

Philippines - Peace challenge II to the GPH and NDFP: Just drop the charade of peace talks, focus on the doable especially for human rights and IHL

Monday 8 October 2012, by [SANTOS Soliman, Jr](#) (Date first published: 8 October 2012).

Author's note: This article started to be written several days before the presidential announcement of a new GPH-MILF framework agreement on 7 October 2012 but was finished the day after that announcement. The announced development is relevant to this article's making some key comparisons or contrasts between the GPH-NDFP and GPH-MILF fronts of war and peace. Ironically, the new substantive progress on the GPH-MILF peace front does not change, and on the contrary reinforces, this article's loss of hope in the GPH-NDFP peace negotiations.

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More than one year and seven months after the Government of the Philippines (GPH)-National Democratic Front of the Philippines (NDFP) Oslo Joint Statement (OJS) of 21 February 2011 when they had resumed their formal peace negotiations under the current Aquino administration after an impasse of almost seven years under the Arroyo administration, it is clear from both the verbal and body language of both parties that those supposedly resumed negotiations are going nowhere. In fact, it is probably long overdue to call a spade a spade, to say that the Emperor has no clothes: that the GRP/GPH-NDFP peace talks have long become a charade, that the parties have no real political will to earnestly see the talks through in an honest to goodness peace process.

Better then to just stop the charade or pretense, so as to not continue to raise any illusions or false expectations (if still any) about it among the people. Better to then be guided accordingly and redirect the main effort to something truly feasible and still desirable, even if it is not the most ideal result of "resolving the armed conflict" and "attaining a just and lasting peace." The way things stand, one important thing which is still doable and desirable, even in the face of continuing armed hostilities and precisely because of this, is achieving the best possible "respect for human rights and international humanitarian law (IHL)" in order "to ensure the protection of non-combatants and reduce the impact of the armed conflict on communities found in conflict areas." But even this has to break out of the stalemated dynamics of the peace negotiations, and all concerned, not just the two

warring parties, have to find new and better ways of civilian protection.

Low-Intensity Effort and *Dedma*

It is evident that both parties to this armed conflict, but more so the NDFP to be fair about it, do not have their hearts into their peace negotiations. They show only low-intensity effort to follow through on the supposed resumption way back February 2011 after an already long impasse since 2004. They do not try hard enough to effectively, practicably and flexibly deal with and dispose of real and imagined obstacles in order to be able to proceed from that breakthrough resumption. Worst of all, they imagine or themselves place the obstacles when there really should be none. Theirs is a clear negative example of the recent-day vernacular saying that *kung gusto, ay may paraan; kung ayaw, ay maraming dahilan* (which may be roughly translated as “if they want it, there are many ways to get it going; if they don’t want it, there are many reasons to avoid getting down to it”).

Up to now, the impasse since February 2011 is ostensibly due to the main *non-substantive* issue of the GPH release or non-release of claimed NDFP consultants who are detained. The parties cannot seem to find a way to, as we said, effectively, practicably and flexibly deal with and dispose of this so-called obstacle, notwithstanding various proposals of how to go about or around it. This independent peace advocate made his own specific and fully argued proposal relayed to both peace panels as a “Peace challenge” way back December 2011: [1] to just proceed forthwith to the peace negotiations on the three remaining *substantive agenda* headings (of socio-economic reforms, of political and constitutional reforms, and of end of hostilities and disposition of forces) for completion with comprehensive agreements over an already agreed time frame of 18 months (e.g. January 2012 to June 2013), [2] accompanied by a “unilateral, concurrent and reciprocal ceasefire” to build confidence and create a favorable atmosphere during the same 18-month period of peace negotiations, and [3] with the secondary *non-substantive* issues like the release of claimed NDFP consultants to be initially addressed or processed simultaneously or in parallel, not as “prejudicial issues,” at a committee level lower than the panels, like the Joint Monitoring Committee (JMC), so that these do not unduly draw away the panels’ attention from the more important substantive talks.

This specific proposal has not been responded to adequately by both panels, other than a thank you letter of acknowledgement from the GPH Panel Chairperson Alexander A. Padilla of our suggestions as “valuable inputs,” but that’s about it. The response or more precisely non-response from the NDFP panel side was simple *dedma* (feigned non-notice), apparently calculated so as not to give any importance or status to certain independent peace advocates (and advocacies) not in their comfort zone. Both sides clearly cannot find it in themselves, cannot find enough will and ways, to just proceed forthwith to the more important substantive talks, as a number of concerned quarters like the Philippine Ecumenical Peace Platform (PEPP), the Waging Peace Convenors (with last Easter Proposals) and the Ecumenical Bishops Forum (EBF) have called for over the past months at least since the Christmas season last year. But all we get is *dedma*.

