

ANG

PAHAYAGAN NG PARTIDO KOMUNISTA NG PILIPINAS
PINAPATNUBAYAN NG
MARXISMO-LENINISMO-MAOISMO



Bayan

Special Issue

English Edition

December 10, 1998

Editorial

Hold the GRP Accountable for its Obligations in the Human Rights Agreement



THE PARTY AND NPA HAVE STOOD FOR THE NEED TO ADVANCE AND INTENSIFY THE ARMED REVOLUTION WHILE CONDUCTING PEACE NEGOTIATIONS. THE EVIDENT HYPOCRISY AND CONTEMPT OF THE LEADERS AND REPRESENTATIVES OF THE REACTIONARY PUPPET GOVERNMENT FOR THEIR OWN SIGNATURE AND THE OBLIGATIONS THEY HAD VOLUNTARILY ASSUMED IN THE COURSE OF THE PEACE TALKS PROVIDE ADDED BASES FOR PERSEVERING IN AND FURTHER INTENSIFYING THE ARMED REVOLUTION. THE REVOLUTIONARY FORCES ARE EVER READY TO RELY ON THEIR OWN STRUGGLE TO ACHIEVE A GENUINE, JUST AND LASTING PEACE.

As its contribution to the celebration of the 50th anniversary of the Universal Declaration of Human Rights, *Ang Bayan* is publishing this special issue on the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP).

This is a historic agreement since it significantly addresses the Filipino people's aspirations for respect for human rights and international humanitarian law. Through it, the GRP formally acknowledges the existence of widespread violations of human rights in the country. The Agreement also stipulates the need to take concrete steps to rectify this situation and give justice to victims of fascist suppression and violence.

The Agreement was approved on April 10, 1998 by Comrade Mariano Orosa, Chairman of the NDFP National Council, and by President Joseph Estrada of the GRP on August 7, 1998. But the US-Estrada regime has, in various ways, been blocking its implementation.

As allied organizations of the NDFP and in accordance with the provisions of the Agreement, the Party and the New

People’s Army stand for its immediate implementation, in its entirety and without reservation. Its implementation is the key to the continuation of the peace negotiations.

The GRP’s views and steps against the Agreement

Estrada did sign the CARHRIHL but issued a rider stating that it would be implemented “in accordance with the Constitutional and legal processes” of the GRP. When the GRP representatives arbitrarily insisted on extending the rider’s coverage to include even the forces of the NDFP, they effectively brought the Agreement’s actual implementation to a dead end.

Not long after, the GRP representatives argued that they have no obligations under the Agreement since their principal, Estrada, erred in signing and approving it. They would only implement the CARHRIHL and honor the signature of their own president if the NDFP submits itself to conditions tantamount to surrendering the independence and own political authority of the revolutionary movement. This violates the very spirit and principle of the peace talks that had earlier been mutually agreed upon.

Through such actuations, the GRP is exposing its insincerity regarding the peace talks and duplicity on the question of human rights. Estrada signed the Agreement not to seriously implement it, but to simply pass himself off as an advocate of human rights. It is also clear that the GRP has no intention of addressing the roots of the civil war in the Philippines. After more than five years of negotiations, it has yet to abandon its basic objective of simply effecting the surrender of the revolutionary forces through threats and deception.

By failing to honor the CARHRIHL, the GRP is hindering the progress of the peace negotiations towards the other items in the agenda pertaining to needed fundamental reforms and changes. It is not a remote possibility that the GRP is pushing for the collapse of the peace talks as it further intensifies its onslaught against the revolutionary movement and suppression of the people’s democratic rights.

The GRP’s ploy of disregarding the Agreement was instigated primarily by US imperialism and its most reliable instrument in the country—the high command of the AFP and PNP. Amid a worsening economic crisis and the vigorous expansion and strengthening of the revolutionary armed movement, they are pushing for the all-out intensification of

the counterrevolutionary war and the use of mailed-fist tactics to subjugate the struggling masses.

Hold the GRP accountable!

