

DRAFT

**JOINT STATEMENT TO RESUME THE FORMAL TALKS
IN THE GRP-NDFP PEACE NEGOTIATIONS**

The Negotiating Panels of the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) hereby agree to resume formal talks in their peace negotiations.

1. We are guided by The Hague Joint Declaration which requires that the peace negotiations address the roots of the armed conflict with social, economic, political and constitutional reforms and that no precondition whatsoever shall be imposed by one side on the other that would violate the inherent character and purpose of peace negotiations. We are determined to negotiate and forge comprehensive agreements on social, economic, political and constitutional reforms, especially in the light of the current global economic and financial crisis which is causing further suffering on the Filipino people.
2. We reaffirm The Hague Joint Declaration, the Joint Agreement on Safety and Immunity Guarantees (JASIG), the Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committee (RWC Agreement) and subsequent agreements as the foundation and framework of the GRP-NDFP peace negotiations, up to the Oslo Statements I and II of 2004 and in consonance with the Utrecht Joint Statement of 9 March 2001 and the Oslo Communique of April 2001.
3. We agree to resolve all the cases involving the NDFP panelists, consultants, staffers and other duly-authorized participants of said negotiations and undertake effective measures in accordance with The Hague Joint Declaration, the JASIG, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the Amado V. Hernandez doctrine on political offense. They involve victims of extrajudicial killing, forced disappearance, torture, false charges, “terrorist” listing by foreign governments and other human rights violations.
4. We agree to resolve the outstanding issue of the “terrorist” listing of the CPP/NPA and NDFP chief political consultant in accordance with the mutually acceptable principles of national sovereignty of the Filipino people and territorial integrity of the Philippines and the Oslo Statements I and II and to issue forthwith a joint statement. In accordance with the same principles, we shall in the course of peace negotiations issue joint statements on the questions of economic sovereignty and national patrimony as well as questions of prohibiting foreign military intervention, foreign military forces and weapons of mass destruction in the Philippines.
5. The Reciprocal Working Committee on Social and Economic Reforms (RWCs-SER) shall resume their work. Their work shall be facilitated and accelerated by the subcommittees that can continue their work in between the meetings of the RWCs-SER. The work and travels of the members, consultants and staffers of the RWC-SER of the NDFP shall be assisted by the third party facilitator, other governments and agencies of the UN.

6. The joint meetings of the Joint Monitoring Committee (JMC) created under CARHRIHL shall be resumed. In accordance with its Operational Guidelines, the JMC shall pay attention to the processing and investigation of complaints against human rights violations and shall work out joint activities of the GRP and NDFP sections. The JMC shall encourage victims of human rights violations, their survivors and defenders to present their complaints.

7. In accordance with CARHRIHL, the indemnification of the victims of human rights violations under the Marcos regime shall be expedited. Those victims who won the human rights litigation against the Marcos estate shall be immediately, directly and fully compensated.

8. We comply with The Hague Joint Declaration and the RWC Agreement with regard to the sequence of negotiations and comprehensive agreements. At the same time, we agree to accelerate the peace negotiations. For the purpose, each negotiating panel shall form in advance working groups on political and constitutional reforms and the end of hostilities and disposition of forces to prepare working drafts for the prospective RWCs.

9. As a matter of justice, goodwill and confidence building, the GRP shall undertake the following measures before the end of the year 2008:

9.1 Release immediately all those detainees whose release were ordered by the GRP principal since 2001;

9.2 Carry out the investigation of the killing and disappearance of all personnel covered by the JASIG, surface the person or the remains of the disappeared and render justice to the victims.

9.3 Order the release of all holders of the document of identification and others covered by the JASIG who have been arrested and detained.

9.4 Order the withdrawal of charges against the NDFP panelists, consultants and staffers (especially those against the NDFP negotiating panel chairperson, panelists Julieta de Lima, Fidel V. Agcaoili, the NDFP chief political consultant and consultants Vicente Ladlad, Rafael Baylosis and Randall Echanis) in accordance with the Supreme Court decision on June 1, 2007 nullifying the charge of rebellion and its specifications against Sison et al.;

9.5 Order the withdrawal of charges filed by the prosecutors upon instruction of the Inter-Agency Legal Action Group (IALAG) against persons involved in the GRP-NDFP peace negotiations and other people despite the admonition of the Supreme Court against the prostitution of the profession of prosecution to persecute political opponents.

9.6 Carry out the recommendations of the UN Special Rapporteur on extra-judicial, summary or arbitrary executions to abolish the IALAG and prosecute and prevent the human rights violations arising from Oplan Bantay Laya.

10. Oppressive laws like the Anti-Terrorism Law, otherwise called the Human Security Act, and the imposition of oppressive penalties such as *reclusion perpetua* for political offenses contravene the Hernandez doctrine and the CARHRIHL and are prejudicial to the peace negotiations and the building of a just and lasting peace.

11. The formal talks shall resume on January 15, 2009 in Oslo, Norway.

12. There shall be a ceasefire between the armed forces of the GRP and NDFP from December 23, 2008 to January 3, 2009 and every time that there shall be formal talks between the GRP and NDFP negotiating panels.

Done on 30 November 2008

Nieves Confesor

Chairperson

GRP Negotiating Panel

Luis Jalandoni

Chairperson

NDFP Negotiating Panel

Witness:

Ambassador Vegar Brynildsen

Royal Norwegian Government

Third Party Facilitator