

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Terms of Reference of the IMT- New Mandate and 2nd Amendment
Date	9 Dec 2009
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	Rafael E. Seguis, GRP Panel Chairman; Mohagher Iqbal, MILF Panel Chairman
Third parties	Witnessed by: Datuk Othman Bin Abdul Razak, Facilitator, Representative of the Malaysian Government
Description	Agreement by the Parties that provides for terms of reference for the International Monitoring Team (IMT), which include objective, composition, status, areas of coverage, roles and responsibilities, reporting, administrative and support arrangements, duration and for the potential termination and/or suspension of the IMT. The IMT will be facilitated by the Malaysian Government to specifically monitor security, humanitarian, rehabilitation and development arrangements, socio-economic assistance programs, and the civilian protection component (CPC). The duration of the IMT is for 12 months, however the CPC will remain in place past the given deadline.
Agreement document	PH_091209_ToR of the IMT.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 Page 1, 2. Composition - the IMT shall be headed by the facilitating country. Other countries and international organizations as maybe agreed by both the MILF and GRP shall be invited to participate in the IMT. The IMT shall have a Head of Mission, a Deputy Head of Mission and four (4) coordinators on:

- a. Security
- b. Humanitarian, Rehabilitation and Development
- c. Socio-Economic Assistance, and
- d. Civilian Protection.

Page 4, 5. Roles and Responsibility
 5.2 Humanitarian, Rehabilitation and Development Aspects
 [...] (iii) Encourage other third parties and/or civil society groups to assist, under a system of accreditation by the Panels, in the monitoring process.

Page 5, 5. Roles and Responsibility
 5.3 Socio-Economic Assistance
 (v) Together with the BDA, coordinate development activities with appropriate organizations and institutions, and duly established GRP-MILF local mechanisms.

**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, 1. Objective - 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 4, 5. Role and Responsibility
5.2 Humanitarian, Rehabilitation and Development Aspects
(ii) Monitor the observance of international humanitarian laws and respect for human rights.

Bill of rights/similar No specific mention.

Treaty incorporation Page 4, 5. Roles and Responsibility
5.2 Humanitarian, Rehabilitation and Development Aspects
[...] (ii) Monitor the observance of international humanitarian laws and respect for human rights. [...]

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 7, 7. Administrative and Support Arrangements
d. Communication - the members of the IMT shall be provided adequate communication support and facilities which shall be borne by the GRP.

Mobility/access

Page 6, 7. Administrative and Support Arrangements

a. Security - [...] Covert security may be provided as augmentation upon request. Appropriate security will also be provided for the quarters and administrative movements of the IMT.

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

Page 7, 7. Administrative and Support Arrangements

c. Sustenance - The GRP shall provide:

(ii) Appropriate air, water and land transportation with driver/pilot and security for members of the IMT, and

Page 8, 7. Administrative and Support Arrangements

g. Health - [...] In the event any member of the IMT needs to be evacuated promptly from the area of coverage to Manila due to medical emergencies, the GRP shall provide the necessary transportation of such evacuation.

Page 9, 7. Administrative and Support Arrangements

i. Freedom of Movement - Members of the IMT can move freely throughout the area of coverage in the host country in the performance of their functions.

Protection measures

Rights related issues→Protection measures→Protection of civilians

Page 1, 1. Objective - 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 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 (Tripoli Agreement) and Agreement on the Civilian Protection Component (CPC) of the IMT of 27 October 2009.

Page 1, 2. Composition - the IMT shall be headed by the facilitating country. Other countries and international organizations as maybe agreed by both the MILF and GRP shall be invited to participate in the IMT. The IMT shall have a Head of Mission, a Deputy Head of Mission and four (4) coordinators on:

d. Civilian Protection.

Page 9, 8. Duration - The term of the mandate of the IMT shall be 12 months except the Civilian Protection Component (CPC) which shall remain in place and continue to perform its function should the IMT cease to operate. Extension of the term of the mandate maybe considered on a year-to year basis upon the request by both GRP and MILF.

Other

No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions Rights institutions→Regional or international human rights institutions→Monitoring calls
Page 1, 2. Composition - the IMT shall be headed by the facilitating country. Other countries and international organizations as maybe agreed by both the MILF and GRP shall be invited to participate in the IMT. The IMT shall have a Head of Mission, a Deputy Head of Mission and four (4) coordinators on: [...]
b. Humanitarian, Rehabilitation and Development

Page 4, 5. Role and Responsibility
5.2 Humanitarian, Rehabilitation and Development Aspects
[...] (ii) Monitor the observance of international humanitarian laws and respect for human rights.
(iii) Encourage other third parties and/or civil society groups to assist, under a system of accreditation by the Panels, in the monitoring process.

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.

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

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Page 1, 2. Composition - the IMT shall be headed by the facilitating country. Other countries and international organizations as maybe agreed by both the MILF and GRP shall be invited to participate in the IMT. The IMT shall have a Head of Mission, a Deputy Head of Mission and four (4) coordinators on: [...]

- b. Humanitarian, Rehabilitation and Development
- c. Socio-Economic Assistance, and [...]

Page 4, 5. Role and Responsibility

5.2 Humanitarian, Rehabilitation and Development Aspects

- (i) Observe and monitor the implementation of the humanitarian, rehabilitation and development aspects of the agreements signed between the GRP and MILF.
- (ii) Monitor the observance of international humanitarian laws and respect for human rights.
- (iii) Encourage other third parties and/or civil society groups to assist, under a system of accreditation by the Panels, in the monitoring process.

