

## **HOW THE GPH DELEGATION SCUTTLED THE FEBRUARY 25-26, 2013 AMSTERDAM MEETING**

### **Report of the NDFP Delegation to the NDFP National Council**

March 4, 2013

#### **Introduction**

Since 2005, the National Democratic Front of the Philippines (NDFP) has proposed to the Government of the Philippines (GRP or GPH) truce and alliance based on a general declaration of common intent in response to recurrent demands of the latter for an indefinite and prolonged ceasefire without any clear basis and with the obvious objective of obtaining the pacification and capitulation of the revolutionary forces of the Filipino people represented by the NDFP.

Since early 2011, the NDFP has reiterated to the GPH the offer of truce and alliance and has proposed that this can be worked out on a special track distinct from the regular track of the already agreed substantive agenda of the GPH and NDFP Negotiating Panels, which are required to discuss the end of hostilities and redistribution of forces only after the approval of the comprehensive agreements on social and economic reforms and political and constitutional reforms.

The NDFP proposal for the special track was addressed directly to the GPH President Benigno S. Aquino III and it carried a brief outline of points for inclusion in a general declaration that stipulated truce and alliance. The GPH President responded through his political adviser Secretary Ronald Llamas that the proposed points were doable. However, instead of considering truce and alliance, what the GPH President sent to the NDFP was a short message harping on the line that ceasefire is good for the people but said nothing about the substantive points for agreement.

Despite intermittent meetings between NDFP Chief Political Consultant Prof. Jose Maria Sison and Secretary Llamas for two years, the GPH side has never presented any written point by point response to the 2011 draft of the basic points of the NDFP and to the NDFP elaboration of these points that the GPH through Secretary Llamas requested. The Office of the Presidential Adviser on the Peace Process (OPPAP) under Secretary Teresita Q. Deles has been reported only to have formulated adverse reactions to the points presented by the NDFP.

In November 2012 in Amsterdam, Secretary Llamas proposed to NDFP Chief Political Consultant Prof. Sison, in the presence of Royal Norwegian Government (RNG) Special Envoy Ture Lundh, that a meeting of the GPH President and Prof. Sison as founding chairman of the Communist Party of the Philippines (CPP) be held in Hanoi City in early 2013, like the Aquino-Murad meeting in Tokyo the previous year, in order to stimulate the forging of a general or common declaration for effecting truce and cooperation.

Secretary Llamas described the proposed Aquino-Sison meeting as the “first historic moment.” He also promised that NDFP consultant Alan Jazmines and other JASIG-protected prisoners would be released from prison before the said moment and that Jazmines would be present at the GPH-NDFP meeting in Hanoi City. The RNG facilitator would be the host.

The NDFP Chief Political Consultant made clear to both Secretary Llamas and Ambassador Lundh that the most that could be done before the proposed “first historic moment” was to craft the basic points of the general declaration for inclusion in the press communiqué to be issued in Hanoi. Thenceforth, the general declaration would be negotiated for several months because of the diametrically opposite positions of the GPH and NDFP. While the NDFP seeks truce and alliance, the GPH wants ceasefire within GPH constitutional and legal processes.

In the presence of RNG special envoy Ture Lundh, Secretary Llamas and the NDFP Chief Political Consultant Prof. Jose Maria Sison agreed that special teams of the GPH and NDFP would meet on December 17 and 18, 2012 at the RNG embassy in The Hague to prepare for the “first historic moment”. Contrary to expectations, the GPH President did not authorize a GPH special team for the special track but sent only a delegation of special representatives with a limited mandate under vetting by the OPAPP. Part I below is a report of what transpired.

### **Part I. The GPH-NDFP Meeting in The Hague on December 17-18, 2012**

As the Press Communiqué dated December 18, 2012 and authenticated by the Special Envoy Ture Lundh of the Royal Norwegian Government states, the Special Representatives of the Government of the Philippines (GPH) and National Democratic Front of the Philippines (NDFP) met in The Hague on December 17 and 18, 2012. They agreed to meet again in early 2013 in order to discuss the following subjects:

1. Common declaration of national unity and just peace
2. Further upholding national independence, democracy and human rights
3. Committee for National Unity, Peace and Development
4. Agrarian reform, rural development and national industrialization
5. Truce

The priorly agreed purpose of discussing the above subjects is to craft a mutually acceptable paragraph under each subject for incorporation in a joint press communiqué to be issued on the occasion of what Secretary Ronald Llamas, political adviser to the GPH President, proposed and described to the NDFP Delegation as the “first historic meeting” between the GPH President and the Founding Chairman of the Communist Party of the Philippines (CPP) in Hanoi in the early part of 2013.

Secretary Llamas likened said meeting to the Aquino-Murad meeting in Tokyo in August 2011.

**Press Communiqué  
December 18, 2012**

The Special Representatives of the Government of the Philippines (GPH) and the National Democratic Front of the Philippines (NDFP) in pursuance of the special track of the GPH and NDFP peace negotiations met in The Hague on December 17-18, 2012.

The Royal Norwegian Government hosted and facilitated the meeting.

The GPH Special Representatives were Secretary Ronald Llamas, Presidential Adviser for Political Affairs, GPH Negotiating Panel Chairperson Alexander Padilla, Efren Moncupa, GPH Panel Member, Undersecretary Chito Gascon (OPAPA) and Director Maria Carla Munsayac-Villarta, GPH Panel Secretariat Head.

