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Country/ entity	Philippines Mindanao
Region	Asia and Pacific 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 -))
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](#)  | [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 Page 1, II. Mandate 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: 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>
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 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:
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;

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

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.

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 Final Agreement.

Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	<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> <p>Page 2, V. Functions - [...] For this purpose, it shall:</p> <p>2. Survey remedies that may be availed of to address the legitimate grievances of other communities;</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>
Missing persons	No specific mention.
Reparations	No specific mention.

Reconciliation 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, 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.

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;

Implementation

UN No specific mention.
signatory

Other Witnessed by: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian
international Facilitator
signatory

Referendum No specific mention.
for
agreement

International No specific mention.
mission/
force/similar

Enforcement No specific mention.
mechanism

Related cases No specific mention.

Source <http://opapp.gov.ph/milf/signed-agreements>