Although the GRP wants to dump it, the CARHRIHL should continue to be propagated and its contents explained to the broad masses of the people. The GRP should be compelled to honor its obligations under the Agreement it has signed, apart from holding it accountable for its other obligations to address the people’s national and democratic rights and welfare. The democratic and progressive forces should militantly assert that the CARHRIHL be honored and implemented by the parties concerned.

The revolutionary movement signed the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law with no illusion that this would put an end to the gross violations by the fascist state of the people’s democratic rights and freedoms. Still, the revolutionary movement is ever open and ready to cooperate in any effort to address in a significant manner the fundamental interests of the people.

From the onset, the Party and NPA have stood for the need to advance and intensify the armed revolution while conducting peace negotiations. The evident hypocrisy and contempt of the leaders and representatives of the reactionary puppet government for their own signature and the obligations they had voluntarily assumed in the course of the peace talks provide added bases for persevering in and further intensifying the armed revolution. The revolutionary forces are ever ready to rely on their own struggle to achieve a genuine, just and lasting peace. **AB**

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Historic Document Born Out of the Filipino People's Struggle for Human Rights



The GRP is renegeing on its responsibilities under the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL). This, despite Joseph Estrada's approval of the document last August 7. This government, notorious for distorting constitutional and legal processes to advance the interests of US imperialism and big landlords and compradors, now insists on hiding behind the mantle of constitutionalism to escape its obligations under the Agreement.

Nonetheless, it is important to propagate the Agreement among the broad masses of the people in order for them to uphold it. If the GRP refuses to respect it, let the people regard it as something that is truly their own. Through their revolutionary struggle, the people can fulfill and even surpass the aims of the Agreement.

The country's long history of revolutionary struggle and political negotiations has never brought forth a document such as the CARHRIHL, wherein the reactionary government formally acknowledges the existence of widespread violations of human rights in the country. The Agreement moreover obliges the GRP to recognize the full range of human rights especially those of workers, peasants, fisherfolk, urban poor, migrant workers, national minorities, women, youth and children. It stipulates concrete measures to rectify violations of human rights and give justice to victims; and recognizes the integrity of the revolutionary movement and grants it its rightful place in confronting and resolving cases of violations of human rights.

Full range of human rights

The CARHRIHL upholds the full range of human rights in the political, economic, social and cultural spheres. It guarantees the democratic rights of workers, peasants, fisherfolk, urban poor, migrant workers, national minorities, women, youth and children.

Article 2 of Part III contains 25 clear provisions defining the entire range of these human rights. Foremost among these are the people's right to gainful employment and humane working conditions, free education up to high school and basic health care; and the right to resist an oppressive and tyrannical regime. The right of peasants to own the land they till is outrightly recognized. Land reform is also recognized as the principal step in attaining democracy and social justice.

It stipulates that victims of human rights violations must be accorded justice. The desire for indemnification of victims of human rights violations under the Marcos dictatorship is recognized and advanced in the Agreement.

The GRP is likewise obliged to review cases of, recognize and release, political prisoners.

To prevent violations of human rights, the GRP must take steps to repeal repressive laws, decrees and executive orders.

Respect for International Humanitarian Law

Part IV of the Agreement contains particular provisions on respect for international humanitarian law. It ratifies international instruments regarding laws of war and protocols which should be respected by contending forces in a civil war. The Agreement sets standards exceeding those provided by the Geneva Conventions of 1949 and Protocol I of 1977.

The principles of international humanitarian law are applied to:

- civilians not actively involved in hostilities;
- members of armed forces who have surrendered or given up their weapons;
- those who have been rendered *hors de combat* because of illness, wounds or other reasons;
- persons deprived of liberty due to reasons related to the armed conflict; and
- relatives and authorized representatives of the aforementioned persons.

The CARHRIHL forbids any form of violation of the rights of anyone covered by these provisions in all cases and under any circumstance. Civilians are distinguished from combatants and thus should not be made targets of bombings, strafing, canon and mortar fire and arson. As provided for in the Agreement, the AFP and PNP should review and amend their programs,

projects, campaigns and practices such as forced evacuations and reconcentration of civilians (hamletting) which cause the destruction of the people's lives, livelihood and property.

