

# OSLO JOINT STATEMENT

The Negotiating Panel of the Government of the Republic of the Philippines (GRP) and the Negotiating Panel of the National Democratic Front of the Philippines (NDFP) resumed formal talks from 10 to 14 February 2004, in Oslo, Norway upon the hosting and facilitation of the Royal Norwegian Government.

The formal talks opened with welcome remarks by the State Secretary of Norway, Vidar Helgesen. This was followed by the opening statements of the GRP Panel Chairperson Silvestre H. Bello III and the NDFP Panel Chairperson Luis Jalandoni.

The parties recognize the importance of resuming formal talks towards resolving the armed conflict. The goal of the GRP-NDFP peace negotiations is the attainment of a just and lasting peace by addressing the root causes of the armed conflict, pursuing social, economic, political and constitutional reforms, improving the living conditions of the Filipino people and expanding their freedom.

The two Parties arrived at agreements as follows:

## **1. Framework of the Negotiations**

The two Parties renewed their commitment to address the roots of the armed conflict by adopting social, economic and political reforms and thereby laying the ground for a just and lasting peace. They reaffirmed The Hague Declaration, the Joint Agreement on Safety and Immunity Guarantees (JASIG), the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and seven other signed bilateral agreements as the framework and foundation of the talks.

## **2. Role of the Third Party Facilitator**

The two Panels and the Royal Norwegian Government agreed on the latter's role as Third Party Facilitator as described in the Annex A attached hereto.

## **3. Effective Measures Regarding the "Terrorist" Listing**

To resolve the outstanding issue of the "terrorist" listing of the CPP/NPA and the NDFP Chief Political Consultant, effective measures shall be undertaken in consonance with the Hague Joint Declaration, the Joint Agreement on Safety and Immunity Guarantees (JASIG), the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), and other bilateral agreements. The panelists, consultants, staffers and other duly

authorized participants of said negotiations shall thereby be fully protected by the pertinent provisions of the Hague Joint Declaration, the JASIG and the CAR-HR/IHL as well as the Amado V. Hernandez doctrine on political offense.

The GRP and the NDFP shall, jointly and separately, call upon the Government of the United States, the Council of the European Union and other concerned foreign states and governments, to support the efforts of the parties in resolving the outstanding issue of the “terrorist” listing of the CPP/NPA and the NDFP Chief Political Consultant in order to advance and promote the peace negotiations and address the root causes of the armed conflict.

The good offices of the third party facilitator will, as appropriate, communicate the above to the international community.

#### **4. NDFP Proposal for Accelerated Work/GRP Proposal of an Enhanced Process**

The two Panels shall reconvene the Reciprocal Working Committees on Social and Economic Reforms (RWCs on SER) immediately and continue the work of their respective subcommittees towards completing the draft on all aspects of the Comprehensive Agreement on Social and Economic Reforms (CASER) based on target dates of completion. For this purpose, all the subcommittees shall conduct the work simultaneously in the Philippines, in The Netherlands or wherever it is necessary to expedite the work.

At the same time, the Panels shall prepare the work of the Reciprocal Working Committees on Political and Constitutional Reforms (RWCs on PCR) and the necessary subcommittees. Upon completion by the RWCs on SER of the sections on agrarian reform and on national industrialization, the work on political and constitution reforms shall be initiated and completed according to the target dates.

#### **5. Formation of the Joint Monitoring Committee (JMC)**

Pursuant to the nature and mandate of the Joint Monitoring Committee (JMC) as provided in Part V of CARHRIHL and other provisions thereof, the GRP designated Rene Sarmiento, Jose Luis Martin Gascon and Major Ferdinand Baraquel as members of the JMC. The NDFP confirmed the earlier designation of Fidel V. Agcaoili, Coni Ledesma and Danilo Borjal as members of the JMC.

The GRP designated Mercy Contreras and Aileen Bacalzo as observers of the JMC. The NDFP designated Bishop Tomas Millamena and Marie Hilao-Enriquez as observers of the JMC.

Upon the designation of all the above, the formation of the JMC is completed.

