



Briefing Paper 3

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Chronology of Peace Processes and Peace Agreements

The Philippines and the National Democratic Front

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The briefing paper is part of a series produced for UN Women in connection to the Global Study and High Level Review connected to the 15 year UN Secretary General Review of UN Security Council Resolution 1325. The papers have been produced to inform backgrounds to understanding the (relatively successful) role of women in peace processes in Colombia and the Philippines. The reports show a chronology of conflicts and peace processes, and list the agreements, with any direct references to women quoted. They are cited in the Global Study.



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Background

The Communist Party of the Philippines (CPP) and its New People's Army (NPA) launched their armed struggle against the Philippine government in 1968, committed to overthrowing the authoritarian government. In 1973, the CPP-NPA established its third arm, the National Democratic Front (NDF), the legal/political wing of the organizations. The NDF rose to prominence in 1980s through organising in cities and forming alliances with elites and other groups that opposed the Marcos regime. The NDF, along with its 12-point program state a goal of building a united front and waging a "national democratic revolution" and "people's war" against the Philippine government and against U.S. influence.

Talks between the Philippine government and the NDFP (the armed wing of the NDP), which negotiates on behalf of the CPP-NPA, have been 'intermittent and inconclusive' since they began under the Corazon Aquino government in 1986. In 2004, talks between the government and the insurgents came to a halt when Gloria Macapagal Arroyo's administration, who had previously supported by the NDF (in order to remove President Estrada) pursued closer ties with the U.S. (after 11 September attacks) and responded to the government's request to add a list of armed groups, including the CPP and NPA, to terrorist lists. This ignited disputes and fighting again, and later the Philippine military launched the counter-insurgency plan, 'Oplan Batanay Laya', to reduce the number and influence of the insurgency groups. Moreover, the history of internal debate and division on tactics, between the 'old' leadership based in Utrecht and the Philippine-based CPPNPA leaders, have been blamed delaying negotiations and for spoiling the resumption of peace talks in August 2009.

Over twenty agreements and almost 3 decades later, substantive issues remain to be addressed and the Joint Monitoring Committee (JMC), the effective mechanism for investigating violations of the Comprehensive Agreement to Respect Human Rights and International Humanitarian Law (CARHRIHL) – one of the most significant agreements signed - has not yet met. Today, the CPP-NPA are advancing a so-called 'strategic-stalemate', a five-year plan to push other political advancements.

The CPP-NPA-NDF conflict in the Philippines has often taken a back seat to efforts made to ending the conflict with the Moro Islamic Liberation Front (MILF), and attention by the international community to the conflict with the communist insurgency in the Philippines, now in its fifth decade, has long ceased. Yet the conflict continues to claim life, effect communities and obstruct development in large parts of the country. The greatest victim of the conflict is the civilian population, it has been estimated that the conflict has caused 40,000 deaths. The communist insurgency has been most active and strongest in Central and Northern Luzon, Calabarzon. These areas are home to the indigenous communities and their coveted ancestral resource-rich ancestral land. The tribes, or lumadas, living in these areas are among the most affected by the conflict.

Exploratory Period (1988 – 1992)

This period began with a number of goodwill measures taken by the NDFP. In October 1990, the GRP and NDFP makes separate but similar statements announcing promising prospects for new round of peace negotiations; and Jalandoni declares that peace negotiations can commence without preconditions. In 1991 NDFP declares a unilateral ceasefire to encourage the GRP Senate to reject a new treaty extending the presence of US military bases in the country. Subsequently the GRP Senate rejects the new treaty, but four days later, NDFP end the unilateral ceasefire after President Aquino

withdrew the notice of termination already served on the US to lose the military bases, and failure to reciprocate NDFP's ceasefire declaration.

Preliminary Talks (August 1992 – June 1995)

- 01/09/1992 The Hague Joint Declaration
- 14/06/1994 Joint Statement of the Government of the Republic of the Philippines (GRP) and the Panel for Peace Talks with the CPP/NPA/NDF and the National Democratic Front (NDF) Delegation (Breukelen Joint Statement)
- 24/02/1995 Joint Agreement on Safety and Immunity Guarantees
- 26/02/1995 Joint Agreement on the Ground Rules of the Formal Meetings between the GRP and NDFP Panels

Formal Peace Negotiations (June 1995 – June 1998)

- 18/03/1997 Supplemental Agreement to the Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committees
- 16/03/1998 Joint Agreement in Support of Socio-economic Projects of Private Development Organizations and Institutes

References to women:

Page 1, Article 1. Respect, Encouragement and Support

1.3. *To undertake programs and projects for the promotion and protection of human rights in general and particularly the rights of workers, peasants, women, youth, children and indigenous peoples as well as the protection of the environment;*

- 16/03/1998 Additional Implementing Rules of the Joint Agreement on Safety and Immunity Guarantees (JASIG) Pertaining to the Security of Personnel and Consultations in Furtherance of the Peace Negotiations
- 16/03/1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines

References to women:

Page 4, PART II: BASES, SCOPE AND APPLICABILITY

Article 5

This Agreement shall be applicable in all cases involving violations of human rights and the principles of international humanitarian law committed against persons, families and groups affiliated with either Party and all civilians and persons not directly taking part in the hostilities, including persons deprived of their liberty for reasons related to the armed conflict, without distinction of any kind based on sex, race, language, religion or conviction, political or other opinion, national, ethnic or social origin, age, economic position, property, marital status, birth or any other similar condition or status.

