

Country/entity Philippines

Region Asia and Pacific

Agreement name Joint Agreement on Safety and Immunity Guarantees

Date 24 Feb 1995

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

Philippine Insurgencies (1968 -)

The Maoist Insurgencies (1968 -)

Philippines-NDF

The Philippines have been defined by a series of center-periphery and often ideologically Maoist, separatist insurgencies. The Communist Party of the Philippines (CPP), began its war against the central Philippine government in 1968 through their armed wing – the New People’s Army (NPA). Further legitimacy was gained through the establishment of the National Democratic Front (NDF) in 1973. Grievances were predominantly opposed to the corruption and repression under the authoritarian Marcos regime.

Philippines-Cordillera

With the overthrow of Marcos’ regime in 1986, the CPP factionalized further to take on more localized characteristics. The Cordillera Peoples Liberation Army (CPLA) broke away from the NDF in 1986 to focus on the protection of the Cordilleran people and land in northern Luzon. Hostilities were formally ended in July 2011, with an agreement signed between the central government, the CPLA and the Cordillera Bodong Administration (CBA) that allowed for the absorption of CPLA fighters into the Philippine Army and the re-working of the CBA-CPLA into a socio-development organisation.

Philippines-RPM-P

Meanwhile, purge among the CPP in the early 1990s, encouraged the formation of a parallel party, the Revolutionary Workers Party (RPM-P). Their armed wing, the Alex Boncayao Brigade (ABB) which had carried out a number of assassinations during the 1980s at the bequest of the CPP, followed suit and allied themselves with the RPM-P in 1997 forming the (RPM-P-RPA-ABB). Severely weakened by the split with the CPP and with the arrest of several key figures, the RPM-P-RPA-ABB signed a peace agreement in December 2000, which encouraged the RPM-P’s branch in Mindanao to break away in 2001.

The CPP-NPA has only participated in intermittent talks with the government. Talks halted in 2004 when Gloria Macapagal-Arroyo’s administration sought closer ties with the U.S. in the war on terror and added the CPP-NPA to the list of terrorist organisations, renewing violence. Following the launch of a counter-insurgency by the Philippine government, negotiations have been further delayed due to suspected internal differences between the CPP ‘old guard’ and younger members.

The Moro Insurgency (1968 -)

Philippines-Mindanao

The Moro Insurgency began in 1968, in Mindanao and the Sulu archipelago after the killing of Moro Commandos, the so-called Jabidah Massacre, by the Philippine Army following a plot to invade Sabah province in Malaysia. The Moro National Liberation Front (MNLF) captured a swath of territory in the mid-1970s. In an attempt to stem the violence, the constitution was reformed and Autonomous Region in Muslim Mindanao (ARMM) was created 1990 granting a devolution of power to the provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. Following the establishment of the ARMM, the MNLF splintered into a range of smaller groups including Islamic factions such as the

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Philippines-NDF process
Parties	<p>GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES OF THE PHILIPPINES; Howard Q. Dee, Chairman, GRP Panel for Peace Talks with the CPP/NPA/NDF; Rep. Jose V. Yap, House of Representatives Member, GRP Panel; Silvestre H. Bello III, Member, GRP Panel; Feliciano V. Carino, Member, GRP Panel; Zenaida H. Pawid, Member, GRP Panel;</p> <p>National Democratic Front of the Philippines; Luis Jalandoni, NDF Vice Chairperson for International Affairs & Head of NDF Delegation; Asterio Palima, Member, NDF Delegation; Coni Ledesma, Member, NDF Delegation; Fidel Agcaoil, NDF Consultant;</p>
Third parties	<p>Witnesses:</p> <p>Jesus G. Dureza Teresita L. De Castro</p> <p>Jose Maria Sison Romeo T. Capulong</p>
Description	<p>Agreed measures to protect the rights of negotiators, consultants, staffers, security and other personnel involved in the negotiations. Each party have the right to issue duly accredited persons with documents of identification or safe conduct passes, which guarantee free and unhindered passage in all areas in the Philippines and in travelling to and from the country in connection with peace negotiations abroad. Moreover, all duly accredited persons are guaranteed immunity from surveillance, harassment, search, arrest, detention, prosecution and interrogation or any other similar punitive actions due to any involvement or participation in the peace negotiations. This includes any NDFP personnel based abroad who is a duly accredited person and who goes to the Philippines for consultations or to perform any other work related to the peace negotiations, and shall be free to return abroad at any time before and within a period of 30 days after the formal termination of this Joint Agreement.</p>

Agreement document [PH_950224_JASIG.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

**Women, girls and
gender** No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

**Nature of state
(general)** No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access

Page 1, UNTITLED PREAMBLE

WITNESSETH:

... The primary purposes of the safety and immunity guarantees hereby adopted are to facilitate the peace negotiations, create a favorable atmosphere conducive to free discussions and free movement during the negotiations, and avert any incident that may jeopardize the negotiations.