The Panels agreed to form the Joint Monitoring Committee (JMC) as an interim body which shall monitor the implementation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CAR-HR/IHL).

The two Parties approved the Operational Guidelines for the JMC (Annex B hereof) to implement Part V and related provisions of the CARHRIHL.

The JMC shall perform its duties as defined under Part V of the CARHRIHL.

The JMC is now fully operational pursuant to Part V of the CARHRIHL.

## **6. Indemnification of the Victims of Human Rights Violations Under the Marcos Regime**

In keeping with its obligation under Articles 3, 4 and 5 of Part III of CARHRIHL, and taking into consideration the Swiss Supreme Court Decision of 10 December 1997, the GRP undertakes to preserve at least PhP8 billion (approximately USD150 million) plus interest and earnings from the USD684 million forfeited Marcos ill-gotten wealth to be deposited in the form of US dollars. The GRP panel hereby recommends to its principal, following the precedents in the contingency legal expenses and lawyers fees incurred by the PCGG, and subject to law and jurisprudence, to retain in an escrow account with the Philippine National Bank the said amount solely for the purpose of indemnifying victims of human rights violations during martial law. From this amount and such additional amounts as may be necessary, the GRP shall indemnify martial law victims of human rights violations, giving priority to the successful plaintiffs in the Human Rights Litigation against Marcos who shall be indemnified without further delay and in the most expeditious manner.

## **7. Work of the Reciprocal Working Committees on Social and Economic (RWC-SER) Reforms**

The RWCs on SER reviewed the status of the work at both the RWC and subcommittee levels since the resumption of the formal talks between the GRP and the NDFP in April 2001 and affirmed the common positions so far reached.

They agreed to accelerate the joint work meetings of the two RWCs in accordance with the accelerated work/enhanced process reached between the GRP and the NDFP Negotiating Panels.

The proposed time-table shall be as follows:

The agenda for the next round of talks shall be the Preamble, Declaration of Principles and Bases, Scope and Applicability of the draft CASER.

In the next three months, the RWCs-SER and their respective subcommittees shall work on the topics of national sovereignty and patrimony, national industrialization and economic development, economic planning, monetary and fiscal policies and foreign and economic relations.

In the next succeeding quarter, the RWCs-SER and their respective subcommittees shall take up agrarian reform and agricultural development, rights of the working people, livelihood and social services and the final provisions.

In between the formal talks of the Negotiating Panels and the RWCs on SER meetings, the subcommittees jointly, and/or separately, may conduct public meetings and consultations.

## **8. Confidence-Building Measure**

### Release of Prisoners and Detainees

The Parties agree that the release of prisoners is a continuing confidence-building measure motivated by a mutual desire to improve the atmosphere for peace negotiations. As such, it is a benign act of magnanimity.

In accordance with the above, the GRP, following its judicial processes, shall expedite the release of prisoners or detainees ordered released by President Gloria Macapagal Arroyo in 2001.

The GRP shall review the cases of women, children, sick and elderly prisoners or detainees enumerated in the list submitted by KARAPATAN and determine whether they may be expeditiously released on humanitarian and/or legal grounds; and

Pursuant to Article 6, Part III of the CARHRIHL, the GRP shall review the cases of more than 300 prisoners or detainees listed by KARAPATAN and shall immediately release those found to have been charged, detained or convicted of common crimes contrary to the doctrine laid down in *People vs. Hernandez* (99 Phil. 515, July 18, 1956).

## **9. Exchange of Information and Complaints**

The parties frankly exchanged information and complaints about matters that can adversely affect the peace negotiations. They agreed to look further into these matters and address them expeditiously through the JMC and other appropriate mechanisms.

**10. Date, Venue and Agenda of the Next Round of Formal Talks**

The two Parties agreed to hold the next round of formal talks in a mutually acceptable venue in March 2004 in consultation with the Royal Norwegian Government.