The NDFP Special Representatives were Prof. Jose Maria Sison, Founding Chairman of the CPP, NDFP Negotiating Panel Chairperson Luis Jalandoni, Fidel Agcaoili and Coni Ledesma, NDFP Panel Members. They were assisted by Vicente Ladlad, Political Consultant, Edre U. Olalia, Legal Consultant, Ruth de Leon, NDFP Panel Secretariat Head, and Rosario Agcaoili, staff.

The Royal Norwegian Government as facilitator was represented by His Excellency Ambassador Ture Lundh who was accompanied by Senior Adviser Sverre Johan Kvale and Adviser Linn Kaja Rogstad.

1. The GPH and NDFP Special Representatives agreed to carry on the discussions pertaining to the following subjects:

1.1 Common declaration of national unity and just peace

1.2 Further upholding national independence, democracy and human rights

1.3 Committee for National Unity, Peace and Development

1.4 Agrarian reform, rural development and national industrialization

1.5 Truce

2. As earlier agreed upon, they confirmed the nationwide ceasefire from December 20, 2012 to January 15, 2013.

3. They agreed to meet again early next year.

Authenticated by:

(Sgd.) Ambassador Ture Lundh  
Special Envoy of the Royal Norwegian Government  
to the GPH-NDFP Peace Negotiations

During the December 18, 2012 meeting at the RNG embassy in The Hague, Secretary Ronald Llamas as head of the GPH delegation submitted to the NDFP delegation the draft below, "Common Declaration for National Unity and a Just Peace", dated December 17, 2012. The NDFP delegation received and subsequently critiqued it point-by-point, as well indicated below in bold capital letters.

GPH DRAFT  
Dated December 17, 2012

**Common Declaration for National Unity  
and a Just Peace**

We, in keeping with the aspirations of the Filipino People for an enduring peace, and social equity, justice, and sustainable development in our country, declare and commit to the following:

1. Immediately constitute and put into operation a Committee on National Unity, Peace and Development, to discuss, formulate and submit recommendations, in consultation with other stakeholders, on the needed socio-economic and political reforms that will further promote:

**CRITIQUE: HOW THE COMMITTEE IS CONSTITUTED IS NOT CLEAR**

- (i) democracy and independence;
- (ii) agrarian reform, rural development and industrialization; and
- (iii) opportunities that would eradicate poverty among our people;

1. Effect an immediate ceasefire upon the signing of this Declaration, and work out a redistribution of forces; and
2. Henceforth, to resolve our differences through peaceful means on any and all issues that stand in the way of national peace and unity.

**CRITIQUE: “IMMEDIATE CEASEFIRE” AND “HENCEFORTH PEACEFUL MEANS” “TO RESOLVE ANY AND ALL ISSUES” ARE CALCULATED TO INVALIDATE THE REVOLUTIONARY ARMED STRUGGLE AND YET THE SOCIAL, ECONOMIC AND POLITICAL REFORMS TO ADDRESS THE ROOTS OF THE ARMED CONFLICT ARE NOT YET ESTABLISHED.**

We also agree to put in place necessary mechanisms to ensure the effective implementation of the foregoing commitments.

In signing this Declaration, we also commit ourselves to cooperate with each other in jointly and peacefully addressing, together with the entire Filipino people, the roots of the conflict towards achieving an enduring peace and development for our people and our nation.

**CRITIQUE: TRUCE SHOULD BE USED AS AN INCENTIVE TO FORGE MUTUAL AGREEMENTS ON REFORMS TO LAY THE BASIS FOR A JUST AND LASTING PEACE.**

Aside from promptly making a critique, the NDFP gave the GPH its own counterdraft: an Initial Draft of the General Declaration for National Unity and Just Peace. As the title states, this is not a full and final NDFP draft of the Declaration. It merely highlights the basic points that should guide the drafting of the declaration.

As of 18 Dec 11:51 am  
**INITIAL NDFP DRAFT**

## **GENERAL DECLARATION FOR NATIONAL UNITY AND A JUST PEACE**

We, the Government of the Philippines (GPH) and National Democratic Front of the Philippines (NDFP), in keeping with the aspirations of the Filipino people for an enduring peace, on the basis of national independence, democracy, respect for human rights, economic development and social justice, declare and commit to the following:

1. Immediately constitute and put into operation the Committee of National Unity, Peace and Development to start the creation of new political instruments to realize and promote the cooperation of the Government of the Philippines and the National Democratic Front of the Philippines in connection with the truce between their armed forces.

The Principals of the GPH and NDFP shall form the Committee and shall designate an equal number of representatives and independent cooperators for the purpose of realizing the broadest possible cooperation. The Committee shall be a consultative body for formulating policy guidelines. It shall seek to generate a popular movement in support of the policy guidelines it formulates. It shall provide the guidelines for accelerating the negotiation of social and economic reforms, political and constitutional reforms and end of hostilities and redistribution of forces.

2. Upholding national independence, democracy and human rights

The Filipino people and their organized forces shall assert national independence and do away with unequal treaties, agreements and arrangements that impede or run counter thereto. Democracy shall be strengthened by adopting ways and means of empowering especially the toiling masses of workers and peasants. Full justice shall be rendered and indemnification shall be provided to

victims of human rights violations since the time of the Marcos dictatorship in accordance with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law.

The GPH and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on political and constitutional reforms on the basis of proposed agreements prepared by the reciprocal working committees concerned.

### 3. Agrarian reform and national industrialization

The main thrust of Philippine economic policy shall be to transform the agrarian economy to an industrial one. Genuine and thoroughgoing land reform shall be carried out in conjunction with national industrialization. Major industrial programs and projects must be immediately determined and blueprinted in order to industrialize the Philippines comprehensively. The rich natural resources of the Philippines, the expertise and labor of the Filipinos and expanded market due to such land reform shall be mustered for economic development.