Page 1, I. SAFETY GUARANTEES

1. As used and understood in this Joint Agreement, safety guarantees shall mean that all duly accredited persons as defined herein in possession of documents of identification or safe conduct passes are guaranteed free and unhindered passage in all areas in the Philippines, and in traveling to and from the Philippines in connection with the performance of their duties in the negotiations.

Page 1-2, I. SAFETY GUARANTEES

2. Each party has the inherent right to issue documents of identification to its negotiators, consultants, staffers, security and other personnel and such documents shall be duly recognized as safe conduct passes as provided in this Joint Agreement. ... Upon presentation by the duly accredited person to any entity, authority or agent of the party concerned, the document of identification or safe conduct pass shall be honored and respected and the duly accredited person shall be accorded due recognition and courtesy and allowed free and unhindered passage as stipulated in this Joint Agreement. The duly accredited person shall have in his or her possession the document of identification or safe conduct pass for the duration of the peace negotiations.

Page 2, I. SAFETY GUARANTEES

3. The document of identification or safe conduct pass shall not be transferable, provided that safety guarantees granted to the duly accredited person shall extend to any person or persons consulted by the duly accredited person during and in transit to and from such consultations, and provided that these consultations shall be in connection with and in furtherance of the purposes of the peace negotiations. The appropriate information on these consultations shall be given by the party concerned to the other with due consideration to the safety of the persons involved in such consultations.

Page 2, I. SAFETY GUARANTEES

6. The GRP hereby recognizes and respects the right of NDFP personnel who are duly accredited persons to hold and use passports or travel documents issued by other countries or other recognized entities. Said NDFP personnel who are duly accredited persons may use such passports or travel documents in entering, staying in and departing from the Philippines, and shall not be subjected to any form of punitive action, harassment, obstruction or similar acts by the GRP in the course of travel, entry, stay or departure.

Protection measures

No specific mention.

Other

No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

Security Guarantees

Page 1, UNTITLED PREAMBLE

... In firm adherence to the HAGUE JOINT DECLARATION and pursuant to the pertinent provisions of the JOINT STATEMENT signed in Breukelen, the Netherlands on June 14, 1994, the GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) and the NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES (NDFP) hereby adopt safety and immunity guarantees to protect the rights of negotiators, consultants, staffers, security and other personnel who participate in the GRP-NDFP peace negotiations.

Page 1, I. SAFETY GUARANTEES

2. Each party has the inherent right to issue documents of identification to its negotiators, consultants, staffers, security and other personnel and such documents shall be duly recognized as safe conduct passes as provided in this Joint Agreement.

Page 2, I. SAFETY GUARANTEES

4. All duly accredited persons who are already publicly known to be involved in the GRPNDFP peace negotiations shall be free from surveillance and shall be allowed freely to consult with the leaders and entities of the party concerned in the Philippines and abroad.

Page 2, I. SAFETY GUARANTEES

6. The GRP hereby recognizes and respects the right of NDFP personnel who are duly accredited persons to hold and use passports or travel documents issued by other countries or other recognized entities. Said NDFP personnel who are duly accredited persons may use such passports or travel documents in entering, staying in and departing from the Philippines, and shall not be subjected to any form of punitive action, harassment, obstruction or similar acts by the GRP in the course of travel, entry, stay or departure.

Page 3, II. IMMUNITY GUARANTEES

4. In the course of requesting a passport from the GRP in accordance with No. 5 of I above, the duly accredited person shall be immune from surveillance, arrest, prosecution, trial, punitive action, harassment, discrimination or any liabilities due to exposure of identity and role in the peace negotiations.

Ceasefire

No specific mention.

Police

No specific mention.

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces	Page 2, I. SAFETY GUARANTEES 5. The GRP shall promptly issue upon request regular passports to NDFP personnel who are duly accredited persons, without obligation to take an oath of allegiance to the GRP.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Page 4, III. GENERAL PROVISIONS
2. Any violation of this Joint Agreement may be presented by the aggrieved party to the other and shall promptly be the subject of consultations between the two panels of the negotiating parties in order to remove impediments to the peace negotiations. Such violation shall be investigated and dealt with accordingly by the party to which the personnel charged with the violation belongs.

Page 4, III. GENERAL PROVISIONS
3. Any disagreement or ambiguity in the interpretation and application of the provisions of this Joint Agreement shall be subject of consultations between the two panels and resolved in accordance with the letter and spirit of the HAGUE JOINT DECLARATION and the pertinent provisions of the BREUKELEN JOINT STATEMENT.

Related cases No specific mention.

Source www.philippinerevolution.net

UN Peacemaker [<http://peacemaker.un.org/philippines-safety-immunity-agreement95>]
