

OSLO JOINT STATEMENT
February 14, 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) 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 (CARHR/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
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 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.

The NDFP delegation included Luis G. Jalandoni as chairperson of the NDFP Negotiating Panel and Fidel V. Agcaoli, 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 Baylosis and Randall Echanis, members of the Reciprocal Working Committee on Social and Economic Reforms, Prof. Edberto Villegas and Ms. Vivian de Lima, Economics Consultants.

THE SECOND OSLO JOINT STATEMENT

April 3, 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 supplementary 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:
TORRE 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 Tañada, 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 Baylosis 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.