

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Terms of Reference for the Independent Decommissioning Body
Date	22 Mar 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	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	Miriam Coronel Ferrer, GPH Panel Chair; Mohagher Iqbal, MILF Panel Chair
Third parties	Witnessed by: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian Facilitator
Description	Agreement by the Parties on the Terms of Reference (TOR) for the Independent Decommissioning Body (IDB), providing for the mandate, composition, and functions, which include overseeing, coordinating, and implementing the disarmament and normalization of BIAF forces. The Parties agreed that additional protocols may be issued regarding the implementation of decommissioning, as well as the IDB will exist until an Exit Agreement is reached, though the IDB will be subject to periodic reviews.

Agreement document [PH_140322_ToR for IDB.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

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 No specific mention.

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	No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

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 3, XI. Freedom of Movement - In the performance of their functions, the freedom of movement of the seven (7) members of the IDB shall be guaranteed by the Parties.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	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
Page 1, IV. Functions
5. Coordinate with the Joint Normalization Committee on the other aspects of normalization.

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 2, VIII. Funding
1. The salaries and allowances of the foreign experts shall be shouldered by their respective governments. The funding for the operations of the IDB shall be independently sources as jointly determined by the Parties. The IDB may source funds from development partners.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR

Security sector→DDR→DDR programmes

Page 1, II. Mandate - The Independent Decommissioning Body (IDB) shall oversee the process of decommissioning of the MILF forces and weapons.

Page 1, III. Composition - The IB shall be composed of three (3) foreign experts including the chairperson, and four (4) local experts jointly nominated by the Parties [...]

Page 1, IV. Functions

1. Conduct inventory, verification and validation of Bangsamoro Islamic Armed forces (BIA) members, arms and weapons;

Page 1, IV. Functions

2. Develop and implement a schedule of decommissioning of BIAF forces;

Page 1, IV. Functions

3. Plan, design, and implement techniques and technologies for weapons collection or retrieval, transport, and storage and putting weapons beyond use in accordance with the agreement of the Parties;

Page 1, IV. Functions

4. Ensure that all the necessary steps and processes for decommissioning are complied with by the Parties;

Page 1, IV. Functions

5. Coordinate with the Joint Normalization Committee on the other aspects of normalization.

Page 2, V. Reporting

1. The IDB shall report on the progress of its work to the Panels, taking into account the phases of decommissioning agreed upon by the Parties.

Page 2, V. Reporting

2. The IDB shall submit its terminal report to the Panels, which shall contain a certification of the completion of the decommissioning process.

Page 2, VII. Additional Protocols - the Panels may agree to issue additional protocols for the implementation of decommissioning, in consultation with the IDB.

Page 2, VIII. Funding

2. To address the problem of a possible gap between the formal establishment of the IDB and its long-term funding support, the Panels undertake to find modalities for short-term bridge funding for the initial activities of the IDB. Potential partners of the IDB may indicate how they would cover any "bridge" period.

Page 2, IX. Duration - The IDB shall be organized by the Parties not later than one month after the acceptance of the states providing the foreign experts. It shall continue to exist until an Exit Agreement is reached.

Page 3, XII. Review and Amendment - The Parties shall conduct a periodic review of this TOR. Either party may propose amendments to this TOR and shall be effective upon approval of the Parties.

Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 1, II. Mandate - The Independent Decommissioning Body (IDB) shall oversee the process of decommissioning of the MILF forces and weapons.</p> <p>Page 1, IV. Functions</p> <p>1. Conduct inventory, verification and validation of Bangsamoro Islamic Armed forces (BIA) members, arms and weapons;</p> <p>Page 1, IV. Functions</p> <p>2. Develop and implement a schedule of decommissioning of BIAF forces;</p> <p>Page 1, IV. Functions</p> <p>4. Ensure that all the necessary steps and processes for decommissioning are complied with by the Parties;</p> <p>Page 1, IV. Functions</p> <p>5. Coordinate with the Joint Normalization Committee on the other aspects of normalization.</p>
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.
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Other international signatory Witnessed by: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian Facilitator

Referendum for agreement	No specific mention.
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International mission/force/similar	No specific mention.
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Enforcement mechanism	No specific mention.
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Related cases	No specific mention.
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Source	On file with author. Also available at: Independent Decommissioning Body (n.d.) IDB TERMS OF REFERENCE, https://static1.squarespace.com/static/5c4fc6b74eddeccdf38f0619/t/5c8b822fa4222f26940768a3/1552646715952/Terms+of+Reference+for+the+Independent+Decommissioning+Body+%28IDB%29+Mar+22%2C+2014.pdf (Accessed 31 January 2020).
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