The major industrial projects should include metallurgy, capital goods, precision instruments, energy, petrochemicals and other chemicals, electrical and electronics, construction materials, ship construction, wood processing, modern fisheries and food processing.

Large, middle and small enterprises shall be generated by each major industrial project. The ownership structure of large enterprises shall be as follows: 20 percent Philippine state, 40 percent domestic private investors and 40 percent foreign investors. Further, medium and small enterprises and retail businesses are proposed to be available entirely to domestic private investors.

Community-based projects to raise production in agriculture and other sideline occupations (fisheries, husbandry, tree farming, handicrafts, etc.) shall complement the said land reform program and improve the people's livelihood even as the industrial projects are still starting and unfolding.

The GRP and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on social and economic reforms on the basis of proposed agreements prepared by the reciprocal working committees concerned.

#### 4. Truce and redistribution of forces

Upon the signing and approval of this Declaration by the respective Principals of the GPH and NDFP, the truce shall immediately take effect between the armed forces of the GPH (AFP, PNP and paramilitary forces) and the NDFP (NPA, people's militia and the self-defense units of the revolutionary mass organizations).

The armed forces of the GPH and NDFP shall cease to fire at each other or make any other hostile act. The armed personnel of the regular armed services of the GPH shall withdraw to their barracks and their paramilitary forces shall be disbanded immediately. The GPH shall reduce the AFP level of force and military expenditures and re-channel resources to development and social services.

The NPA personnel shall among other peaceful tasks serve as protectors of the environment and industrial projects and shall look forward to their employment in industry and agriculture. The truce shall develop into a permanent peace with the provision of land and jobs in the industrial, service and agriculture sectors to the members of the NPA and people's militia.

The GRP and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on ending hostilities and redistribution of forces on the basis of proposed agreements prepared by the reciprocal working committees concerned.

During the The Hague meeting of December 17 and 18, 2012, the GPH representatives declared that the GPH President was unwilling to constitute the GPH Special Team for the special track and that they were not authorized to sign anything. Thus, the RNG Special Envoy offered and, with the consent of the GPH and NDFP, authenticated the Press Communiqué dated December 18, 2012.



Secretary Llamas became reticent about the release of political prisoners and about his previous promise to let NDFP consultant Jazmines to attend the projected Hanoi meeting.

In the entire course of the meeting, the NDFP representatives demanded the release of political prisoners, detained NDFP consultants and JASIG-protected persons as well as the investigation of the disappearances and killings of NDFP consultants in compliance with JASIG, CARHRIHL, and the February 2011 Oslo agreements. The GPH representatives simply stonewalled by saying that they had no mandate to discuss such matters. They did so despite the full knowledge that non-compliance with these aforesaid agreements effectively blocks the resumption of formal talks and prejudices the special track.

Thus after the meeting, the NDFP issued the following statement:

#### PRESS RELEASE

NDFP International Information Office  
19 December 2012

#### **Special Representatives on Peace Talks Meet, NDFP Warns Against Non-compliance with Agreements**

Luis G. Jalandoni, Chairperson of the Negotiating Panel of the National Democratic Front of the Philippines (NDFP), expressed appreciation for the first meeting of the Special Representatives of the Government of the Philippines (GPH) and the NDFP in The Hague on 17 and 18 December 2012. The Royal Norwegian Government hosted and facilitated the meeting.

The GPH and NDFP Special Representatives agreed to carry on the discussions on common declaration of national unity and just peace; further upholding national independence, democracy and human rights; committee of national unity, peace and development; agrarian reform, rural development and national industrialization; and truce.

They agreed to recommend to their respective principals the holding of a nationwide ceasefire from midnight of 20 December 2012 to midnight of 15 January 2013. The ceasefire additionally gives due

consideration to the relief and rehabilitation of the victims and communities devastated by super typhoon Pablo.

During the meeting, the Special Representatives of the NDFP declared that political prisoners and detainees must be released in order to improve the climate for the work of the GPH and NDFP Negotiating Panels and to help facilitate the progress of the peace negotiations.

Jalandoni warned that the failure to investigate the disappearance and killings of the NDFP consultants and the release of consultants and other political prisoners in accordance with the Joint Agreement on Safety and Immunity Guarantees (JASIG) and the Comprehensive Agreement for Respect for Human Rights and International Humanitarian Law (CARHRIHL) can adversely affect both the regular track and the special track of the peace negotiations.

The GPH and NDFP Special Representatives agreed to meet again sometime early next year.

The GPH Special Representatives were Secretary Ronald Llamas, Presidential Adviser for Political Affairs; GPH Negotiating Panel Chairperson Alexander Padilla; Efren Moncupa, GPH Panel Member; Undersecretary Chito Gascon (OPAPA); and Director Maria Carla Munsayac-Villarta, GPH Panel Secretariat Head.

The NDFP Special Representatives were Prof. Jose Maria Sison, Founding Chairman of the Communist Party of the Philippines; NDFP Negotiating Panel Chairperson Luis G. Jalandoni; Fidel Agcaoili and Coni Ledesma, NDFP Panel Members. They were assisted by Vicente Ladlad, Political Consultant; Edre U. Olalia, Legal Consultant; Ruth de Leon, NDFP Panel Secretariat Head; and Rosario Agcaoili, staff.

The Royal Norwegian Government as facilitator was represented by Ambassador Ture Lundh who was accompanied by Sverre Johan Kvale and Linn Kaja Rogstad.