Personnel and facilities of schools, the medical profession, religious institutions, places of worship, evacuation centers and programs and projects involved in relief operations must not be made targets of any attack.

The Agreement also stipulates that the GRP should review its policy or practice of forming paramilitary groups like the Citizens Armed Forces Geographical Unit (CAFGU) and Civilian Volunteers' Organization (CVO). It likewise stipulates the people's right to demand a reduction in military expenditures in order to rechannel funds to social, economic and cultural projects.

Victims of abuse have the right to obtain justice and receive indemnification. They also have the right to demand investigation, prosecution and appropriate disciplinary action for violators of international humanitarian law. The Agreement cites the need to launch education campaigns on this matter.

Joint Monitoring Committee

In order to monitor, confirm and ascertain compliance with the provisions of the Agreement, a Joint Monitoring Committee shall be formed. Each side shall appoint three members and nominate two representatives of human rights organizations as observers.

The two leading members of both sides shall serve as co-chairs of the Committee. They shall receive complaints regarding violations of the CARHRIHL and related information. In a consensual manner, the Committee may request the investigation of parties involved in the complaint and from there, recommend appropriate action.

The Committee shall cover not only violations of human rights under the Estrada regime. It shall also review grave abuses of human rights and international humanitarian law under the past regimes.

This committee shall have more significance than the state's Commission on Human Rights whose sole purpose is to serve as an apologist for the GRP.

In relation to the Committee's formation, the NDFP has resolved to establish human rights offices within and outside the country. These offices shall be administered, controlled and directed by NDFP members in the Committee.

The Agreement stipulates that the latter shall be implemented immediately upon ratification by the principals of both parties. Signing the Agreement signifies unconditional readiness to abide by its provisions.

It is also stipulated that both sides shall undertake separate duties and responsibilities to advance, nurture and propagate human rights and principles of international humanitarian law in accordance with their respective political principles, organizations and circumstances. **AB**

The Tortuous Road of Peace Negotiations

Through various means, the revolutionary movement maximizes all opportunities and circumstances to advance the people's aspirations. One example is the peace negotiations that has resulted in the Agreement on Respect for Human Rights, which depicts, to a certain degree, the history, situation and aspirations of the toiling masses.

On February 1989, Comrade Luis Jalandoni expressed to the Aquino regime the readiness of the National Democratic Front of the Philippines (NDFP) to start a new series of peace talks with the Government of the Republic of the Philippines (GRP). This was followed by a letter from Comrade Manuel Romero (then chairperson of the NDFP) to the Aquino regime dated September 20, 1990 which laid the proposed agenda for the formal talks.

From this initiative, preliminary talks were held by representatives of both panels in Singapore, Hongkong and The Netherlands. The series of exploratory talks led to the signing of The Hague Joint Declaration of September 1, 1992. This basic document sets the objective, framework and substantive agenda for the formal peace negotiations. According to the Joint Declaration, the substantive agenda of the negotiations shall cover respect for human rights and international humanitarian law; socio-economic reforms; political and constitutional reforms; and cessation of hostilities and disposition of forces.

Meanwhile, on June 14, 1994, the two panels signed the Breukelen Joint Statement which reiterated commitment to The Hague Joint Declaration and prescribed that the talks be held in a neutral country. They also approved the Joint Agreement on Safety and Immunity Guarantees (JASIG) which provided protection for NDFP representatives involved in the negotiations.

The formal peace negotiations began on June 26, 1995 in Brussels, Belgium. The talks went through many twists and turns due to the conflicting views of the NDFP and the GRP on fundamental social issues, the roots of the civil war and the methods of resolving this. On several occasions, the GRP derailed the talks by demanding that the NDFP give up its revolutionary integrity. It violated the JASIG in arresting NDFP consultants Sotero Llamas and Danilo Borjal. Howard Dee himself, chairperson of the GRP panel, is foremost among those who have been peddling the line of demanding the outright capitulation of the NDFP.

