

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Terms of Reference of the International Monitoring Team - 1st Amendment
Date	27 Aug 2007
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. Rodolfo C. Garcia, GRP Peace Panel; Mohagher M. Iqbal, MILF Peace Panel; Datuk Othman Bin Abd. Razak, Representative of the Government of Malaysia
Third parties	Agreement by the Parties that provides for the terms of reference for the Malaysian-facilitated International Monitoring Team (IMT), including provisions on objective, composition, status, area of coverage, roles and responsibilities, reporting, administrative and support arrangements, duration, and potential termination and/or suspension of the IMT. The IMT will specifically monitor the ceasefire, humanitarian and human rights, as well as rehabilitation, development and socio-economic assistance programs.
Description	-
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Agreement document	PH_070827_ToR for 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 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. The IMT shall have a Head of Mission, a Deputy Head of Mission and three (3) Coordinators on: (a) Security (b) Humanitarian, Rehabilitation and Development, and (c) Socio-Economic Assistance.

Page 4, 5. Role 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 4, 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
(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.

Bill of rights/similar No specific mention.

Treaty incorporation 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.

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 6, 7. 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	<p>Page 6, 7. Administrative and Support Arrangements Sustenance - The GRP shall provide:- (i) Appropriate air, water and land transportation with driver/pilot and security for members of the IMT;</p> <p>Page 8, 7. Administrative and Support Arrangements 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.</p> <p>Page 8, 7. Administrative and Support Arrangements 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.</p>
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

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

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, 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 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. The IMT shall have a Head of Mission, a Deputy Head of Mission and three (3) Coordinators on: (a) Security (b) Humanitarian, Rehabilitation and Development, and (c) Socio-Economic Assistance.

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. Role 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;
- (iii) Facilitate the effective delivery of development programs in support of the ongoing GRP-MILF peace 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
- (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 aspects, in coordination with the technical working group of the BDA and GRP. [...]

Page 9, 8. 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 9, 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;

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 5, 7. 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 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.

Page 6, 7. Administrative and Support Arrangements

Security - The GRP and MILF shall accept the Malaysian Armed Forces' participation in any rescue mission that involves 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. 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 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 CCCH and the LMTs in the conduct of field verification and validation of reported violations to any of the cessation of hostilities agreement 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 agreements and other matters requiring urgent attention by the Panels should be reported immediately.

Page 7, 7. Administrative and Support Arrangements

Coordination and Liaison - [...] The IMT shall hold regular consultations/meetings with the Joint GRP-MILF CCCH in order to resolve any problems in the performance of its functions. 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. 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 9, 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 and MILF fails to fulfill their commitments and responsibilities to the peace process as stipulated in the Terms of Reference; or
- (iii) the GRP or MILF deliberately ignore to take action on any of its recommendations on violations of signed agreements.

Police

Page 6, 7. Administrative and Support Arrangements

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.

Armed forces	Page 6, 7. Administrative and Support Arrangements Security - The GRP and MILF shall accept the Malaysian Armed Forces' participation in any rescue mission that involves the members of the IMT.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	Page 5, 7. Administrative and Support Arrangements 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. Page 6, 7. Administrative and Support Arrangements Security - [...] The GRP and MILF shall accept the Malaysian Armed Forces participation in any rescue that involves 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.
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 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. 177-185.