## **Part II. The GPH-NDFP Meeting in Amsterdam on February 25-26, 2013**

In accordance with the previous GPH-NDFP agreement to meet in early 2013, as reflected by the December 18, 2012 which he had authenticated, the RNG Special Envoy Ambassador Ture Lundh arranged the meeting of the GPH and NDFP Delegations on February 25 and 26, 2013 at the Amsterdam Sheraton Hotel.

To prepare for the projected first historic moment between the GPH President and CPP Founding Chairperson, the NDFP Delegation had crafted the Draft Communiqué for the Hanoi Meeting dated February 23, 2013. It gave said draft to the GPH Delegation on February 24, 2013. But at the very first session of the Amsterdam meeting on February 25, the GPH Delegation refused to discuss this draft, declaring that they did not have the mandate to do so. The Draft Communiqué is as follows:

### **NDFP Draft 23 February 2013**

#### **HANOI COMMUNIQUÉ OF THE DELEGATIONS OF THE GOVERNMENT OF THE PHILIPPINES AND THE NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES**

The Delegations of the Government of the Philippines (GPH) and the National Democratic Front of the Philippines (NDFP), including their respective Special Teams and Negotiating Panels, have met from xxx to xxx in Hanoi, Socialist Republic of Vietnam, upon the facilitation of the Royal Norwegian Government, in order to lay the ground for forging a General Declaration for National Unity and Just Peace and help accelerate the GPH-NDFP peace negotiations in accordance with The Hague Joint Declaration.

Both Parties are inspired by the first historic meeting between President Benigno S. Aquino III of the GPH and Prof. Jose Maria Sison, founding chairman of the Communist Party of the Philippines. They welcome the signing of the Anti-Enforced or Involuntary Disappearance Act and the Human Rights Victims Reparation and Recognition Act of 2013 as well as the release of detainees or prisoners in line with the Joint Agreement on Safety and Immunity Guarantees (JASIG) and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

All the aforementioned are signal events that improve greatly the atmosphere for peace negotiations and enhance

the determination of both Parties to establish a just and lasting peace by addressing the roots of the armed conflict through social, economic and political reforms.

Both Parties have agreed on the following five guideposts:

1. Forge a General Declaration for National Unity and Just Peace. It shall reflect the aspirations of the Filipino people for an enduring peace through the full realization of national independence, democracy, respect for human rights, economic development and social justice.

2. Uphold national independence, democracy and human rights. Policies and measures shall be adopted for upholding national independence; and all unequal treaties, agreements and arrangements with other countries shall be reviewed, renegotiated or rescinded. Democracy shall be strengthened by adopting ways and means of empowering the toiling masses of workers and peasants.

Human rights shall be respected and all violations thereof shall be stopped. Both Parties shall further implement the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law. Further releases shall be made in accordance with the JASIG and the CARHRIHL.

3. Establish a Committee of National Unity, Peace and Development. This Committee shall be a consultative body for formulating policy guidelines. It shall seek to generate a popular movement in support of the policy guidelines it formulates. The Principals of the GPH and NDFP shall form said Committee by designating an equal number of representatives and nominating an even number of independent cooperators for the purpose of realizing the broadest possible cooperation between the GPH and NDFP.

4. Carry out land reform, rural development and national industrialization. The main thrust of Philippine economic policy shall be to transform the agrarian economy to an industrial one. Genuine and thoroughgoing land reform must be carried out in conjunction with national industrialization. Major industrial programs and projects shall be determined and implemented in order to industrialize the Philippines comprehensively. The rich natural resources of the Philippines, the expertise and labor of the Filipinos and the expanded market due to land reform shall be mustered for economic development.

5. Effect truce and redistribution of forces. The Declaration for National Unity and Just Peace shall carry a provision on truce between the armed forces of the GPH (Armed Forces of the Philippines [AFP], Philippines National Police [PNP] and all its paramilitary forces) on one side and the NDFP (New People's Army [NPA], people's militia and the self-defense units of the revolutionary mass organizations) on the other side. The truce shall take effect as soon as the aforesaid Declaration is signed and approved by the Principals of the GPH and NDFP.

Both Parties have agreed that their respective Special Teams shall work together in order to flesh out the foregoing guideposts and finalize the General Declaration for National Unity and Just Peace. Henceforth, the Special Teams shall meet every other month and exert the best efforts to complete their work within the next six months. The Special Teams shall separately consult and collaborate with their respective Negotiating Panels to ensure that the work of the Special Teams and the Panels are complementary and facilitate each other.

Signed by:

The Heads of Special Teams  
The Chairpersons of the Negotiating Panels  
Special Envoy of the Royal Norwegian Government

The GPH Delegation submitted to the NDFP Delegation a Draft Declaration of National Unity and a Just Peace dated February 20 but said that it was withdrawing this draft. At first, Secretary Llamas said that the GRP Delegation was ready to discuss and make a general declaration concerning truce, and to regard the NDFP Initial Draft General Declaration dated December 18 as the basis for discussion. He went so far as to reiterate that his delegation was withdrawing the GPH draft Declaration dated February 20. But the GPH Delegation went ahead in putting into the record of the meeting the contents and elaboration of this draft under the pretext of giving informative inputs.

It became clear that the stratagem of the GPH Delegation was to misrepresent the NDFP Initial Draft Declaration as the full and final draft of the NDFP and then to erode it and replace it with the GPH draft which rejects and seeks to put aside the NDFP proposal for nationwide truce and cooperation and which puts in the first place an agreement on simultaneous unilateral and indefinite ceasefires in disparate areas only to reduce the level of violence under the auspices and control of the reactionary state and armed forces.

The GPH draft is presented in full below. In bold are point-by-point annotations of the NDFP.