Last March 16--after 21 months of intensive and complicated negotiations--both panels signed the CARHRIHL. It was signed by Comrade Mariano Orosa, chairperson of the NDFP National Council, on April 10 and by President Estrada on August 7.

Along with signing the Agreement, Estrada reorganized the GRP panel. The pacificationists now obviously have a bigger say with Howard Dee's retention as panel chairperson and the appointment of Sens. Franklin Drilon and Rodolfo Biazon. Soon after, they moved to block the implementation of the CARHRIHL and attempted anew to deceive the NDFP into subjecting itself to the political authority of the GRP.

The reactionary ruling classes are at odds regarding the continuation of the peace talks. In order for the negotiations to move on, the GRP must make a more significant show of sincerity and seriousness such as genuinely implementing the CARHRIHL. Opposed to this are the rabid counterrevolutionaries, especially the high command of the AFP and PNP, who are obsessed with intensifying their attacks on the NPA's guerrilla fronts and expanding surveillance operations against the people.

On the other hand, a section of the reactionary ruling class continues to view the peace talks as a means to assuage the anger of the acutely impoverished and suffering masses and soothe the anxieties of foreign investors. In any case, they face the people's growing resistance and the resurgence of revolutionary armed struggle consequent to the Second Great Rectification Movement.

With their all-out collaborationism and rapid disintegration, the counterrevolutionary revisionist renegades have been rendered completely irrelevant in the conduct and prospects of the peace talks. Nonetheless, they continue to sow intrigue against and attack the Party, NPA and NDF and express their bias for the reactionary government and the pacificationists against the armed revolutionary movement when it comes to the peace negotiations.

Their conspiracy with Imelda Marcos and Joseph Estrada to deprive the vast majority of the real victims of the Marcos dictatorship's fascist atrocity of indemnification and justice is utterly despicable.

The NDFP will never abandon its revolutionary initiative to uphold human rights and international humanitarian law for the fundamental benefit of the people and as an inevitable step in addressing the basic roots of the civil war. Whatever vilification or stratagem that may be thrown its way by the GRP and other counterrevolutionaries, the revolutionary movement will not be hindered from resolutely advancing the revolutionary agenda for a genuine, just and lasting peace. **AB**

Defending the NDFP's Revolutionary Integrity in the Peace Talks

The Government of the Republic of the Philippines' (GRP) special agenda in engaging in the peace talks is clear: It wants to trick the National Democratic Front of the Philippines (NDFP) into surrendering.

This is contrary to the objective of the NDFP. The NDFP engages in the peace process to advance the interests of the masses and resolve the fundamental problems of the people as the key to the attainment of just and lasting peace. Corollary to this, the revolutionary movement must defend and uphold its political integrity and thus, defend and uphold the people's fundamental right to wage revolution against exploitation and oppression; and nurture and advance further the victories gained in 30 years of painstaking struggle. While firmly maintaining its revolutionary integrity, the NDFP continues to fight in the arena of peace negotiations to obtain real and significant concessions favorable to the people.

In the process of negotiations, the GRP's duplicity is thoroughly manifested and exposed while the sincerity of the national-democratic movement becomes more evident.

GRP's constitutional framework

It is the practice of the ruling reactionary puppets to use the peace talks to serve their tactical and political needs.

Being a "minority president", Fidel Ramos aggressively used the talks to deodorize his image, broaden his area of political maneuver and strengthen his control over the center of state power. Meanwhile, the Estrada regime sought room for maneuver by opening opportunities for the peace talks after being confronted with accumulated economic and financial problems and besieged by criticisms for its decision to bestow honors on Marcos.

Having no sensible agenda for the peace talks, the current and two previous puppet regimes frequently shift towards asserting crudely the GRP's reactionary constitution and demanding just as crudely that the NDFP submit to it. The NDFP, however, has firmly defended its integrity as a revolutionary force with its own constitution and program.

