

**TERMS OF REFERENCE FOR THE TRANSITIONAL JUSTICE
AND RECONCILIATION COMMISSION**

I. REFERENCES

1. The Framework Agreement on the Bangsamoro signed by the Parties on October 15, 2012.
2. The Annex on Normalization signed by the Parties on January 25, 2014.

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.
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.

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.

IV. ORGANIZATION

The TJRC shall organize a secretariat and support staff commensurate to its technical, operational and administrative requirements. The TJRC may promulgate its own internal rules of operation consistent with this Terms of Reference (TOR).

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.

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;
2. Survey remedies that may be availed of to address the legitimate grievances of other communities;
3. Consult local and international experts;
4. Study local and international best practices on transitional justice;
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;
6. Propose comprehensive programs to the government to address all findings of the study; and
7. Identify other aspects of transitional justice and reconciliation relevant to its work.

VI. REPORTS AND RECOMMENDATIONS

1. The TJRC shall report directly to the Panels. It shall submit its initial recommendation within six (6) months from its creation.
2. The Panels may require the TJRC to submit periodic updates/reports.
3. The TJRC shall submit its final report to the Panels. The Panels will determine when the final report will be made public.

VII. FUNDING

1. Funding for the operations of the TJRC shall be independently sourced as jointly determined by the Parties.
2. To address the problem of a possible gap between the formal establishment of the TJRC and its long-term funding support, the Panels undertake to find modalities for short-term bridge funding for the initial activities of the TJRC.

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

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.

Done this 22nd day of March 2014 in Kuala Lumpur, Malaysia.

FOR THE GPH:



MIRIAM CORONEL FERRER
GPH Panel Chair

FOR THE MILF:



MOHAGHER IQBAL
MILF Panel Chair

SIGNED IN THE PRESENCE OF:



TENGGU DATO' AB GHAFAR TENGGU MOHAMED
Malaysian Facilitator