

THE SECOND OSLO JOINT STATEMENT

3 April 2004

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) engaged in formal peace talks from 30 March to 2 April 2004 in Oslo, Norway upon the hosting and facilitation of the Royal Norwegian Government.

On behalf of State Secretary of Norway Vidar Helgesen, Assistant Director General of the Section for Peace and Reconciliation of the Norwegian Ministry of Foreign Affairs Mr. Tore Hattrem welcomed the two Panels. The GRP Panel Chairperson Silvestre H. Bello III and the NDFP Panel Chairperson Luis G. Jalandoni delivered their respective opening statements.

The discussions were frank and fruitful. The two Panels agreed on the following:

1. On Effective Measures Undertaken to Resolve the Issue of "Terrorist" Listing

In accordance with the 14 February 2004 Oslo Joint Statement, the Parties reaffirmed their commitment to the mutually acceptable principle of national sovereignty as set forth in the Hague Joint Declaration.

They also discussed the actions they have separately taken thus far regarding the issue of "terrorist" listing.

As further steps on this outstanding issue, the Parties have agreed to undertake an information campaign the content of which shall focus on the fundamental principles enshrined in subsisting agreements of the parties, such as:

- a. the mutually acceptable principle of national sovereignty as set forth in the Hague Joint Declaration;
- b. the safety and immunity guarantees to panelists, consultants, staffers and other duly authorized participants in the peace negotiations in accordance with the JASIG;
- c. the protection of their rights under the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL); and
- d. upholding of the political offense doctrine enunciated in the Amado V. Hernandez case pursuant to Article 6, Part III of the CARHRIHL.

They shall conduct this campaign to promote the peace negotiations. They have also agreed to, jointly or separately, communicate with all concerned states and other entities the significant progress of the peace talks.

Pursuant to the Oslo Joint Statement, the Third Party Facilitator will use its good offices to assist the Parties in communicating the above, as appropriate, to the international community.

The parties welcome the support of the international community for the ongoing GRP-NDFP peace negotiations and call on them to refrain from any action that may impede or impair the peace process.

2. On the Joint Monitoring Committee (JMC)

The JMC which is the principal mechanism to monitor the implementation of the CARHRIHL held its organizational meeting on 1 April 2004.

In this first formal meeting, the members of the JMC discussed the documents pertaining to the JMC in order to arrive at a common understanding of the nature, mandate, organizational structure and rules of procedure of the JMC.

The members were formally introduced to one another, namely, on the GRP side: Prof. Carlos P. Medina, Jr. – Co-Chairperson, Atty. Edgardo B. Gayos, and Atty. Robert L. Larga; and on the NDFP side: Fidel V. Agcaoili – Co-Chairperson, Coni K. Ledesma and Danilo F. Borjal. Sitting as NDFP- nominated independent observers were Supreme Bishop Tomas A. Millamena and Marie Hilao-Enriquez. The two GRP-nominated observers namely Mercedes Contreras Danenberg and Mary Aileen Bacalso were not present.

For the purpose of rendering the JMC fully operational in accordance with Part V of the CARHRIHL and the Operational Guidelines for the JMC approved and issued as Annex B to the Oslo Joint Statement of 14 February 2004, the JMC agreed on the following:

- a. The Joint Secretariat tasked to provide technical and administrative support to the JMC shall be set up and put into operation within April 2004. It shall be composed of 10 members with an equal number being nominated by each Party. It shall hold office in a place chosen by the JMC taking into consideration security and accessibility.
- b. A draft of the rules of procedure to guide the JMC in the performance of its duties subject to approval by the Panels.
- c. The JMC shall hold its next two meetings in April 2004 and in June 2004 in venues mutually agreed upon by both sides.
- d. The JMC set up a system to ensure the efficient flow of communication between the two sides in between meetings of the JMC.

3. On the Work of the Reciprocal Working Committees on Social and Economic Reforms (RWCs-SER)

Hereunder are the agreements of the RWCs-SER:

- a. An initialed common draft of the “Guidelines for the Work of the RWCs-SER and their Sub-committees” submitted to the Panels for approval;
- b. The draft Preamble of the Comprehensive Agreement on Social and Economic Reforms (CASER) except for two (2) paragraphs elevated to the Panels for resolution;
- c. The draft Declaration of Principles of the CASER, except for three (3) paragraphs likewise elevated to the Panels for resolution;
- d. To fulfill, on a best effort basis, the agreement on accelerated work or an enhanced process reached in the 14 February 2004 Oslo Joint Statement;
- e. To hold a joint meeting of their Sub-committees on the topics of Economic Sovereignty and National Patrimony and National Industrialization and Economic Development in the second half of May 2004 in Manila; and
- f. To submit to their Panels for approval the proposal to hold an RWCs-SER meeting in the third week of June 2004 in Beijing, Hanoi or Hongkong to complete common tentative drafts on Bases, Scope and Applicability; Economic Sovereignty and National Patrimony; Agrarian Reform and Agricultural Development; and National Industrialization and Economic Development.