When the principals of both parties signed the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, elements within the GRP who are opposed to the peace talks again insisted on using the GRP constitutional framework. Ambassador Howard Dee

has been the most zealous in asserting the use of the GRP constitution as framework in continuing the peace negotiations and implementing the Agreement. Meanwhile, Exec. Sec. Ronaldo Zamora has announced that the GRP will not honor its obligations under the Agreement unless the peace negotiations are resumed in accordance with the unilateral conditions set by the GRP.

In the last week of October, Sen. Franklin Drilon, one of the newly appointed members of the GRP panel, committed an even more brazen act of sabotage. Leading a team that headed for The Netherlands, he told the NDFP that the GRP could not implement Article 4 Part III and Article 6 Part IV of the Agreement. These sections provide for the thorough investigation and trial of violators of human rights and international humanitarian law. The provisions also demand that victims of such violations be indemnified.

The GRP refused to have the NDFP as co-implementor of these articles. It was opposed to the possibility that the NDFP would put to trial Armed Forces of the Philippines' personnel who may be captured by the New People's Army.

Defending revolutionary integrity

The GRP's insistence on the use of its constitution as framework for the talks is in utter disregard of previous agreements ratified by both parties.

The Hague Joint Declaration of 1992 had long resolved this issue. The Declaration stipulates that only mutually acceptable principles shall guide the peace talks. The imposition of the GRP's constitution as framework for the talks violates the Joint Declaration. It assumes that both the GRP and NDFP have constitutions that are upheld

in their respective territories.

Such arm-twisting by the GRP's is also contrary to the inherent character and objective of the peace negotiations.

Meanwhile, there are many provisions in the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law that clearly counter the GRP's arguments. These include:

Art. 3, Part II: "The Parties shall uphold, protect and promote the full scope of human rights, including civil, political, economic, social and cultural rights. In complying with such obligations, due consideration shall be accorded to the respective political principles and circumstances of the Parties."

Art. 1, Part IV: "In the exercise of their inherent rights, the Parties to the armed conflict shall adhere to and be bound by the generally accepted principles and standards of international humanitarian law."

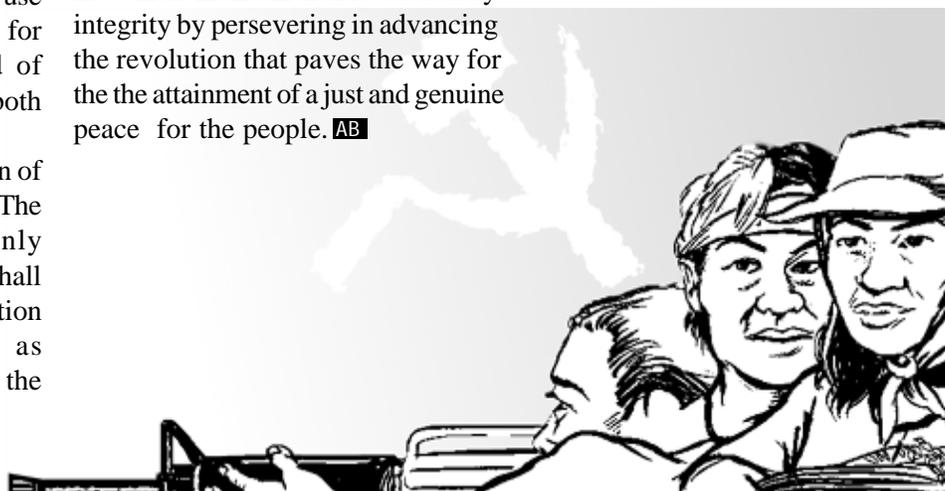
Art. 1, Part VI: "The Parties shall continue to assume separate duties and responsibilities for upholding, protecting and promoting human rights and the principles of international humanitarian law in accordance with their respective political principles, organizations and circumstances until they shall have reached final resolution of the armed conflict."

Art. 3, Part VI: "...Any reference to the treaties signed by the GRP and to its laws and legal processes in this Agreement shall not in any manner prejudice the political and organizational integrity of the NDFP."

