Country/entity	Philippines
Region	Asia and Pacific
Agreement name	The Second Oslo Joint Statement
Date	3 Apr 2004
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Philippine Insurgencies (1968 -)

The Maoist Insurgencies (1968 -)

Philippines-NDF

The Philippines have been defined by a series of center-periphery and often ideologically Maoist, separatist insurgencies. The Communist Party of the Philippines (CPP), began its war against the central Philippine government in 1968 through their armed wing – the New People's Army (NPA). Further legitimacy was gained through the establishment of the National Democratic Front (NDF) in 1973. Grievances were predominantly opposed to the corruption and repression under the authoritarian Marcos regime.

Philippines-Cordillera

With the overthrow of Marcos' regime in 1986, the CPP factionalized further to take on more localized characteristics. The Cordillera Peoples Liberation Army (CPLA) broke away from the NDF in 1986 to focus on the protection of the Cordilleran people and land in northern Luzon. Hostilities were formally ended in July 2011, with an agreement signed between the central government, the CPLA and the Cordillera Bodong Administration (CBA) that allowed for the absorption of CPLA fighters into the Philippine Army and the re-working of the CBA-CPLA into a socio-development organisation.

Philippines-RPM-P

Meanwhile, purge among the CPP in the early 1990s, encouraged the formation of a parallel party, the Revolutionary Workers Party (RPM-P). Their armed wing, the Alex Boncayao Brigade (ABB) which had carried out a number of assassinations during the 1980s at the bequest of the CPP, followed suit and allied themselves with the RPM-P in 1997 forming the (RPM-P-RPA-ABB). Severely weakened by the split with the CPP and with the arrest of several key figures, the RPM-P-RPA-ABB signed a peace agreement in December 2000, which encouraged the RPM-P's branch in Mindanao to break away in 2001.

The CPP-NPA has only participated in intermittent talks with the government. Talks halted in 2004 when Gloria Macapagal-Arroyo's administration sought closer ties with the U.S. in the war on terror and added the CPP-NPA to the list of terrorist organisations, renewing violence. Following the launch of a counter-insurgency by the Philippine government, negotiations have been further delayed due to suspected internal differences between the CPP 'old guard' and younger members.

The Moro Insurgency (1968 -)

Philippines-Mindanao

The Moro Insurgency began in 1968, in Mindanao and the Sulu archipelago after the killing of Moro Commandos, the so-called Jabidah Massacre, by the Philippine Army following a plot to invade Sabah province in Malaysia. The Moro National Liberation Front (MNLF) captured a swath of territory in the mid-1970s. In an attempt to stem the violence, the constitution was reformed and Autonomous Region in Muslim Mindanao (ARMM) was created 1990 granting a devolution of power to the provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. Following the establishment of the ARMM, the MNLF splintered into a range of smaller groups including Islamic factions such as the

Stage	Implementation/renegotiation
Conflict nature	Government
Peace process	Philippines-NDF process
Parties	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

Third parties

Witnessed by:

TORE HATTREM, ROYAL NORWEIGAN GOVERNMENT, Third Party Facilitator

All delegates and third party also listed in the Agreement (See notes)

THIS SHOULD BE IN NOTES--> (over the limit for allowed characters)
(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 Depositary and Independent Observer in the JMC.)

Description

Joint statement acknowledging meetings of implementation committees established in February's Joint Statement, the JMC and the RWCs-SER. The Panels agreed on: effective measures taken by each party to resolve the issues of 'terrorist' listing, the release of prisoners and detainees, the indemnification of victims of human rights violations of the Marcos regime and both parties agreed that additional information about human rights and international humanitarian law complaints shall be referred to the JMC and a special mission shall be sent to investigate the circumstances of the custody of 12-year old Levi Mabanan. Annex A lists prisoners and detainees to be released. Annex B text of proposed amendment to custodianship agreement between the Philippine and the National Bank.

Agreement document

PH_040403_Second Oslo Joint Statement.pdf (opens in new tab) | Download PDF

Groups

Children/youth	Groups→Children/youth→Substantive Page 7, ANNEX A, List of Prisoners and Detainees B. Women and Minors [7 names, numbers 10-16] C. Minors [10 names, numbers 17-26] Groups→Children/youth→Other Page 5, Article 6. On Other Issues and Concerns B. With respect to the 12-year old Levi Mabanan, 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.
Disabled persons	Groups→Disabled persons→Substantive Page 7, ANNEX A, List of Prisoners and Detainees D. Sick and Elderly [6 names, numbers 27-32]
Elderly/age	Groups→Elderly/age→Substantive Page 7, ANNEX A, List of Prisoners and Detainees D. Sick and Elderly [6 names, numbers 27-32]
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	Page 3, Article 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. Page 7, ANNEX A, List of Prisoners and Detainees B. Women and Minors [7 names, numbers 10-16]
Men and boys	Gender→Men and boys→Other Page 5, Article 6. On Other Issues and Concerns B. With respect to the 12-year old Levi Mabanan, 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.
LGBTI	No specific mention.
Family	Page 5, Article 6. On Other Issues and Concerns B. With respect to the 12-year old Levi Mabanan, 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.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.

Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)	No specific mention.
Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	Page 4, Article 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.
Traditional/ religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.

Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	Page 5, Article 6.A. [...] 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.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	Page 5, Article 6.A. [...] 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.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	Page 2, Article 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. [...] 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.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	Page 4, Article 5. On the indemnification of victims of human rights violations of the Marcos Regime [...] 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.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development Page 3, Article 3. On the work of the Reciprocal Working Committees on Social and Economic Reforms: 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 fulfil, 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.
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	Page 1, 1. On Effective Measures Undertaken to Resolve the Issue of "terrorist" Listing They also discussed the actions they have separately taken thus far regarding the issue of "terrorist" listing.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.

Prisoner release

Page 3, Article 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.

Page 5, Article 4. On the release of prisoners and detainees
[...]
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.

Vetting

No specific mention.

Victims

Page 4, Article 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.

Page 4, Article 5. On the indemnification of victims of human rights violations of the Marcos Regime
[...]
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.

Missing persons

No specific mention.

Reparations	Transitional justice→Reparations→Material reparations Page 4, Article 5. On the indemnification of victims of human rights violations of the Marcos Regime [...] 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. Page 4, Article 5. On the indemnification of victims of human rights violations of the Marcos Regime [...] 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. Page 4, Article 5. On the indemnification of victims of human rights violations of the Marcos Regime [...] 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
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	Witnessed by: TORE HATTREM, ROYAL NORWEIGAN GOVERNMENT, Third Party Facilitator
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	No specific mention.