4. On the Release of Prisoners and Detainees

Pursuant to its commitment under item 8 of the Oslo Joint Statement of 14 February 2004 the GRP shall take steps to obtain the release of thirty two (32) prisoners and detainees named in the list submitted by the GRP (a copy of which is attached hereto as Annex “A”) within thirty (30) calendar days starting 5 April 2004, which includes nine individuals covered by the release order of GRP President Gloria Macapagal-Arroyo in 2001, seven women, 10 minors and six sick and/or elderly. Of the seven named women, the case of nursing mother Zenaida Llesis shall be given the highest priority and she shall be released forthwith.

The GRP shall also inquire with dispatch into the cases of the Mamburao 7 and Donato Continente and undertake the necessary steps to address their special circumstances for their release based on humanitarian and/or legal grounds.

In accordance with the Oslo Joint Statement and Article 6, Part III of CARHRIHL, the GRP shall review, regularly monitor and evaluate, the cases of about 300 prisoners or detainees documented by KARAPATAN and shall immediately release those found to have been arrested, detained, charged, tried, or convicted of common crimes contrary to the political offense doctrine in the Amado V. Hernandez case (99 Phil 515, 18 July 1956). The GRP shall undertake the necessary and appropriate measures to ensure that the Hernandez doctrine is respected and complied with.

5. On the Indemnification of Victims of Human Rights Violations of the Marcos Regime

The GRP reported that in consonance with its obligation under Article 5 of Part III of the CARHRIHL to indemnify victims of human rights violations of the Marcos regime, the GRP's Presidential Agrarian Reform Council adopted Executive Committee Resolution No. 2003-93-04 expressing GRP's policy to leave a sufficient amount of at least PhP 8 billion from the recovered Marcos ill-gotten wealth to compensate such victims.

In compliance with and suppletory to Item 6 of the Oslo Joint Statement of 14 February 2004, the GRP shall take appropriate steps to segregate the amount of USD 150 million (at least PhP 8 billion) from the assets covered by the Custodianship Agreement between the Republic of the Philippines and the Philippine National Bank executed on 30 January 2004. With the approval of its principal and subject to GRP law, the GRP shall work for the amendment of the said Custodianship Agreement for the purpose of depositing the segregated amount in a separate interest-bearing account. Towards this end, the NDFP-proposed amendment to the said Custodianship Agreement, attached hereto as Annex "B", is hereby endorsed to the appropriate GRP officials and agencies for their consideration.

Furthermore, the GRP shall exert its utmost initiative to obtain passage of an administration bill for the compensation of martial law victims of human rights violations satisfactory to the victims, 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.

6. On Other Issues and Concerns

A. Both Parties articulated the complaints received by either side regarding violations of human rights and international humanitarian law. In particular, concerns were raised about reported attacks on human rights workers, leaders and supporters of legal organizations including some progressive party-list groups, as well as reported attacks on communities, civilians and properties.

The Parties agreed that additional information about these complaints will be obtained and may be referred as appropriate to the Joint Monitoring Committee.

In light of the above complaints, the Parties took note of their obligations under CARHRIHL and reaffirmed that freedom of thought and expression, freedom of conscience, political and religious beliefs, freedom of movement and travel, as well as the rights to free speech, press and assembly shall be observed and protected.

B. With respect to the 12-year old Levi Mabanán, a special mission shall be sent to Catbalogan, Samar to ascertain the facts and circumstances surrounding his custody and respond to his needs in accordance with the principle of the best interests of the child including access by his next of kin.

7. On the Date, Venue and Agenda for the Next Round of Formal Talks

The Parties agreed to hold the next round of formal talks on 26 to 29 April 2004. The foreign neutral venue, agenda and other details of such formal talks shall be discussed and agreed upon by the Chairpersons of the Negotiating Panels in consultation with the Royal Norwegian Government.

Done in Oslo, Norway on 3 April 2004.

