

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:

