

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	The Independent Commission on Policing and its Terms of Reference
Date	27 Feb 2013
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, Panel Chair for the Government of the Philippines Mohagher Iqbal, Panel Chair for the Moro Islamic Liberation Front
Third parties	Tengku Dato' Ab Ghafar Tengku Mohamed, Facilitator and Representative of Malaysia
Description	The Agreement establishes Terms of Reference for the Independent Commission on Policing, established in the Framework Agreement on the Bangsamoro, with guiding principles, and details of the composition, organization, functions, duration, and funding of the Commission.

Agreement document	PH_130227_TOR for the ICP.pdf (opens in new tab) Download PDF
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Groups

Children/youth	Groups→Children/youth→Rhetorical Page 1, 2. Principles The ICP will be guided by the provision of normalization in the FAB. Its guiding principles are: b) Inclusiveness, to reflect the ethnic and cultural diversity in the Bangsamoro, as well as the ability to address the different security issues facing women, men, and children and minority groups.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	Groups→Racial/ethnic/national group→Rhetorical Page 1, 2. Principles The ICP will be guided by the provision of normalization in the FAB. Its guiding principles are: b) Inclusiveness, to reflect the ethnic and cultural diversity in the Bangsamoro, as well as the ability to address the different security issues facing women, men, and children and minority groups.
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 Page 1, 2. Principles
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Page 2, 5. Functions
The main function of the ICP is to conduct studies and produce a set of recommendations on the appropriate policing for the Bangsamoro. For this purpose, it shall:
a) consult widely, including with the Department of Interior and Local Government (DILG), Armed Forces of the Philippines (AFP), Philippine National Police (PNP), National Police Commission (NAPOLCOM), Department of Defense (DND), and other relevant government agencies as well as with Bangsamoro Islamic Armed Forces (BIAF), communities in the Bangsamoro, including women, NGOs, and other people and organisations.

Men and boys Gender→Men and boys→Gender neutral wording
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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 Page 2, 5. Functions
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**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 Page 1, 2. Principles
The ICP will be guided by the provision of normalization in the FAB. Its guiding principles are:
a) Equal access to the security and justice for all members of society.
b) Inclusiveness, to reflect the ethnic and cultural diversity in the Bangsamoro, as well as the ability to address the different security issues facing women, men, and children and minority groups.
c) Transparency and accountability.

Page 2, Functions
The main function of the ICP is to conduct studies and produce a set of recommendation on the appropriate policing for the Bangsamoro. [...] The recommendations will be based on a needs-assessment that will reflects public's perception of the police; the needs and demands of communities in the Bangsamoro; the human rights situation; and other indicators of performance.

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	No specific mention.
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 No specific mention.

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 1, 1. Mandate

As outlined in the Framework Agreement on the Bangsamoro, the Independent Commission on Policing (ICP) shall produce recommendations to the peace panels for a police force for the Bangsamoro, civilian in character, that is professional and free from partisan political control; that is effective and efficient in law enforcement, fair and impartial as well as accountable for its action, and responsible both to the Central Government and the Bangsamoro Government, and to the communities it serves.

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- a) Equal access to the security and justice for all members of society.
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- c) Transparency and accountability.

Ceasefire

No specific mention.

Police

Page 1, 1. Mandate

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Page 1, 3. Composition

The Independent Commission on Policing shall be composed of seven (7) members. Each party shall select on (1) local expert; appoint one (1) representative; and nominate one (1) international expert. All designated members shall be mutually acceptable to and agreed upon by the Parties. Both Parties will jointly select a chairperson.

Page 2, 5. Functions

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- a) consult widely, including with Department of Interior and Local Government (DILG), Armed Forces of the Philippines (AFP), Philippines National Police (PNP), National Police Commission (NAPOLCOM), Department of National Defense, and other relevant government agencies as well as the Bangsamoro Islamic Armed Forces, communities in the Bangsamoro, including women, NGOs, and other people and organisations.
- ... c) identify other aspects of the criminal justice system relevant to its work on policing, including the role of the police in prosecution.

The recommendations will be based on a needs-assessment that will reflects public's perception of the police; the needs and demands of communities in the Bangsamoro; the human rights situation; and other indicators of performance.

Page 3, 6. Duration

The ICP shall submit its final report to the Panels within six (6) months from its first meeting. The first meeting will take place as soon as possible, and no later than one month after the Negotiating Panels receive letter of acceptance of all the appointed members.

Page 3, 7. Reports and Recommendations

The ICP shall submit its final report to the Chairpersons of the Negotiating Panels. The Negotiating Panels shall determine when the report will be made public. [...]

Armed forces	<p>Page 2, 5. Functions</p> <p>The main function of the ICP is to conduct studies and produce a set of recommendation on the appropriate policing for the Bangsamoro. For this purpose, it shall:</p> <p>a) consult widely, including with Department of Interior and Local Government (DILG), Armed Forces of the Philippines (AFP), Philippines National Police (PNP), National Police Commission (NAPOLCOM), Department of National Defense, and other relevant government agencies as well as the Bangsamoro Islamic Armed Forces, communities in the Bangsamoro, including women, NGOs, and other people and organisations.</p>
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 2, 5. Functions</p> <p>The main function of the ICP is to conduct studies and produce a set of recommendation on the appropriate policing for the Bangsamoro. For this purpose, it shall:</p> <p>a) consult widely, including with Department of Interior and Local Government (DILG), Armed Forces of the Philippines (AFP), Philippines National Police (PNP), National Police Commission (NAPOLCOM), Department of National Defense, and other relevant government agencies as well as the Bangsamoro Islamic Armed Forces, communities in the Bangsamoro, including women, NGOs, and other people and organisations.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	<p>Page 1, 1. Mandate</p> <p>As outlined in the Framework Agreement on the Bangsamoro, the Independent Commission on Policing (ICP) shall produce recommendations to the peace panels for a police force for the Bangsamoro, civilian in character, that is professional and free from partisan political control; that is effective and efficient in law enforcement, fair and impartial as well as accountable for its action, and responsible both to the Central Government and the Bangsamoro Government, and to the communities it serves.</p>
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 Tengku Dato' Ab Ghafar Tengku Mohamed, Facilitator and Representative of Malaysia

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	UN Peacemaker http://peacemaker.un.org/philippines-TOR-policing-commission2013
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