

Country/entity Philippines

Region Asia and Pacific

Agreement name Oslo Joint Statement

Date 14 Feb 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	Pre-negotiation/process
Conflict nature	Government
Peace process	Philippines-NDF process
Parties	<p>In behalf of the GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES: SILVESTRE H. BELLO III, GRP Panel Chairperson</p> <p>In behalf of the NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES: LUIS G. JALANDONI, NDFP Panel Chairperson</p>
Third parties	<p>Witnessed by:</p> <p>TORE HATTREM ROYAL NORWEGIAN GOVERNMENT Third Party Facilitator</p>
Description	<p>The Parties renewed their commitment to address the roots of the armed conflict by adopting the Agreed framework for negotiations, which includes identifying victims, social and economic reforms, confidence-building measures and exchange of information. Annex A sets out the role of the Third Party Facilitator, the Norwegian Government, which include: facilitate the holding of the talks of the two Parties, attend formal talks as Third Party Facilitator and to provide advice, opinions and suggestions and receive updates on the progress of the talks from the parties as may be deemed necessary. Article 4 & 5 was deferred pending clarification on specific details on the roles to be played by them. ; Annex B Operational Guidelines for Joint Monitoring Committee, provides form guidelines on 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). The next round of formal talks is scheduled to be held in Norway in March 2004.</p>

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Groups

Children/youth	Groups→Children/youth→Substantive Page 4, Article 8. Confidence-Building Measure Release of Prisoners and Detainees [...] 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;
Disabled persons	Groups→Disabled persons→Substantive Page 4, Article 8. Confidence-Building Measure Release of Prisoners and Detainees [...] 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;
Elderly/age	Groups→Elderly/age→Substantive Page 4, Article 8. Confidence-Building Measure Release of Prisoners and Detainees [...] 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;
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 4, Article 8. Confidence-Building Measure Release of Prisoners and Detainees [...] 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; [...]
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

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) Governance→Political institutions (new or reformed)→General references
Page 2, Article 4. NDFP Proposal for Accelerated Work/GRP Proposal of an Enhanced Process
[...]
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 constitutional reforms shall be initiated and completed according to the target dates.

Page 3, Article 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.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 4, Article 6. Indemnification of the Victims of Human Rights Violations Under the Marcos Regime
[...]
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.

Annex B.

Page 1, 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.

Traditional/religious leaders No specific mention.

Public administration

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making
Page 2, Article 4. NDFP Proposal for Accelerated Work/GRP Proposal of an Enhanced Process
[...]

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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 2, Article 5. Formation of the Joint Monitoring Committee (JMC)

...

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.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights 4. the two panels shall reconvene the Reciprocal Working Committees on Social and Economic Reforms immediately and continue the work of their respective subcommittees towards completing the draft on all aspects of the Comp Agmt on Social and Economic Reforms based on target dates of completion. 7. Committee affirmed the common positions of the respective subcommittees and agreed to accelerate joint work.

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 No specific mention.

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 3, Article 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.

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 2, Article 4. NDFP Proposal for Accelerated Work/GRP Proposal of an Enhanced Process

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... 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.

National economic plan Page 2, Article 4. NDFP Proposal for Accelerated Work/GRP Proposal of an Enhanced Process

...

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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 1-2, Article 3. Effective Measures Regarding the "Terrorist" Listing, 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.

Transitional justice

Transitional justice general Page 1-2, Article 3. Effective Measures Regarding the "Terrorist" Listing

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Amnesty/pardon Transitional justice→Amnesty/pardon→Relief of other sanctions
Page 1-2, Article 3. Effective Measures Regarding the "Terrorist" Listing

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Courts No specific mention.

Mechanism No specific mention.

Prisoner release Page 4, Article 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).

Vetting No specific mention.

Victims Page 3, Article 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.

Missing persons No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 3, Article 6. Indemnification of the Victims of Human Rights Violations Under the Marcos Regime
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Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory Witnessed by:

TORE HATTREM
ROYAL NORWEGIAN GOVERNMENT
Third Party Facilitator

Referendum for agreement

No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

5. parties designate members to participate in Joint Monitoring Committee as an interim body to monitor implementation of earlier agmts, and parties approved its operational guidelines (Annex B). 9. the parties frankly exchanged info 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. parties agree date, venue and agenda for next round of formal talks.

Annex B.

Page 2-3, Article 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.