GPH Draft Declaration  
(as of 20 Feb 2013)

**DECLARATION OF NATIONAL UNITY AND A JUST PEACE**

The Government of the Philippines (GPH),  
represented herein by the Chairperson and  
Members of its Negotiating Panel;

and

The Communist Party of the Philippines  
(CPP), New People's Army (NPA) and National  
Democratic Front of the Philippines (NDFP),  
represented herein by the CPP Founding Chairman  
and Chief Political Consultant, and the Chairperson  
and Members of its Negotiating Panel;

***NDFP Critique:* The description of the representatives of the GPH and NDFP is muddled but definitely retracts the negotiations away from the special track and seemingly towards the regular track.**

Hereby declare and commit to the following:

1. Immediately put into effect simultaneous unilateral and indefinite ceasefires in order to reduce the level of violence on the ground, and provide a more conducive environment for the implementation of the provisions and intent of this Declaration. In line with this, we agree to work for the progression of these unilateral ceasefires into a permanent one.

***NDFP Critique:* The re-sequencing of the items in the NDFP Draft of 18 December 2012 alters the framework altogether of the special track and confirms again the fixation of the GPH to have permanent and unprincipled ceasefire.**

**The GPH scheme of simultaneous, unilateral and indefinite ceasefires to reduce the level of violence gives leeway to GPH armed personnel to continue the**

**violence and deviates from NDFP proposal of truce which requires both contending sides to cease fire against each other immediately and totally upon the signing of the general declaration on the assumption that the premises as bases *sine qua non* therefor are satisfied.**

In implementing the ceasefire and its progression, we shall be mindful of the dignity, rehabilitation, development and well-being of those involved in the conflict and their families, to enable them to lead normal, peaceful and productive lives.

***NDFP Critique:* “We” in the paragraph is unclear. It can be interpreted as the GPH being the sole authority in control of the ceasefires.**

2. Immediately constitute and put into operation a consultative and recommendatory body hereinafter referred to as the Committee for National Unity, Peace and Development. It shall adopt its own organizational structure, mechanics and Work Program. The latter shall include socio-economic and political reforms, the progression of the above ceasefires and the drafting of the Final Peace Agreement.

To this end, each Party shall immediately designate an equal number of representatives and independent cooperators to the Committee.

***NDFP Critique:* The reference to the Final Peace Agreement appears to liquidate the regular track of the peace negotiations.**

3. To further uphold national sovereignty, the Committee shall identify and review such international arrangements that may be prejudicial thereto. Towards the strengthening of democracy, it shall promote the empowerment of the poor, disadvantaged and marginalized members of Filipino society, especially workers in the country and abroad, farmers, fisherfolk, and indigenous peoples. Human rights shall be further promoted to include the indemnification of victims of human rights violations of the Marcos dictatorship.

***NDFP Critique:* The victims of human rights violations from the time of Marcos to the present should be indemnified.**

4. The Committee shall likewise promote national development that is anchored on sound agrarian reform, rural development and industrialization. Towards this, it may identify policies and programs that can develop the country's large, medium and small enterprises, support an accelerated industrialization, increase production in agriculture, and improve people's livelihood.

***NDFP Critique:* Land reform requires providing land to the landless tillers. There should be national industrialization in order to counter foreign monopoly control which has prevented industrialization. The GPH delegation claimed that such democratic and patriotic demands as "genuine land reform" and "national industrialization" are "ideologically charged words". Consequently, they reject the use of these terms.**

**The absence or avoidance of the word truce reveals that the GPH Draft Declaration has a framework diametrically opposed to the NDFP proposed framework of national unity and just peace to be worked out in an environment of truce. What the GPH draft declaration does is to draw and reconstruct certain words, phrases and sentences from the initial NDFP draft of December 18, 2012 and to impose such reconstructions on the NDFP.**

On the second day of the Amsterdam meeting on February 26, the NDFP decided to inform the GPH delegation that it can have its wish to retract from the special track and go back to the regular track of the GPH and NDFP Negotiating Panels. The NDFP became totally disgusted with the outright rebuff and rejection of the NDFP Draft of the Press Communiqué and with the irrational proposal that the General Declaration on National Unity and Just Peace could be formulated in one or two meetings.

It became clear that the GPH or Llamas proposal to have an Aquino-Sison meeting in Hanoi, with Alan Jazmines attending, was not a serious offer but a mere ploy or bait to entice the NDFP to agree to the aforesaid GPH draft General Declaration in just one or two meetings. The NDFP Delegation had to point out that it took 6 months to forge the Ceasefire Agreement of 1986. It will certainly take more than 6 months to agree on a mutually acceptable truce agreement in view of the



diametrically opposite positions of the GPH and the NDFP, as manifested by the GPH draft of February 20, 2013.

The meeting adjourned in the morning of February 26 after the head of the GPH Delegation declared it could not proceed with the meeting. The RNG Special Envoy Ture Lundh engaged immediately in side bar consultations with Secretary Llamas and the NDFP Chief Political Consultant with the obvious purpose of reconvening the meeting of the GPH and NDFP Delegations.

The NDFP Chief Political Consultant said that it was likely that the NDFP delegation would agree to a reconvening of the meeting, if it could present its Draft Agreement to Formulate a General Declaration on National Unity and Just Peace and its Initial and Partial Draft General Declaration on National Unity and Just Peace. He went back to the NDFP delegation and the latter agreed to reconvene.

But when the NDFP Chief Political Consultant went to the scheduled second side bar consultations of the day, Secretary Llamas said that he would like to go home and consult first his principal. Likewise RNG Special Envoy, Ambassador Lundh said that he wanted to consult his principal. There was no choice for the NDFP Chief Political Consultant but to respect their wish.

