be selected by the GPH and eight (8) members, including the Chair, shall be selected by the Moro Islamic Liberation Front.
2. The TC will serve as the central transitional mechanism for the MILF's participation in the joint tasks required under the FAB.
3. The TC will be independent from the ARMM. All government agencies, including but not limited to, the ARMM Regional Government, local government units, and GOCCs shall support the TC in the performance of its tasks and responsibilities.
4. The TC may coordinate with legislative bodies in order to accomplish its duties.
5. The TC shall cease to exist upon the enactment of the Bangsamoro Basic Law.
6. In relation to the TC's task of working on the drafting of the Basic Law and the proposals to amend the Philippine Constitution, the following procedures shall be observed:

 [a] The TC shall draft the Bangsamoro Basic Law, using as bases the FAB and its annexes.

 [b] The draft Bangsamoro Basic Law, as formulated by the TC, shall thereafter be submitted to the President.



[c] The Panels shall provide the necessary assistance for the passage of the proposed Bangsamoro Basic Law.

[d] The TC shall work on proposals to amend the Philippine Constitution for the purpose of accommodating and entrenching in the constitution the agreements of the Parties whenever necessary without derogating from any prior agreements.

[e] All of the areas enumerated in Part V Item 1 of the FAB shall undergo a plebiscite to determine the territorial jurisdiction of the Bangsamoro.

[f] Areas contiguous to the core territory of the Bangsamoro shall be included in the plebiscite if there is a resolution of the local government unit or a petition of at least 10% of the qualified voters therein. Such resolution or petition shall be submitted to the Parties at least two (2) months prior to the conduct of ratification of the Bangsamoro Basic Law. A majority vote of the qualified voters decides the inclusion in the territorial jurisdiction of the Bangsamoro.

[g] Both Parties agree to the creation of a robust international-domestic monitoring body to be accredited by the Commission on Elections (COMELEC) to monitor the administration of the plebiscite. The monitoring body will have access to all operations related to the conduct of the plebiscite and be able to conduct regular and random checks. The reports of the monitoring body shall be made available to the Panels for their disposition.

The Panels shall request the COMELEC to conduct a special registration before the date of the plebiscite on the Bangsamoro Basic Law. The Parties shall undertake measures to ensure the wide participation in the plebiscite of the people in the core territory of the Bangsamoro.

[h] The Parties shall confirm the fact of ratification of the promulgation of the Bangsamoro Basic Law.

B. The Bangsamoro Transition Authority (BTA)

1. The Bangsamoro Basic Law shall provide for the organization and composition of the BTA. Its members shall be appointed by the President.

2. The BTA shall be MILF-led.
3. The BTA shall serve as the main mechanism for the MILF's leadership in the Bangsamoro during the transition process. Once the Basic Law comes into force, and the BTA established, the devolved powers of the new political entity are vested in the Government of the Bangsamoro.
4. The entrenchment of the Basic Law will make it possible for the BTA to assume the powers of governance in the territory of the Bangsamoro, and its local constituent units shall carry out the principle underlying devolution with appropriate inter-governmental fiscal administration and the overall requirements of financial equalization.
5. The BTA shall continue to perform its function as interim Bangsamoro Government until the duly elected officials of the Bangsamoro shall have been qualified into office in 2016.
6. The Parties agree that as a consequence of the change in the territory constituting the Bangsamoro, the Basic Law shall provide for a new redistricting or other modalities of ensuring more equitable representations of the constituencies in the Bangsamoro Assembly.

C.The Third Party Monitoring Team (TPMT)

1. Pursuant to Provision No. VII (Transition and Implementation), Paragraph 11 and 12, of the Framework Agreement on the Bangsamoro (FAB), a Third Party Monitoring Team shall be established to monitor the implementation of all agreements by the Parties.

2. The TPMT is an independent body composed of international bodies, as well as domestic groups, as follows:

- A chair, who shall be an eminent international person;
- A representative from a local non-government organization registered with the Securities and Exchange Commission, to be nominated by the GPH;
- A representative from a local non-government organization registered with the Securities and Exchange Commission, to be nominated by the MILF;
- A representative from an international non-government organization to be nominated by the GPH; and

- A representative from an international non-government organization to be nominated by the MILF.

All members shall be mutually acceptable and agreed upon by the Parties.

3. The TPMT shall be covered by a set of Terms of Reference (ToR) and Guidelines that shall define and frame the scope of its operational functions and administrative requirements. The ToR and Guidelines shall be approved by the Parties.

4. The basic functions of the TPMT are, but not limited to, the following:

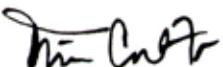
- a. Monitoring and evaluation of the implementation of all agreements
- b. Submit comprehensive periodic reports and updates to both Parties

D. Joint Normalization Committee (JNC)

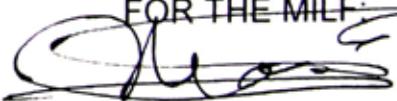
The Joint Normalization Committee shall be created to ensure the coordination between Government and remaining MILF forces, through which the MILF shall assist in maintaining peace and order in the area of the Bangsamoro until decommissioning have been fully completed. Other bodies supporting the work of the JNC shall be defined in the Annex on Normalization.

Done this 27th day of February 2013 in Kuala Lumpur, Malaysia.

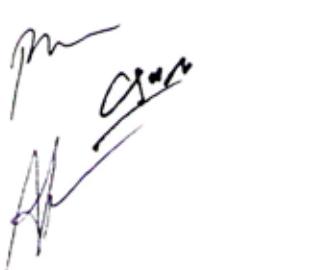
FOR THE GPH:


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