Page 4, 5. Roles and Responsibility

5.3 Socio-Economic Assistance

- (i) Assist the Parties in determining the development needs of conflict-affected communities;
- (ii) Assist in the formulation of a comprehensive development plan for conflict-affected areas and assist in the early implementation of such plan in close coordination with the Bangsamoro Development Agency (BDA);
- (iii) Facilitate the effective delivery of development programs in support of the ongoing GRP-MILF process;
- (iv) Draw up appropriate support arrangements and/or mechanisms to facilitate the successful and effective delivery of development programs in support of the GRP-MILF peace process; and

Page 5, 5. Roles and Responsibility

5.3 Socio-Economic Assistance

- (v) Together with the BDA, coordinate development activities with appropriate organizations and institutions, and duly established GRP-MILF local mechanisms.

Page 5, 6. Reporting

- a. The IMT shall render monthly reports to the Peace Panels and the Malaysian Secretariat on activities and developments relating to the ceasefire, humanitarian, rehabilitation and development, and socio-economic assistance aspects;
- b. To ensure effectiveness in reporting, the IMT shall formulate a monitoring manual containing, among others, the baseline indicators and monitoring/reporting format in monitoring the humanitarian, rehabilitation and development, and socio-economic assistance aspects, in coordination with the technical working group of the BDA and GRP;

[...] d. to conduct investigation on ceasefire violations and/or failure of the Parties to adhere to their commitment to protect civilians and civilian communities;

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. Objective - 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 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 (Tripoli Agreement) and Agreement on the Civilian Protection Component (CPC) of the IMT of 27 October 2009.

Page 6, 7. Administrative and Support Arrangements

a. Security - The GRP-MILF shall provide uniformed security men to accompany members of the IMT at all times during field verification and in the performance of their duties.

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

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

The GRP and MILF shall coordinate with the concerned participating country's diplomatic mission in any rescue effort that involves the members of the IMT.

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

Ceasefire

Security sector→Ceasefire→General commitments

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Page 3, 5. Role and Responsibility

5.1. Security Aspect

- (i) Observe and monitor the implementation of cessation of hostilities signed between the GRP and MILF.
- (ii) Conduct field verification to validate any reported violations of any of the cessation of hostilities agreements signed by GRP and MILF.
- (iii) Coordinate closely with the Joint GRP-MILF CCH and the LMTs in the conduct of field verification and validation of reported violations to any of the cessation of hostilities agreements signed by the Panels.

Page 5, 6. Reporting

- a. The IMT shall render monthly reports to the Peace Panels and the Malaysian Secretariat on activities and developments relating to the ceasefire, humanitarian, rehabilitation and development, and socio-economic assistance aspects; [...]
- c. Violations of the ceasefire agreement and other matters requiring urgent attentions by the Panels should be reported immediately;
- d. To conduct investigation on ceasefire violations and/or failure of the Parties to adhere to their commitment to protect civilians and civilian communities;
- e. The IMT shall submit their reports directly to the GRP-MILF Peace Panels and the Facilitator, copy furnished the International Contact Group (ICG), in the even that the party violating fails to take appropriate action to penalize the responsible person or elements;

Page 6, 6. Reporting

- f. The GRP and MILF shall take immediate and necessary actions to any violation and punish respective forces that violate the ceasefire agreements as reported by the IMT;

Page 8, 7. Administrative and Support Arrangements

- f. Coordination and Liaison - [...] The IMT may undertake advocacy and information activities in support of the ceasefire and other programs, in close coordination with the Peace Panels and the ceasefire committees.

Page 9, 8. Duration - The term of the mandate of the IMT shall be 12 months except the Civilian Protection Component (CPC) which shall remain in place and continue to perform its function should the IMT cease to operate. Extension of the term of the mandate maybe considered on a year-to year basis upon the request by both GRP and MILF.

Page 10, 9. Termination and/or Suspension - The IMT may 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) the GRP or MILF fails to fulfill their commitments and responsibilities to the peace process as stipulated in the Term of Reference;
- (iii) the GRP or MILF deliberately ignore to take action on any of its recommendations on violations of signed agreements.

Police	<p>Page 8, 7. Administrative and Support Arrangements</p> <p>b. Arms - Uniformed members of the IMT may possess and carry firearms provided those firearms are registered with the Philippine National Police (PNP). The use of firearms will be strictly for self-defense.</p>
Armed forces	<p>Page 6, 6. Reporting</p> <p>f. The GRP and MILF shall take immediate and necessary actions to any violation and punish respective forces that violate the ceasefire agreements as reported by the IMT;</p>
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 6, 6. Reporting</p> <p>f. The GRP and MILF shall take immediate and necessary actions to any violation and punish respective forces that violate the ceasefire agreements as reported by the IMT;</p> <p>Page 6, 7. Administrative and Support Arrangements</p> <p>a. Security - [...] The GRP and MILF must use all means to rescue any members of the IMT in cases where they are held hostage or kidnapped. The GRP and MILF shall coordinate with the concerned participating country's diplomatic mission in any rescue effort that involved 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.</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.
Other international signatory	Witnessed by: Datuk Othman Bin Abdul Razak, Facilitator, Representative of the Malaysian Government
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
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. 266-275.