Article 2

2.7. *The right not to be subjected to physical or mental torture, solitary confinement, rape and sexual abuse, and other inhuman, cruel or degrading treatment, detention and punishment.*

2.10. *The right to equal protection of the law and against any form of discrimination on the basis of race, ethnicity, gender, belief, age, physical condition or civil status and against any incitement to such discrimination.*

2.17. *The right to universal suffrage irrespective of sex, race, occupation, social origin, property, status, education, ideological and political conviction, and religious belief.*

2.19. *The right to gainful employment, humane working and living conditions, livelihood and job prospects, to work and equal pay, to form unions, to strike and participate in the policy and decision-making processes affecting their rights and interests, and the right not to be denied these rights due to nationality, creed, minority status, gender or sexual preference, or civil status.*

2.23. *The equal right of women in all fields of endeavor and in all spheres of political, economic, cultural, social and domestic life and to their emancipation.*

2.24. *The right of children and the disabled to protection, care and a home, especially against physical and mental abuse, prostitution, drugs, forced labor, homelessness, and other similar forms of oppression and exploitation.*

Article 3

3.10. *The Parties shall promote the basic collective and individual rights of workers, peasants, fisherfolk, urban poor, migrant workers, ethnic minorities, women, youth, children and the rest of the people and shall take concrete steps to stop and prevent the violation of human rights, ensure that those found guilty of such violations are punished, and provide for the indemnification, rehabilitation, and restitution of the victims.*

3.11. *The GRP shall respect the basic rights guaranteed by the International Labor Convention on Freedom of Association and Protection of the Right to Organize and the standards set by the International Labor Organization (ILO) pertaining to job tenure, wage and living conditions, trade union rights and medical and social insurance of all workers, right of women workers to maternity benefits and against discrimination vis-a-vis male workers, right against child labor, and the rights of migrant workers abroad in accordance with the International Covenant on the Rights of Migrant Workers and Members of their Families.*

Page 10, PART IV: RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

Article 4.

4.1. *Persons hors de combat and those who do not take a direct part in hostilities are entitled to respect for their lives, dignity, human rights, political convictions and their moral and physical integrity and shall be protected in all circumstances and treated humanely without any adverse discrimination founded on race, color, faith, sex, birth, social standing or any other similar criteria.*

4.10. *Parties shall provide special attention to women and children to ensure their physical and moral integrity. Children shall not be allowed to take part in hostilities.*

Page 5, Part III, Respect for Human Rights,

...

2.19. *The right to gainful employment, humane working and living conditions, livelihood and job security, to work and equal pay, to form unions, to strike and participate in the policy and decision-making processes affecting their rights and interests, and the right not to be denied these rights due to nationality, creed, minority status, gender or sexual preference, or civil status.*

Suspension of Formal Talks and Termination of Peace Negotiations (1998 – 2001)

January 1999, the European Parliament passed a resolution, congratulating the GRP and the NDFP for their success in producing the CARHRIHL. In February, the NPA capture AFP/PNP officers in Mindanao and Bicol, subsequently the President Estrada declares unilateral suspension of the peace talks. In April, the NDFP issues the release order of the four officers for humanitarian considerations and act of good will. 27 May 1999, the Philippine Senate ratifies the Visiting Forces Agreement (VFA), granting US military forces unlimited access to all ports and airports, two days later the NDFP announced the Recognition of De-facto Termination of peace negotiations by the GRP. Soon after, the GRP formally acknowledges its termination of peace talks. During President Estrada campaign, Vice President Gloria Macapagal-Arroyo declared that if she assumes the presidency, she would “reverse the all-out-war policy of the Estrada government and resume peace negotiations with the National Democratic Front of the Philippines (NDFP) and the Moro Islamic Liberation Front (MILF)”. Shortly after assuming office, President Macapagal-Arroyo reconstitutes the GRP negotiating panels for talks with the NDFP and MILF.

Resumption and Virtual Termination of Peace Negotiations (June 2001 – 2006)

09/03/2001	Joint Statement by the Negotiating Panels of the Government of the Republic of the Philippines (GRP) and the Negotiating Panel of the National Democratic Front of the Philippines (NDPF)
30/04/2001	Oslo Joint Communique
13/01/2004	Joint Statement to Resume Formal Talks in the GRP-NDPF Peace Negotiations
14/02/2004	Oslo Joint Statement

References to women:

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; [...]

14/02/2004	Annex A. The Role of the Third Party Negotiator (Oslo Joint Statement)
14/02/2004	Annex B. Operational Guidelines for the Joint Monitoring Committee (Oslo Joint Statement)
03/04/2004	The Second Oslo Joint Statement

References to Women

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.

ANNEX A, List of Prisoners and Detainees

B. Women and Minors [7 names, numbers 10-16]

15/04/2004 Statement by the Joint Monitoring Committee

24/06/2004 Partial Supplementary Guidelines for the Joint Monitoring Committee

25/06/2004 Memorandum of Understanding between the Government of the Republic of the Philippines (GRP), the National Democratic Front of the Philippines (NDPF) and the Third Party Facilitator, the Royal Norwegian Government

Sources

The GRP-NDFP Peace Negotiations: Major Written Agreements & Outstanding Issues (NDFP Monitoring Committee, 2006)

Chronology of the GRP-NDF Peace Negotiations was produced by The Philippine Peace Center

International Crisis Group 'The Communist Insurgency in the Philippines: Tactics and Talks Executive Summary' <http://www.crisisgroup.org/~media/Files/asia/south-eastasia/philippines/202%20The%20Communist%20Insurgency%20in%20the%20Philippines%20Tactics%20and%20Talks.pdf>

Centre for Humanitarian Dialogue, 'Philippines NDF'
<http://www.hdcentre.org/en/our-work/peacemaking/philippines-ndf/>

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