In the presence of Ambassador Lundh, Secretary Llamas received the NDFP Draft Agreement to Formulate a General Declaration on National Unity and Just Peace and the NDFP Initial and Partial Draft General Declaration on National Unity and Just Peace. These drafts demonstrate that it is impossible to forge the said general declaration in one or two meetings because of the difficult issues involved.

By having these drafts in advance, the GRP should be able to see whether it is reasonably possible to work out a general declaration for the purpose of effecting truce and cooperation. The two drafts are as follows:

26 February 2013 12:35 pm

**NDFP DRAFT**

**AGREEMENT TO FORMULATE THE GENERAL DECLARATION  
FOR NATIONAL UNITY AND JUST PEACE**

We, the Delegations of the Government of the Philippines (GPH) and National Democratic Front of the Philippines (NDFP), in keeping with the aspirations of the Filipino people for an enduring peace, on the basis of national independence, democracy, respect for human rights, economic development and social justice, agree to formulate the General Declaration for National Unity and Just Peace.

The Delegations shall work together in order to flesh out guideposts herein below enumerated and finalize the Declaration. Henceforth, the Delegations shall meet every other month and exert the best efforts to complete their work within the next six months.

The Declaration shall reaffirm the Hague Joint Declaration and other bilateral binding agreements between the GRP/GPH-NDFP. It is intended to improve the climate for the peace negotiations between the Parties and promote its advance.

The Declaration shall have the following guideposts, of which the faithful compliance by the GPH and NDFP to promote, fulfill and satisfy the intentions, objectives and commitments therein shall be a requirement for the continued effectivity of the Declaration:

1. Immediately constitute and put into operation the Committee of National Unity, Peace and Development to start the creation of new political instruments to realize and promote the cooperation of the Government of the Philippines and the National Democratic Front of the Philippines.

The Principals of the GPH and NDFP shall form the Committee and shall designate an equal number of representatives and independent cooperators for the purpose of realizing the broadest possible cooperation. The Committee shall be a consultative body for formulating policy guidelines. It shall seek to generate a popular movement in support of the policy guidelines it formulates. It shall provide the guidelines for accelerating the negotiation of social and economic reforms, political and constitutional reforms and end of hostilities and redistribution of forces.

2. Upholding national independence, democracy and human rights

The Filipino people and their organized forces shall assert national independence and do away with unequal treaties, agreements and arrangements that impede or run counter thereto. Democracy shall

be strengthened by adopting ways and means of empowering especially the toiling masses of workers and peasants. Full justice shall be rendered and indemnification shall be provided to victims of human rights violations since the time of the Marcos dictatorship in accordance with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law.

The GPH and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on political and constitutional reforms on the basis of proposed agreements prepared by the reciprocal working committees concerned.

### 3. Agrarian reform and national industrialization

The main thrust of Philippine economic policy shall be to transform the agrarian economy to an industrial one. Genuine and thoroughgoing land reform shall be carried out in conjunction with national industrialization. Major industrial programs and projects must be immediately determined and blueprinted in order to industrialize the Philippines comprehensively. The rich natural resources of the Philippines, the expertise and labor of the Filipinos and expanded market due to such land reform shall be mustered for economic development.

The major industrial projects should include metallurgy, capital goods, precision instruments, energy, petrochemicals and other chemicals, electrical and electronics, construction materials, ship construction, wood processing, modern fisheries and food processing.

Large, middle and small enterprises shall be generated by each major industrial project. The ownership structure of large enterprises shall be as follows: 20 percent Philippine state, 40 percent domestic private investors and 40 percent foreign investors. Further, medium and small enterprises and retail businesses are proposed to be available entirely to domestic private investors.

Community-based projects to raise production in agriculture and other sideline occupations (fisheries,

husbandry, tree farming, handicrafts, etc.) shall complement the said land reform program and improve the people's livelihood even as the industrial projects are still starting and unfolding.

The GRP and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on social and economic reforms on the basis of proposed agreements prepared by the reciprocal working committees concerned.

#### 4. Truce and redistribution of forces

Upon the signing and approval of the full and final Declaration by the respective Principals of the GPH and NDFP, the truce shall immediately take effect between the armed forces of the GPH (AFP, PNP and paramilitary forces) and the NDFP (NPA, people's militia and the self-defense units of the revolutionary mass organizations), provided concrete agreements and requisites on guideposts Nos. 1, 2, 3 and 4 are incorporated in the said Declaration.

The armed forces of the GPH and NDFP shall cease to fire at each other or make any other hostile act. The armed personnel of the regular armed services of the GPH shall withdraw to their barracks and their paramilitary forces shall be disbanded immediately. The GPH shall reduce the AFP level of force and military expenditures and re-channel resources to development and social services.

The NPA personnel shall among other peaceful tasks serve as protectors of the environment and industrial projects and shall look forward to their employment in industry and agriculture. The truce shall develop into a permanent peace with the provision of land and jobs in the industrial, service and agriculture sectors to the members of the NPA and people's militia and with the prospective forging and mutual approval of the Comprehensive Agreement on Social and Economic Reforms.

The GRP and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on ending hostilities and redistribution of

forces on the basis of proposed agreements prepared by the reciprocal working committees concerned.

Amsterdam, 26 February 2013.