In behalf of the
GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

SILVESTRE H. BELLO III
GRP Panel Chairperson

In behalf of the
NATIONAL DEMOCRATIC
FRONT OF THE PHILIPPINES

LUIS G. JALANDONI
NDFP Panel Chairperson

Witnessed by:

TORE HATTREM
ROYAL NORWEGIAN GOVERNMENT
Third Party Facilitator

The GRP delegation was headed by Secretary Teresita Quintos-Deles, Presidential Adviser on the Peace Process. Included in the delegation are: Panel Chairman Silvestre H. Bello III, Panel Members Undersecretary Jose Luis Martin Gascon, Atty. Rene V. Sarmiento and Ms. Ana Theresia Hontiveros-Baraquel; Panel Adviser Edgardo Pamintuan and Panel Consultant Gov. Luis Chavit Singson; RWC-SER Members: Rebecca Tanada, Atty. Sedfrey M. Candelaria and Assistant Secretary Ma. Cleofe Gettie C. Sandoval; JMC Members Atty. Carlos P. Medina Jr., Atty. Robert L. Larga and Atty. Edgardo B. Gayos; Executive Director

and Panel Secretariat Head Ma. Carla Munsayac-Villarta; Secretariat Staff Coordinator for SER Oscar B. Bathan and Secretariat Staff Coordinator for JMC Fe A. Oaing.

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 *Ad Litem* Judge Romeo T. Capulong, Senior Legal Consultant of the NDFP Negotiating Panel, Jose Danilo Borjal and Rey Claro Casambre, Consultants of the Panel, Atty. Jayson Lamchek, Special Legal Consultant on the Issue of Terrorism, Ruth de Leon, Head of the Secretariat; 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 and Ms. Vivian de Lima, Economics Consultant, Lualhati Roque and Alvin Firmeza, staff and researchers; Atty. Edre U. Olalia, Legal Consultant for the JMC, Marie Hilao-Enriquez, Independent Observer in the JMC.

Iglesia Filipina Independiente Supreme Bishop Tomas A. Millamena attended as Third Party Depository and Independent Observer in the JMC.

ANNEX “A”

LIST OF PRISONERS AND DETAINEES:

A. With PGMA Approval For Release In 2001

1. Madera, Pedro Jr.
2. Velasco, Joven
3. Gaytano, Francisco
4. Solangon, Ricardo
5. Alcantara, Alison
6. Banga, Nito
7. Canedo, Rodolfo
8. Seriosa, Sofronio
9. Badion, Basilides

B. Women And Minors

10. Barcenal, Maribel
11. Plagtiosa, Irene
12. Montecalvo, Janeth
13. Lagado (Metran), Lucena
14. Catipay, Daisy
15. Llesis, Zenaida
16. Pegoria, Antonieta

C. Minors

17. Punzilan, Leon
18. Omar, Galo
19. Jammang, Palili
20. Taufic, Moner
21. Bimbas, Abubakar
22. Alay-Ay, Mark Anthony
23. Hubhilla, Alvin
24. Escobar, Michael
25. Tahil, Telesforo
26. Dinaguit, Jonnes

D. Sick And Elderly

27. Dolo, Leonardo
28. Violin, Antonio
29. Hj Amad Upao
30. Dit-ag, Bensoy
31. Yodico, Alfredo
32. Cherreguine, Antonio

Note: GRP will work for the release of the above Prisoners and Detainees within 30 days starting 5 April 2004.

ANNEX “B”

Text of Proposed Amendment to the Custodianship Agreement between the Republic of the Philippines and Philippine National Bank executed on January 30, 2004

WHEREAS, under the Oslo Joint Statement of February 14, 2004, the GRP undertakes to preserve at least PhP 8 billion (approximately USD 150 million) plus interest and earnings from the USD 684 million forfeited Marcos ill-gotten wealth to be deposited in the form of US dollars, and to retain in an interest-bearing escrow account with the PNB the said amount solely for the purpose of indemnifying victims of human rights violations during Martial Law following the precedent in the contingency legal expenses and lawyers fees incurred by PCGG,

WHEREAS, from this amount, 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,

The Custodianship Agreement between the Republic of the Philippines and the Philippine National Bank executed on January 30, 2004 is hereby amended as follows:

The amount of PhP 8 billion (approximately USD 150 million) in the form of US dollars is hereby segregated from the assets covered by the Custodianship Agreement between the Republic of the Philippines and the Philippine National Bank executed on January 30, 2004.

The said amount shall instead be deposited in a separate interest-bearing escrow account with the Philippine National Bank and retained solely for the purpose of indemnifying victims of human rights violations during Martial Law.

The segregation of the amount aforementioned is without prejudice to additional amounts being segregated from the assets covered by the said Custodianship Agreement to augment the aforementioned segregated amount for the same purpose.