

The Hague Joint Declaration (September 1, 1992)

JOINT DECLARATION

We, the undersigned emissary of the Government of the Republic of the Philippines (GRP) and the undersigned representative of the National Democratic Front of the Philippines (NDF) have held exploratory talks at The Hague, The Netherlands on August 31 - September 1, 1992 and have agreed to recommend to our respective principals the following:

1. Formal peace negotiations between the GRP and the NDF shall be held to resolve the armed conflict.
2. The common goal of the aforesaid negotiations shall be the attainment of a just and lasting peace.
3. Such negotiations shall take place after the parties have reached tentative agreements on substantive issues in the agreed agenda through the reciprocal working committee to be separately organized by the GRP and the NDF.
4. The holding of peace negotiations must be in accordance with mutually acceptable principles, including national sovereignty, democracy and social justice and no precondition shall be made to negate the inherent character and purpose of the peace negotiations.

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5. Preparatory to the formal peace negotiations, we have agreed to recommend the following:

- a. Specific measures of goodwill and confidence-building to create a favorable climate for peace negotiations; and
- b. The substantive agenda of the formal peace negotiations shall include human rights and international humanitarian law, socio-economic reforms, political and constitutional reforms, end of hostilities and disposition of forces.

Signed on September 1, 1992 in The Hague, The Netherlands.

For the Government of the
Republic of the
Philippines:

Rep. JOSE V. YAP
Emissary

For the National
Democratic Front of the
Philippines:

Luis Jalandoni
Representative

Rep. Eric D. Singzon

Mabel
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State Counsel

WITNESSES:

Levi Celma
Coni Ledesma

Byron Bocar

John Maria Wilson

AIDE MEMOIRE ON THE HAGUE JOINT DECLARATION

The Joint Declaration signed at The Hague, The Netherlands on September 1, 1992 was the product of a two-day exploratory talks between then Congressman Jose V. Yap as emissary of the Government of the Republic of the Philippines and Luis Jalandoni, the representative of the National Democratic Front (NDF).

At the outset, the two sides took diametrically opposed positions, particularly on the acceptance by the NDF of the Philippine Constitution as the basic framework of the peace negotiations. The NDF considered this precondition as virtual surrender by the NDF to the GRP. In this regard, the two sides remained consistent with their respective positions unequivocably articulated many times in the past.

These dramatically opposed views however were put aside for the time being, without anyone conceding his position to the other, to give peace negotiations a headway. The Preliminary Statement of Congressman Yap stated thus:

"But our dramatically opposed views should not deter us and cause the outright abandonment of the peace options. Let no one say in the future that we did not give our best shot simply because the difference at the outset seemed to be overwhelming."

The GRP emissary pointed out that the main objective of the peace efforts was to solve the armed hostilities "which caused our people untold misery and retarded our national progress." He cited the commitment of former President Ramos under his administration's peace program, to implement "reforms to eradicate...the sources of conflict." Hence, he highlighted the need for "consensus building" particularly on the reforms to solve the armed conflict, which he admitted will not be easy.

Within this context and perspective, the GRP emissary signed The Hague Joint Declaration. The latter provides that the peace negotiations shall be held to resolve the armed conflict and the common goal of such negotiations shall be the attainment of a just and lasting peace. To achieve this objective, the negotiations shall focus on real issues which will

address the root causes of the armed conflict, instead of putting at the forefront the highly contentious issues that touched on the GRP Constitution and the claimed political status of one party to the negotiations. Clearly, the signing of The Hague Joint Declaration was made possible because any reference to the hotly debated issues adverted to above was avoided.

The Hague Joint Declaration envisioned the peace negotiations as a venue for consensus building, primarily on the institution of reforms that will eliminate the root causes of the armed conflict. Thus, the Hague Joint Declaration enjoined the two sides to find mutually acceptable principles during the holding of the peace negotiations, such as national sovereignty, democracy and social justice, as these concepts may arise in the course of the negotiations. The Hague Joint Declaration did not define these terms nor any term, principle or concept for that matter. It was not the province of the exploratory talks to so define them, aside from the fact that the short time and agenda of the exploratory talks did not allow it. Besides to do so would preempt the task of the peace panels which were still to be formed.

Obviously too, the Joint Declaration evaded the issues relating to the political character or legal status of any of the Parties to the peace negotiations and put off discussions on the GRP Constitution until the formal peace negotiations, as the inevitable deadlock on these issues would have nipped in the bud not only the contemplated peace negotiations but also the said Hague exploratory talks. These issues anyway can properly be taken up under the appropriate substantive agenda items specified in the Hague Joint Declaration.

Accordingly, if the issue of political status and the issue of the GRP Constitution are once again at the center of the negotiations, it cannot be truthfully asserted that these issues have been settled by the Hague Joint Declaration. Now may well be the opportune time to confront these contentious issues.

J.V.Y
JOSE V. YAP

T.L.C
TERESITA L. DE CASTRO