

<b>Country/entity</b>	Philippines Mindanao
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Terms of Reference for the Transitional Justice and Reconciliation Commission
<b>Date</b>	22 Mar 2014
<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 Corone Ferrer, GPH Panel Chair; Mohagher Iqbal, MILF Panel Chair
<b>Third parties</b>	Witnessed by: Tengku Dato' Ab Ghafar Tengku Mohamed, Malaysian Facilitator
<b>Description</b>	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.

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**Agreement document**      [PH\\_140322\\_ToR for TJRC.pdf \(opens in new tab\)](#) | [Download PDF](#)

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### Groups

<b>Children/youth</b>	No specific mention.
<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>	No specific mention.
<b>Religious groups</b>	No specific mention.

**Indigenous people** 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.

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:  
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;

**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.

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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** No specific mention.

**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, II. Mandate  
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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**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	No specific mention.
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	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.
<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 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.

<b>Police</b>	No specific mention.
<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<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**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	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.

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:

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**

Page 1, II. Mandate

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**Missing persons** No specific mention.

<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	<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**

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