Signatories:

Heads of Delegations  
Chairpersons of Negotiating Panel

Witness:  
RNG Special Envoy

**INITIAL AND PARTIAL NDFP DRAFT**  
**Feb 26, 2013 as of 11:35 am**

## **GENERAL DECLARATION FOR NATIONAL UNITY AND JUST PEACE**

We, the Government of the Philippines (GPH) and the National Democratic Front of the Philippines (NDFP), hereinafter referred to as the Parties, in keeping with the aspirations of the Filipino people for an enduring peace and on the basis of national independence, democracy, respect for human rights, economic development and social justice, do solemnly enter into this Declaration.

This Declaration reaffirms the Hague Joint Declaration and other bilateral binding agreements between the GRP/GPH-NDFP. It is intended to improve the climate for the peace negotiations between the Parties and promote its advance.

The Parties hereby commit to the following:

### **1. Committee of National Unity, Peace and Development**

Immediately operationalize the Committee of National Unity, Peace and Development to start the creation of new political instruments to realize and promote the cooperation of the Parties consequent to the truce between their armed forces.

The respective Principals of the GPH and the NDFP, through their respective Negotiating Panels, shall constitute the Committee and shall, prior to the signing of this Declaration, submit the names and designate an equal number of representatives and nominate an even number of independent cooperators for the purpose of realizing the broadest possible cooperation between the GPH and the NDFP.

The Committee shall be a consultative, consensual and recommendatory body to the Parties for formulating policy guidelines to promote national unity, genuine peace and development. It shall seek to generate a popular movement in support of such policy guidelines. It shall provide the guidelines for accelerating the negotiation of social and economic reforms, political and constitutional reforms and end of hostilities and redistribution of forces.

The formulation of the guidelines by the Committee for realizing the intentions, objectives and commitments in Nos. 2 & 3 below and the fulfillment by the Parties to carry their tasks to promote and faithfully comply with the same shall be requirements for the existence of the Committee and the continued effectivity of this Declaration.

## **2. Upholding national independence, democracy and human rights**

The Filipino people and their organized forces shall assert national independence and adopt policies and measures for upholding national sovereignty and independence. They shall demand from the GPH to do away with unequal treaties, agreements and arrangements that impede or run counter thereto and review, renegotiate or rescind them, as the case may be, including the RP-US Mutual Defense Treaty, the RP-US Military Assistance Pact, the Visiting Forces Agreement, the Mutual Logistics Support Agreement, the Japan-Philippines Economic Partnership Agreement, among others. The GPH shall withdraw from any multilateral agreement or treaty that is disadvantageous to the people.

Within one (1) year from the signing and approval of this Declaration, the GPH shall rectify and make amends for entering into such treaties, agreements and arrangements as well as for making laws and issuances that contravene national sovereignty and human rights.

The GPH shall also submit an instrument to be appended hereto asking the concerned governments to remove the Communist Party of the Philippines, New People's Army and the NDFP Chief Political Consultant from their so-called terrorist lists.

Democracy shall be strengthened by adopting ways and means of empowering especially the toiling masses of workers and peasants. The Committee of National Unity, Peace and Development, its staff and support personnel, shall include representatives of workers, peasants, youth, women, professionals and other major sectors.

Full justice shall be rendered and indemnification shall be provided to all victims of human rights violations since the time of the Marcos dictatorship and onwards in accordance with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

Human rights – civil, political, economic, social and cultural – shall be respected and the impunity with which violations thereof have been perpetrated shall be stopped.

The Parties shall further implement the CARHRIHL, including the immediate reconvening and operationalization of the Joint Monitoring Committee.

Prisoners and detainees shall be released in accordance with the Joint Agreement on Safety and Immunity Guarantees (JASIG) and the CARHRIHL.

The Hernandez political offense doctrine which prohibits complexing rebellion with common crimes

or supplanting a possible charge of rebellion with common crimes must be upheld and complied with and rebellion must be considered a non-capital offense and its penalties lowered. False charges of common crimes for alleged acts in pursuit of one's political beliefs shall be immediately invalidated and those falsely accused shall be entitled to automatic release.

Mutual amnesty shall be granted to the prisoners of both Parties upon the signing and approval of this Declaration.

The GPH shall withdraw and cease from implementing the Oplan Bayanihan and other similar so-called counterinsurgency programs. It shall stop any and all wasteful devices to deceive the people like the PAMANA, the Conditional Cash Transfer program and other counterinsurgency "development" and "rehabilitation" programs and channel the resources therefrom to socio-economic development for the benefit of the people.

The GPH and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on political and constitutional reforms on the basis of proposed agreements prepared by the reciprocal working committees concerned.

### **3. Agrarian reform and national industrialization**

The main thrust of Philippine economic policy shall be to transform the agrarian economy to an industrial one. Genuine and thoroughgoing land reform shall be carried out in conjunction with national industrialization.

The benefits of land reform shall be provided to at least five (5) million of landless tillers by distributing land at free or affordable cost within one (1) year from the signing and approval of this Declaration.

Major industrial programs and projects must be immediately determined and at least fifty (50) key industrial projects must be listed and blueprinted within one (1) year from the signing and approval of this Declaration in order to industrialize the



Philippines comprehensively. The rich natural resources of the Philippines, the expertise and labor of the Filipinos and expanded market due to such land reform shall be mustered for economic development.

The major industrial projects should include metallurgy, capital goods, precision instruments, energy, petrochemicals and other chemicals, electrical and electronics, construction materials, ship construction, wood processing, modern fisheries and food processing.

Large, middle and small enterprises shall be generated by each major industrial project. The ownership structure of large enterprises shall be as follows: 20 percent Philippine state, 40 percent domestic private investors and 40 percent foreign investors. Further, medium and small enterprises and retail businesses are proposed to be available entirely to domestic private investors.

