

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Terms of Reference of the International Monitoring Team
Date	8 Sep 2004
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	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	Philippines - Mindanao process
Parties	Sec. Silvestre C. Afable, Jr., GRP Peace Panel; Mohagher Iqbal, MILF Peace Panel
Third parties	Datuk Othman Bin Abd Razak, Representative of the Government of Malaysia
Description	Agreement by the Peace Panels, with coordination of the Malaysian Government, to establish the Terms of Reference of the International Monitoring Team (IMT), which include the objective, composition, status, area of coverage, role and responsibility, administrative and support arrangements, duration, and the potential of termination and/or suspension of the IMT.

Agreement document	PH_040908_ToR of the IMT.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	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	Rights related issues→Media and communication→Media logistics Page 4, 6. Administrative and Support Arrangements - Communication the members of the IMT shall be provided adequate communication support and facilities which shall be borne by the GRP.
Mobility/access	Page 3, 6. Administrative and Support Arrangements, Security The GRP and MILF shall promptly provide safe passage for members of the IMT in the event evacuation from the areas of coverage is necessary. Page 5, 6. Administrative and Support Arrangements, Freedom of Movement Members of the IMT can move freely throughout the area of coverage and the host country in the performance of their duties.
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 3, 5. Role and Responsibility - The role and responsibility of the IMT are:
(i) To observe and monitor the implementation of cessation of hostilities, as well as the socio-economic development aspects of the agreements signed between the GRP and MILF.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

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

Page 3, 6. Administrative and Support Arrangements, Security

The GRP-MILF shall provide uniformed security men to accompany members of the IMT at all times during field verification.

Covert security may be provided as augmentation upon request. Appropriate security will also be provided for the quarters and administration movement of the IMT.

The GRP and MILF may use all means to rescue any members of the IMT in cases where they are held hostage or kidnapped.

The GRP and MILF may accept the Malaysian Armed Forces in any rescue mission which involve the members of the IMT.

The GRP and MILF shall promptly provide safe passage for members of the IMT in the event evacuation from the areas of coverage is necessary.

Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 1, 1. Objectives - The objective of the International Monitoring Team (IMT) is to monitor the implementation of the Agreement on Peace between the GRP and the MILF of 22 June 2001 (Tripoli Agreement) and its Implementing Guidelines on the Security Aspect of 7 August 2001 and Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of 7 May 2002.

Page 3, 5. Role and Responsibility - The role and responsibility of the IMT are:

- (i) To observe and monitor the implementation of cessation of hostilities, as well as the socio-economic development aspects of the agreements signed between the GRP and MILF.
- (ii) To conduct field verification to validate any reported violations of any of the cessation of hostilities agreements signed by GRP and MILF.
- (iii) To coordinate closely with the Joint GRP-MILF CCCH and the LMTs on the conduct of field verification and validation of reported violations to any of the cessation of hostilities agreement signed by the Panels.
- (iv) To report to the GRP and MILF Peace Panels its findings and assessment of the reported violations.

Page 6, 7. Duration - The term of the mandate of the IMT shall be 12 months. Extension of the term of the mandate may be considered on a year-to-year basis upon the request by both GRP and MILF.

Page 6, 8. Termination and/or Suspension - The IMT might cease or suspend the performance of their functions, with due notice to the GRP and MILF Peace Panels in the event that: (i) the field situation becomes too dangerous and life threatening to its members.

- (ii) either GRP and MILF fails to fulfill their commitments and responsibilities to the peace process.
- (iii) there is lack of support from either GRP or MILF towards any of its reports.

Police

Page 4, 6. Administrative and Support Arrangements - Arms

Members of the IMT may possess and carry firearms provided these firearms are registered with the Philippine National Police (PNP). The use of firearms will be strictly for self-defense.

Armed forces	Page 3, 6. Administrative and Support Arrangements - [...] The GRP-MILF shall provide uniformed security men to accompany members of the IMT at all times during field verification. [...] The GRP and MILF may accept the Malaysian Armed Forces in any rescue mission which involve the members of the IMT.
DDR	No specific mention.
Intelligence services	Page 3, 6. Administrative and Support Arrangements - [...] Covert security may be provided as augmentation upon request. Appropriate security will also be provided for the quarters and administrative movements of the IMT.
Parastatal/rebel and opposition group forces	Page 3, 6. Administrative and Support Arrangements - [...] The GRP-MILF shall provide uniformed security men to accompany members of the IMT at all times during field verification.
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 Datuk Othman Bin Abd Razak, Representative of the Government of Malaysia

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism

Page 1, 1. Objectives - The objective of the International Monitoring Team (IMT) is to monitor the implementation of the Agreement on Peace between the GRP and the MILF of 22 June 2001 (Tripoli Agreement) and its Implementing Guidelines on the Security Aspect of 7 August 2001 and Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of 7 May 2002.

Page 1, 2. Composition - The IMT shall be headed by Malaysia. Other countries and international organizations, as may be agreed by both the MILF and GRP, shall be invited to participate in the IMT. [...]

Page 3, 5. Role and Responsibility - The role and responsibility of the IMT are:

- (i) To observe and monitor the implementation of cessation of hostilities, as well as the socio-economic development aspects of the agreements signed between the GRP and MILF.
- (ii) To conduct field verification to validate any reported violations of any of the cessation of hostilities agreements signed by GRP and MILF.
- (iii) To coordinate closely with the Joint GRP-MILF CCCH and the LMTs on the conduct of field verification and validation of reported violations to any of the cessation of hostilities agreement signed by the Panels.
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(iii) there is lack of support from either GRP or MILF towards any of its reports.

Related cases

No specific mention.

Source

GRP-MILF Peace Process: Compilation of Signed Agreements & other related Documents (1997-2010); (MILF Peace Panel/Asia Foundation, 2010), pp. 136-141.
