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**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 -))

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 Baylous 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 Maban. 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.

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 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.
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 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.

LGBTI No specific mention.

Family Page 5, Article 6. On Other Issues and Concerns
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.

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

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.

Related cases Page 5, Article 6. On Other Issues and Concerns
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.

Source The GRP-NDFP Peace Negotiations: Major Written Agreements & Outstanding Issues, pp. 67-72.

UN Peacemaker <http://peacemaker.un.org/philippines-second-oslo-statement2004>