Community-based projects to raise production in agriculture and other sideline occupations (fisheries, husbandry, tree farming, handicrafts, etc.) shall complement the said land reform program and improve the people's livelihood even as the industrial projects are still starting and unfolding.

The GPH and NDFP Negotiating Panels shall be responsible for forging the comprehensive agreement on social and economic reforms on the basis of proposed agreements prepared by the reciprocal working committees concerned.

#### **4. Truce and redistribution of forces**

Upon the signing and approval of this Declaration by the respective Principals of the GPH and NDFP, truce shall immediately take effect between the armed forces of the GPH (Armed Forces of the Philippines, Philippine National Police and paramilitary forces) and the NDFP (New People's Army, people's militia and the self-defense units of the revolutionary mass organizations), *provided that* the preparatory steps, processes and enabling acts necessary for the faithful compliance and

satisfaction of the intentions, objectives and commitments in Nos. 2 and 3 above are fulfilled and realized priorly; and *provided further* that the corresponding and necessary orders for the truce and redistribution of their respective armed forces by the Principals of the GPH and the NDFP to cease firing shall be issued and appended to this Declaration. The truce shall develop into a permanent peace.

In the same order to cease firing at each other or make any other hostile act, the GPH Principal shall order the armed personnel of the regular armed services of the GPH to withdraw to their barracks and to disband their paramilitary forces immediately. The GPH shall reduce the AFP level of force and military expenditures and re-channel resources to development and social services.

The NPA personnel shall among other peaceful tasks serve as protectors of the environment and industrial projects and shall look forward to their employment in industry and agriculture. Land and jobs in the industrial, service and agriculture sectors to the members of the NPA and people's militia shall be provided.

The NDFP may seek and receive on behalf of the NPA unconditional assistance from third parties and not the GPH for the benefit of the families, widows and orphans of the NPA, the people's militia and the people or communities in base areas for the duration of the truce and after permanent peace is agreed upon and established. The lack of adequate assistance for the aforesaid beneficiaries shall be a ground for terminating the truce.

Any proven violation by a Party of the truce shall terminate such truce and entitle the other Party to withdraw from this Declaration by serving written notice to the other, which withdrawal shall take effect thirty (30) days from receipt of said notice.

The GRP and NDFP Negotiating Panels shall be responsible for forging the Comprehensive Agreement on Ending hostilities and Disposition of Forces on the basis of proposed agreements

prepared by the reciprocal working committees concerned consequent to the mutual signing and approval of the Comprehensive Agreement on Political and Constitutional Reforms.

The faithful compliance by the Parties to carry out any of their tasks above for the promotion and faithful fulfillment and satisfaction of the intentions, objectives and commitments in this Declaration shall be a requirement for its continued effectivity.

(Date and Place)

Signed:

GPH	NDFP
Negotiating Panel Chair	Negotiating Panel Chair

Approved:

GPH Principal	NDFP Principal
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### **General Conclusions**

The GPH has long paralyzed the regular track in the peace negotiations by declaring The Hague Joint Declaration as a document of perpetual division and the Joint Agreement on Safety and Immunity Guarantees as inoperative and useless in protecting NDFP consultants, staff, security officers and others.

The GPH has deliberately refused to comply with its commitments in agreements forged with the NDFP, despite the full knowledge that compliance would immediately break the impasse and cause the resumption of the formal talks of the GPH and NDFP Negotiating Panels.

It has not released the NDFP consultants and other JASIG-protected persons from prison in compliance with the JASIG and has blocked the reconstitution of the list of JASIG-protected persons, which list had been adversely affected by Dutch police raids undertaken upon the instigation of the Arroyo regime. And yet the blame and burden is put on the NDFP.

Moreover, the GPH has rejected demands for an independent investigation of the killing and enforced disappearance of other NDFP Consultants and has continued to arrest and maltreat NDFP consultants and other JASIG-protected persons.

The GPH has refused to comply with CARHRIHL and with the Hernandez political offense doctrine. It has not released the political prisoners accused of complicity with NPA but charged with common crimes based on fabricated evidence. Instead, it has greatly increased their number.

By its actuations during the Amsterdam meeting on February 25 and 26, 2013, the GPH has exposed itself as not really interested in any truce and cooperation arising from a special track. The GPH President has earlier refused to form the GPH team for the special track and allowed OPAPP and Secretary Teresita Q. Deles to obstruct and practically kill the peace negotiations, whether it is the special track or the regular track.

Indeed, the GPH wants nothing but the pacification and capitulation of the revolutionary forces of the Filipino people through indefinite unilateral ceasefires without the basic reforms required by The Hague Joint Declaration and subsequent agreements.

It is not interested in addressing the roots of the armed conflict through negotiated social, economic and political reforms. It has used peace negotiations only as a means of psywar within the US-directed Oplan Bayanihan. It pays lip service to peace negotiations in order to reach a just peace but puts all the obstacles to prevent the progress of said negotiations.

The US-directed Aquino regime has systematically acted to poison and destroy the ground and atmosphere for peace negotiations in order to give way fully to Oplan Bayanihan. It aims in vain to crush the revolutionary movement mainly through brutal military campaigns. The revolutionary forces of the Filipino people are hereby forewarned.

The GPH has the burden of showing that it is sincerely interested in continuing the peace negotiations in accordance with The Hague Joint Declaration and subsequent agreements. The NDFP also challenges the GRP to respond to the NDFP Draft Agreement to Formulate the General Declaration and NDFP Initial and Partial Draft General Declaration on National Unity and Just Peace, both dated February 26, 2013 and show its willingness to work out a general declaration for the purpose of effecting truce and cooperation.###