

<b>Country/entity</b>	Philippines Mindanao
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	The Independent Commission on Policing and its Terms of Reference
<b>Date</b>	27 Feb 2013
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	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

<b>Stage</b>	Implementation/renegotiation
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Philippines - Mindanao process
<b>Parties</b>	Miriam Coronel-Ferrer, Panel Chair for the Government of the Philippines Mohagher Iqbal, Panel Chair for the Moro Islamic Liberation Front
<b>Third parties</b>	Tengku Dato' Ab Ghafar Tengku Mohamed, Facilitator and Representative of Malaysia
<b>Description</b>	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.

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<b>Agreement document</b>	<a href="#">PH_130227_TOR for the ICP.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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## Groups

<b>Children/youth</b>	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.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/national group</b>	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.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.

**Other groups** No specific mention.

**Refugees/displaced persons** No specific mention.

**Social class** No specific mention.

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## **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.

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## **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.

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## **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.

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**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.

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**Human rights and equality**

**Human rights/RoL general** Page 1, 2. Principles  
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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 reflect 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.

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## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	No specific mention.
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	No specific mention.
<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	No specific mention.

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## **Rights institutions**

<b>NHRI</b>	No specific mention.
<b>Regional or international human rights institutions</b>	No specific mention.

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## **Justice sector reform**

<b>Criminal justice and emergency law</b>	No specific mention.
<b>State of emergency provisions</b>	No specific mention.
<b>Judiciary and courts</b>	No specific mention.
<b>Prisons and detention</b>	No specific mention.
<b>Traditional Laws</b>	No specific mention.

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## **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.

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## **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.

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## **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.

Page 1, 2. Principles

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- 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.

### **Ceasefire**

No specific mention.

## Police

### Page 1, 1. Mandate

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### Page 1, 2. Principles

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- c) Transparency and accountability.

### 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

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:

- 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. [...]

<b>Armed forces</b>	<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>
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	<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>
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	<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>
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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## **Implementation**

<b>UN signatory</b>	No specific mention.
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**Other international signatory** Tengku Dato' Ab Ghafar Tengku Mohamed, Facilitator and Representative of Malaysia

<b>Referendum for agreement</b>	No specific mention.
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<b>International mission/force/similar</b>	No specific mention.
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<b>Enforcement mechanism</b>	No specific mention.
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<b>Related cases</b>	No specific mention.
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<b>Source</b>	UN Peacemaker <a href="http://peacemaker.un.org/philippines-TOR-policing-commission2013">http://peacemaker.un.org/philippines-TOR-policing-commission2013</a>
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