

Country/entity	Philippines Mindanao
Region	Asia and Pacific
Agreement name	Terms of Reference for the Transitional Justice and Reconciliation Commission
Date	22 Mar 2014
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 Corone Ferrer, GPH Panel Chair; Mohagher Iqbal, MILF Panel Chair
Third parties	Witnessed by: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian Facilitator
Description	Agreement by the Parties on the Terms of Reference (TOR) for the Transitional Justice and Reconciliation Commission (TJRC), providing for the mandate, composition, organization, and functions, which include undertaking a study to produce a set of recommendation on the appropriate mechanisms to address grievances and reconciliation. The Parties also agreed the duration of the TJRC would continue until the signing of an Exit Agreement, at which point it would then be abolished.

Agreement document [PH_140322_ToR for TJRC.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	<p>Groups→Indigenous people→Substantive</p> <p>Page 1, II. Mandate</p> <p>1. The Transitional Justice and Reconciliation Commission (TJRC) shall undertake a study and recommend to the Panels the appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalization through land dispossession, towards healing and reconciliation.</p> <p>Page 1, V. Functions - The main function of the TJRC is to undertake a study and produce a set of recommendations on the appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalization through land dispossession, towards healing and reconciliation.</p> <p>Page 2, V. Functions - [...] For this purpose, it shall:</p> <p>1. Conduct consultations, assessments, or surveys to determine the legitimate grievances of the Bangsamoro people, including those arising from unjust dispossession of land and human rights violations;</p>
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Other groups	No specific mention.
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Refugees/displaced persons	No specific mention.
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Social class	No specific mention.
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Gender

Women, girls and gender	No specific mention.
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Men and boys	No specific mention.
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LGBTI	No specific mention.
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Family	No specific mention.
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State definition

Nature of state (general)	No specific mention.
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State configuration	No specific mention.
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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 No specific mention.

**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, II. Mandate
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Page 2, V. Functions - [...] For this purpose, it shall:
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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	Rights related issues→Media and communication→Other Page 2, VI. Reports and Recommendations 3. The TJRC shall submit its final report to the Panels. The Panels will determine when the final report will be made public.
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 3, IX. Confidentiality
All information, data, or opinions gathered, generated or exchanged in connection with the work of the TJRC 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 TJRC may not be divulged to their respective organizations and other entities.

Ceasefire No specific mention.

Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
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

Page 1, II. Mandate

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Page 1, II. Mandate

2. The TJRC shall also recommend programs and measures that will bring about the reconciliation of the different communities that have been affected by the conflict.

Page 1, III. Composition - The TJRC shall be headed by a chairperson, who is an international expert of recognized independence, competence, probity, and integrity, jointly selected by the Parties. In addition, the GPH and the MILF shall nominate a representative each to the TJRC.

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Page 2, V. Functions - [...] For this purpose, it shall:

1. Conduct consultations, assessments, or surveys to determine the legitimate grievances of the Bangsamoro people, including those arising from unjust dispossession of land and human rights violations;

Page 2, V. Functions - [...] For this purpose, it shall:

2. Survey remedies that may be availed of to address the legitimate grievances of other communities;

Page 2, V. Functions - [...] For this purpose, it shall:

4. Study local and international practices on transitional justice;

Page 2, V. Functions - [...] For this purpose, it shall:

5. Recommend immediate intervention towards reconciliation and healing of the physical, mental and spiritual wounds, and provide measures to address the causes of conflict and prevent their recurrence;

Page 2, V. Functions - [...] For this purpose, it shall:

6. Propose comprehensive programs to the government to address all findings of the study;

Page 2, V. Functions - [...] For this purpose, it shall:

7. Identify other aspects of transitional justice and reconciliation relevant to its work.

Page 2, VIII. Duration

1. The TJRC shall submit its final report to the Panels within one (1) year from its first meeting and shall be consulted on the issue of transitional justice until the signing of the Exit Agreement.

Page 2, VIII. Duration

2. The TJRC shall be deemed abolished upon the signing of the Exit Agreement.

Prisoner release No specific mention.

Vetting No specific mention.

Victims

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Missing persons No specific mention.

Reparations	No specific mention.
Reconciliation	<p>Page 1, II. Mandate</p> <p>1. The Transitional Justice and Reconciliation Commission (TJRC) shall undertake a study and recommend to the Panels the appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalization through land dispossession, towards healing and reconciliation.</p> <p>Page 1, II. Mandate</p> <p>2. The TJRC shall also recommend programs and measures that will bring about the reconciliation of the different communities that have been affected by the conflict.</p> <p>Page 1, V. Functions - The main function of the TJRC is to undertake a study and produce a set of recommendations on the appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalization through land dispossession, towards healing and reconciliation.</p> <p>Page 2, V. Functions - [...] For this purpose, it shall:</p> <p>5. Recommend immediate intervention towards reconciliation and healing of the physical, mental and spiritual wounds, and provide measures to address the causes of conflict and prevent their recurrence;</p>

Implementation

UN signatory	No specific mention.
Other international signatory	Witnessed by: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian Facilitator
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	http://opapp.gov.ph/milf/signed-agreements
