

THE INDEPENDENT COMMISSION ON POLICING AND ITS TERMS OF REFERENCE

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.

2. PRINCIPLES

The ICP will be guided by the provisions of normalization in the Framework Agreement on the Bangsamoro. Its guiding principles are:

- a) Equal access to 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, children and minority groups.
- c) Transparency and accountability.

3. COMPOSITION

The Independent Commission on Policing shall be composed of seven (7) members. Each party shall select one (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.

4. ORGANIZATION

The Chairperson will convene the ICP meetings. The members will jointly agree on their internal rules of operation.

The local members of the ICP shall meet on a regular basis.

The ICP will have a secretariat commensurate to its technical, operational and administrative requirements.

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 Department of Interior and Local Government (DILG), Armed Forces of the Philippines (AFP), Philippine National Police (PNP), National Police Commission (NAPOLCOM), Department of National 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.
- b) conduct and receive visits to learn from similar processes in other international contexts.
- 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 cover, among other aspects, name, structures, forms, functions, educational and professional development, recruitment, relationships, budget, and a road map for implementation.

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.

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 the letters of acceptance of all the appointed members.

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.

The Negotiating Panels may require the ICP to submit periodic updates/reports before submitting the final report.

All efforts shall be applied to reach consensus in all reports and recommendations. In case of disagreement, reservations of eventually diverging opinions will be noted.

8. FUNDING

Funding for the operations of the ICP shall be independently sourced as jointly determined by the Parties in coordination with the ICP.

To address the problem of a possible gap between the formal establishment of the ICP and its longer-term funding support, the Negotiating Panels undertake to find modalities for short-term bridge funding for the initial activities of the ICP. Potential organizational members of the ICP may indicate how they would cover any "bridge" period.

9. CONFIDENTIALITY

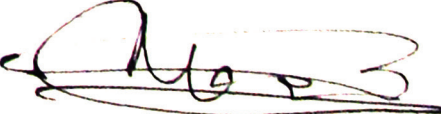
All information, data, or opinions gathered, generated or exchanged in connection with the work of the ICP shall be treated with utmost consideration for the safety and security of the source and the integrity of the peace process. Critical and/or confidential information as defined by the ICP shall not be divulged to their respective organizations and other entities.

Done this 27th day of February 2013 in Kuala Lumpur, Malaysia.

FOR THE GPH:


MIRIAM CORONEL-FERRER
GPH Panel Chair

FOR THE MILF:


MOHAGHER IQBAL
MLF Panel Chair

SIGNED IN THE PRESENCE OF:


TENGGU DATO' AB GHAFAR TENGGU MOHAMED
Malaysian Facilitator