

The Breukelen Joint Statement

June 14, 1994

The GRP Panel headed by Chairman Howard Q. Dee and the NDF Delegation headed by Vice Chairperson for International Affairs Luis Jalandoni held talks from 10 to 14 June 1994 in Breukelen, The Netherlands. These talks were held to advance the peace negotiations pursuant to the Joint Declaration of the GRP and the NDF signed on September 1, 1992 in The Hague, The Netherlands (henceforth, The Hague Declaration).

Other participants in the GRP delegation were Representative Jose V. Yap and Atty. Silvestre Bello III, Panel Members; Representative Jesus Dureza, Panel Adviser; State Counsel Teresita L. de Castro, GRP Legal Consultant; and Executive Director Maria Lorenza Dalupan of the GRP Panel Secretariat.

Other participants in the NDF Delegation were Asterio Palima, NDF Representative to the Nordic countries; Coni Ledesma, Executive Director, NDF International Office; and Ruth de Leon, Members of the Delegation. Others present during the talks were Prof. Jose Maria Sison and Fidel Agcaoili as NDF Consultants.

Atty. Romeo Capulong of the Philippine Peace Center also participated as Legal Consultant.

The GRP and the NDF reaffirmed their adherence to The Hague Declaration.

The discussions were frank and candid. These allowed for clarification of issues and perspectives on both sides. Areas of agreement and disagreement were also defined, which include among others the following:

I. CONFIDENCE BUILDING AND GOODWILL MEASURES

These are measures voluntarily undertaken by either side, not as preconditions to the holding or conduct of peace negotiations, but as means to improve the climate therefor.

1. The NDF asserts that the rights of political prisoners be respected. The NDF further asserts that political prisoners should not be treated, charged, prosecuted or convicted as common criminals. Finally, the NDF asserts that the GRP should stop its policy and practice of treating and prosecuting political prisoners as common criminals.

In response, the GRP Panel denies that there are political prisoners. Further, the GRP Panel reiterates GRP's policy that offenders who may have committed crimes in pursuit of political ends are to be charged with said "political" crimes as may be warranted by the evidence.

2. The GRP Panel shall transmit to its principal the NDF proposal for the expeditious release of offenders who are found to have committed crimes in pursuit of

political objectives, including those charged and/or convicted of common crimes committed in the pursuit of political objectives. The NDF shall furnish a nonbinding list of said prisoners/detainees, irrespective of their political affiliations.

3. The GRP Panel acknowledges receipt of the NDF letter dated 10 June 1994 containing the findings of the NDF on the 30 missing military and police personnel of the GRP and intends to respond to said letter appropriately.

4. The NDF favorably endorses the claims for indemnification of the victims of human rights violations during the Marcos dictatorship for at least 30 percent of the money to be recovered from the Swiss bank deposits of the Marcoses.

The GRP Panel shall report this to its principal.

5. The NDF asserts its integrity and shall consider it a violation of The Hague Declaration if the GRP Panel enters into talks with any person or entity pretending to represent the NDF or any of its organizations.

The GRP asserts its prerogative to adopt its own policy in this matter and in so doing, does not consider it a violation of The Hague Declaration.

II. ISSUES DISCUSSED

6. The NDF asserts its vigorous objection to the adoption of Proclamation Nos. 347, 348 as amended by Proclamation No. 377, on the ground that these proclamations violate the letter and spirit of The Hague Declaration, more particularly, paragraph 4 and paragraph 5b which mandate that the subject matter covered by the proclamations properly belongs to the substantive agenda of the bilateral negotiations. Furthermore, such amnesty program, adopted while peace negotiations are being conducted impinges upon the organizational integrity of the NDF.

The GRP Panel reasserts its firm position that the issuance of the aforesaid amnesty proclamations, without prejudice to any other amnesty that may result from peace negotiations, does not violate the letter and spirit of The Hague Declaration, including paragraph 4 and 5b thereof. The GRP takes the position that the said proclamations respond to expressed desires of former rebels for amnesty so that they may live normal lives in peace, and the need to strike an equitable balance through amnesty for agents of the state to promote a climate of national reconciliation.

7. The NDF asserts its objections to Executive Order No. 125 on the ground that it seeks to impose upon the peace negotiations the GRP Constitution as the framework for the peace talks and is in violation of The Hague Declaration.

The GRP reaffirms its position that its commitment to constitutional processes and the rule of law as enunciated in Executive Order No. 125 does not violate The Hague Declaration, nor does it mean that it will cite the Constitution as a basis for rejecting what otherwise would be just and valid proposals for reforms in society. If it is shown in fact that certain provisions of the GRP Constitution hinder the attainment of genuine reforms, the GRP Panel is willing to recommend to GRP authorities amendments thereto. In this context, it is clear that GRP's adherence to constitutional processes does not constitute the imposition of the GRP Constitution as framework for the peace talks.

8. Both sides recognize the need for further discussion on the provisions of The Hague Declaration that will lead to agreements in order to realize the objectives of The Hague Declaration.

III. AGREEMENT REGARDING THE NEXT ROUND OF TALKS

9. The GRP Panel and the NDF Delegation shall hold the next round of talks to discuss and agree upon the sequence and operationalization of reciprocal working committees leading towards the formal talks.

10. The GRP Panel and the NDF Delegation hereby agree to adopt safety and immunity guarantees for personnel who will participate in the peace negotiations as negotiators, staffers, consultants and security personnel, and the ground rules for future talks. Details shall be discussed and agreed upon by both parties in due time.

10.1 The next round of talks shall be held in the Benelux within the third quarter of 1994.

10.2 The agenda of the second round of exploratory talks shall include the following:

- a. Opening Statements
- b. Review of goodwill or confidence-building measures
- c. Review and discussion of issues
- d. Safety and immunity guarantees
- e. Ground rules for formal peace negotiations
- f. Agreement on specifics of the four major points of the substantive agenda
- g. Agenda of the first formal peace negotiations
 - 1) Exchange of credentials
 - 2) Sequence in the formation of the reciprocal working committees
 - 3) Formation of the GRP Panel and NDF Panel reciprocal working committees that shall be agreed upon
 - 4) Sequence of discussions of the items under each major heading.
- h. Date and venue of the opening of the formal peace negotiations.

Government of the Republic
of the Philippines

National Democratic Front
of the Philippines

Howard Q. Dee
Chairman, GRP Panel
For Peace Talks
with the CPP/NPA/NDF

Luis Jalandoni
NDFP Vice Chairperson for
International Affairs
& Head of NDF Delegation

Rep. Jose V. Yap
House of Representatives
Member, GRP Panel
Silvestre H. Bello III
Member, GRP Panel

Asterio Palima
Member, NDF Delegation

Coni Ledesma
Member, NDF Delegation

Rep. Jesus G. Dureza
House of Representatives
Adviser to the GRP Panel

Ruth de Leon
Member, NDF Delegation

Teresita L. de Castro
State Counsel
GRP Legal Consultant

Fidel Agcaoili
NDF Consultant

Maria Lorenza G. Dalupan
Executive Director
GRP Panel Secretariat

Atty. Romeo T. Capulong
Legal Consultant

Jose Maria Sison
NDF Consultant