Both parties adopted these provisions after long, complicated and difficult negotiations. The provisions enhance the revolutionary integrity of the NDFP that continues to rely on the armed struggle of the masses of the people.

As the GRP attempts to entrap the NDFP into capitulating through the peace talks, the revolutionary movement's correct handling of the negotiations becomes more evident. The revolutionary forces gain further victories in upholding the correctness of armed struggle as the principal form of struggle that shall resolve the socio-economic crisis of Philippine society. Accordingly, only within the frame of firmly defending their revolutionary integrity can the revolutionary forces take hold of the peace negotiations as an added arena in the defense of the basic rights and welfare of the masses of the people.

With or without peace talks, the Party and the entire revolutionary movement maintain their revolutionary integrity by persevering in advancing the revolution that paves the way for the attainment of a just and genuine peace for the people. **AB**



TWO STATEMENTS

by Jose Maria Sison
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STATEMENT ON HUMAN RIGHTS CLAIMS UNDER ARTICLE 5, PART III OF CARHRIHL*

The only official document there is that binds the Government of the Republic of the Philippines to indemnify the victims of human rights violations under the Marcos regime is the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), particularly its Article 5, Part III.

If the GRP reneged on its obligation under this provision of the CARHRIHL, then the GRP-NDFP peace negotiations would certainly end completely and permanently.

It is outrageous and scandalous that, while the Marcoses and the biggest Marcos cronies are already recovering their ill-gotten wealth from sequestration, the Estrada regime is trying to play off the forty-percent American vulture-lawyer (Robert Swift**) against SELDA in order to renege on a clear obligation of the GRP under CARHRIHL.

GRP violation of the CARHRIHL will be a further justification of the people's war being carried out by the revolutionary forces. The people and the victims of human rights violations will find the greatest satisfaction in the retributive justice available from the people's war.

* From the statement of September 29, 1998

** Swift is an ex-lawyer of SELDA (*Samahan ng mga Ex-Detainee Laban sa Detensyon at para sa Amnestiya*) who acted on his own to seek a done deal with the Marcoses regarding the indemnification of the victims of the fallen fascist dictatorship. He dreams of collecting as lawyer's fee almost 40% of the entire amount to be awarded to the victims. He is currently lawyering for Claimants 1081, a grouplet playing itself off against SELDA and misrepresenting itself as a legitimate representative of the victims. It is in fact working to deny justice to the majority of the real victims of the Marcos dictatorship.

ESTRADA WILL NOT FULFILL HIS PROMISE*

It is doubtful whether Mr. Joseph Estrada means to deliver on his promise to indemnify the human rights claimants. There are at least five major indications.

First, in violation of The Hague Joint Declaration, he (Estrada) has demanded the surrender of the NDFP to the GRP constitutional framework as precondition...for the resumption of the GRP-NDFP peace negotiations and the implementation of the Comprehensive Agreement on Human Rights and International Humanitarian Law (CARHRIHL)....

Second, Estrada himself is playing off Robert Swift against SELDA as the legitimate representative of the human rights claimants.

Third, Estrada is engaged in a *zarzuela* with the Marcos family in which Imelda alternates between making and withdrawing an offer for the benefit of the human rights claimants and Estrada takes the posture of wishing more than what she offers.

Fourth, Estrada has made his promise to indemnify the human rights claimants in order to make a passing publicity stunt and draw attention away from the scandalous reality that the Marcos family and the biggest Marcos cronies are recovering their sequestered wealth and are again enjoying privileges to further exploit the people and loot the economy.

Fifth, Howard Dee has been retained as GRP negotiating panel head because of his notorious penchant for demanding the capitulation of the NDFP and declaring collapses and indefinite suspensions of the formal meetings in the GRP-NDFP peace negotiations.

It is clear that all along the Estrada regime has been acting in bad faith towards the NDFP. The revolutionary forces and the people must prepare against the escalation of armed counterrevolution by the US-Estrada regime. This regime cannot really render justice to the victims of human rights violations under the Marcos regime but can only perpetrate further violations of human rights.

* From the statement of September 13, 1998