Done in Oslo, Norway on 14 February 2004

**In behalf of the  
GOVERNMENT OF THE  
REPUBLIC OF THE PHILIPPINES**

**In behalf of the  
NATIONAL DEMOCRATIC  
FRONT OF THE PHILIPPINES**

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**Witnessed by:**

**TORE HATTREM  
ROYAL NORWEGIAN GOVERNMENT  
Third Party Facilitator**

The GRP delegation included Silvestre Bello III as chairperson of the GRP Negotiating Panel and Jose V. Yap, Rene Sarmiento, Riza Hontiveros Baraquel and Jose Luis Martin Gascon as members of the GRP Negotiating Panel; Sec. Teresita Deles, Carla M. Villarta (**ask the official names and designation of the other members of the GRP delegation**).

The NDFP delegation included Luis G. Jalandoni as chairperson of the NDFP Negotiating Panel and Fidel V. Agcaoili, Julieta de Lima, Coni Ledesma and Asterio Palima as members of the NDFP Negotiating Panel; Prof. Jose Maria Sison, Chief Political Consultant, UN Judge Romeo T. Capulong, Senior Legal Consultant of the NDFP Negotiating Panel, Mr. Vicente Ladlad, Political Consultant, Atty. Jayson Lamchek, Special Legal Consultant on the Issue of Terrorism, Ms. Ruth de Leon, Head of the Secretariat; Atty. Marichu Lambino, Special Legal Consultant for the Joint Monitoring Committee, Atty. Marie F. Yuvienco, Legal Consultant on Social and Economic Reforms, Rafael Baylisis and Randall Echanis, members of the Reciprocal Working Committee on Social and Economic Reforms, Prof. Edberto Villegas and Ms. Vivian de Lima, Economics Consultants.

## Role of 3<sup>rd</sup> Party Facilitator

The Negotiating Panels have agreed that, subject at any time to the acceptance of the Norwegian Government, the following will guide the role of the Third Party Facilitator:

1. To facilitate the holding of the talks of the two negotiating Panels
2. To attend formal talks as 3<sup>rd</sup> Party Facilitator and to provide advice, opinions & suggestions to the two negotiating parties subject to the inherent prerogative of the negotiating parties to maintain mutual control of the process.
3. To receive updates on the progress of the talks from the two parties as may be deemed necessary.
4. (To extend assistance to facilitate the work of the RWCs and subcommittees)
5. (To provide support, as may be requested, for the work of the Joint Monitoring Committee, when duly constituted, and the general implementation of the CARHRIHL).

*Note: the Norwegian facilitators' approval of Numbers 4 & 5 of the above was deferred pending clarification on expected and detailed specifics on the roles to be played by them. Meanwhile, the agreement of the parties on Numbers 4 & 5 stands.*

6. To perform other functions as third party facilitator that the two parties may agree upon based on their continuing assessment of the progress and emerging needs of the the talks.

## **OPERATIONAL GUIDELINES FOR THE JOINT MONITORING COMMITTEE**

### **I. PURPOSE OF THE GUIDELINES**

These guidelines shall provide the manner by which to operationalize the Joint Monitoring Committee (JMC) and monitor the implementation of and achieve the purposes of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CAR-HR/IHL).

### **II. NATURE OF THE JOINT MONITORING COMMITTEE**

The JMC is an interim body tasked to perform its duties defined under Part V of the CAR-HR/IHL. These operational guidelines shall guide the JMC in the performance of its tasks pending the resolution of outstanding issues that will be discussed in the course of negotiations on other substantive agenda of the peace negotiations.

### **III. DEFINITION OF TERMS**

- 3.1 **Investigation.** The investigation envisioned in article 3, Part V, shall solely mean data-gathering and fact-finding activities such as on-site-visitations, ocular inspections, interviews and similar activities for the sole purpose of determining the facts in an impartial and objective manner.
- 3.2 **Consensus.** This shall mean the express consent or approval of all members from both parties in the Committee.
- 3.3 **Party or Parties.** This shall refer to the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) represented herein by their respective Negotiating Panels.

### **IV. ORGANIZATIONAL STRUCTURE AND OPERATIONAL ARRANGEMENTS**

- 4.1 **Composition.** The Committee shall be composed of three (3) members chosen by the GRP and three (3) members chosen by the NDFP, through their respective Chairpersons. In addition, each Party shall also nominate two (2) representatives of human rights organizations who will sit in the Committee as Observers. The Committee shall have Co-Chairpersons representing the Parties as their respective Chief Representatives who shall act as Moderators of its meetings. Changes in the Party's representatives and Observers in the Committee may be made by the Nominating Party provided these are formally communicated in advance to its counterpart for information.
- 4.2 **Qualification and Role of the Observers.** The Observers shall be chosen on the basis of their proven experience, probity, independence, and commitment to human rights and international humanitarian law. They may attend meetings and participate in

the discussions and deliberations of the Committee without the right to vote.

- 4.3 **Secretariat.** The Committee shall have a joint Secretariat that shall be jointly organized by the Parties to provide technical and administrative support. In view thereof, each panel shall nominate an equal number of members initially not exceeding five (5) to the Secretariat who shall serve at the pleasure of the Nominating Party. The organizational structure of the Secretariat shall also be jointly agreed by the Parties.
- 4.4 **Secretariat's Office.** The Committee shall agree on the site of the Office of the Joint Secretariat, including the arrangements for its maintenance and operations.
- 4.5 **Conduct and Venue of Meetings.** The Committee shall hold a regular meeting at least once every three months or hold special meetings as often as deemed necessary by its Co-Chairpersons. The venue for such meetings shall be in the Philippines or in any other venue as may be agreed upon by the Co-Chairpersons. Either of the Committee Co-Chairpersons may propose the holding of a special meeting provided that the specific agenda for the said special meeting are approved by his/her counterpart. The venue of the meeting shall likewise have the prior approval of the Co-Chairpersons.
- 4.6 **Safety and Immunity Guarantees.** Committee Members, Observers and members of the Secretariat shall be entitled to the safety and immunity guarantees stipulated in the Joint Agreement on Safety and Immunity Guarantees (JASIG) dated February 24, 1995. In this regard, the Panels shall adopt the specific guidelines and procedures for granting such guarantees as stipulated in the JASIG and the Additional Implementing Rules Pertaining to the Documents of Identification dated June 26, 1996.
- 4.7 **Guidelines on Release of Information.** The Chairpersons shall adopt appropriate guidelines as to which information or documents of the Committee may be released to the public or third parties.

## V. MANDATE OF THE COMMITTEE

The Committee shall be the principal mechanism to monitor the implementation of the CAR-HR/IHL and as such shall undertake the following functions:

- 5.1 Receive complaints on violations of human rights and international humanitarian law of the CAR-HR/IHL allegedly committed by either of the Parties, including complaints on the non-implementation of any provisions thereof;

- 5.2 Decide by consensus, the complaint to be referred by the Committee to the Party concerned for appropriate investigation. After said investigation, the Party concerned shall make a report to the Committee which shall, after deliberation and determination which may include the conduct of its own investigation, as defined in Section 3.1 of these guidelines, and by consensus make and submit recommendations to the two Parties through their respective Panels.

## **VI. ACTIVATION OF THE COMMITTEE**

- 6.1 The Committee is deemed constituted, activated and operational upon the formal acknowledgment by the Parties of each other's nominees for membership in the Committee.
- 6.2 Upon its activation, the Committee shall hold its organizational meeting preferably within a period not exceeding ninety (90) days, organize the Joint Secretariat, and agree on its Work Program for a period to be determined by the Committee.

## **VII. COMMITTEE EXISTENCE**

The Committee shall continue to exist until dissolved by either Party by sending to the other Party a written notice of dissolution which shall take effect thirty (30) days from receipt thereof. The dissolution of the Committee, however, shall not mean the abandonment of rights and duties by any Party under the CAR/HR-IHL and under the principles and standards of human rights and international humanitarian law.

## **VIII. AMENDMENTS TO THE GUIDELINES**

The Parties may agree from time to time, to issue additional guidelines or make amendments thereto. These or subsequent guidelines shall not alter, modify, or amend the provisions of the CAR-HR/IHL.

Signed in Oslo, Norway on 14 February 2004.

**SILVESTRE H. BELLO III**  
GRP Panel Chairperson

**LUIS G. JALANDONI**  
NDFP Panel Chairperson

**WITNESSED BY:**

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**Third Party Facilitator**