Strategy and Tactics

Our “Peace challenge” paper of December 2011 already attributed the lukewarm attitude of both sides to earnest peace negotiations to the greater importance they give to their respective current war strategies — whether it be the relatively new and more sophisticated Internal Peace and Security Plan (IPSP) *Bayanihan* of the Armed Forces of the Philippines (AFP) or the old protracted people’s war (PPW) strategy of the Communist Party of the Philippines (CPP)-New People’s Army (NPA) with its current drive towards a strategic (military) stalemate within the five years or so.

But, without negating the root causes of the armed conflict, government responses are also, if not largely, shaped by the main form of struggle adopted by the revolutionary forces challenging it. The CPP-NPA-NDFP has long waged and continues to wage armed struggle as its main form of struggle to overthrow the ruling “semi-colonial and semi-feudal” system and replace it with a “national-democratic” one. Thus, even as it engages in peace negotiations, it does so as a tertiary form of struggle that is subsumed under and must serve the PPW strategy with armed struggle as the main form of struggle. This is why the NDFP is “allergic” or averse to any prolonged ceasefire to accompany peace negotiations. Thus, for the NDFP, “ceasefire” seems to be the hardest word. It’s almost like don’t even think of proposing to them any ceasefire longer than one week or at most one month.

In the contrary case of the NDFP’s tactical ally, the Moro Islamic Liberation Front (MILF), a general ceasefire was one of its first significant agreements with the government in 1997. More importantly, the MILF has long shifted from armed struggle to peace negotiations as its main form of struggle and strategy to achieve its desired Bangsamoro self-determination. The government response has been to constructively engage the MILF (actually itself also constructively engaging the government) mainly in peace negotiations. This engagement, at least on the part of the MILF, is strategic, and not just tactical - as has long been the case in the NDFP’s engagement in peace negotiations with the government.

Historically, the NDFP has had only tactical objectives for the negotiations: international diplomatic recognition of so-called status of belligerency (SOB); propaganda; prisoner releases; and more recently to help secure the legitimacy of the CPP, NPA and NDFP Chief Political Consultant Jose Maria Sison internationally in view of their “terrorist” listing. There has been no strategic decision (unlike the case of the MILF) to give peace negotiations a real chance for a negotiated political settlement. This is why we said earlier that it is more so the NDFP than the GPH that does not have their hearts into their peace negotiations. Otherwise, the GPH could also constructively engage the NDFP in serious strategic, not just tactical, peace negotiations just like the case is with the MILF in the GPH-MILF peace negotiations.

As for the CPP’s contention that the Aquino regime is “using peace negotiations to hoodwink” the MILF, let it be the best judge of that. For the MILF itself to persist in this particular peace process engagement, notwithstanding its tactical ally’s (NDFP’s) kibitzing, speaks for itself as to the seriousness of those negotiations. And so can it be with the GPH-NDFP peace negotiations - IF these are strategic, not just tactical, and IF the parties will allow it or treat it so. **It is the NDFP however that has articulated more calculatedly a certain political or propaganda line about these negotiations. This line we shall now proceed to engage or deconstruct, as must be done as part of supporting the main thesis of this article** to just stop this charade of negotiations and do something sincere/honest instead, with doable concrete benefits even if not of that high policy level of a negotiated political settlement.

High Peace Policy Statements

In the CPP highest policy statement on its 43rd anniversary on 26 December 2011, it said “The Aquino regime has simply shown its lack of sincerity and seriousness in peace negotiations with the NDFP. We should dispel any illusion that the regime is interested in addressing the roots of the armed conflict and forging agreements with the NDFP on social, economic and political reforms. Clearly, it is hell bent on destroying the Party and the revolutionary movement.”

And in another CPP high policy message on the 43rd anniversary of the NPA on 29 March 2012, it

followed through on this by saying: "The Aquino regime is not interested in serious peace negotiations with the NDFP. Within the framework of its Oplan Bayanihan, it considers peace negotiations only as a means to divide and weaken the revolutionary forces while it escalates brutal military campaigns of suppression to 'decimate' the armed revolution and suppress the people's resistance. Unwittingly, it is inciting the people and the revolutionary forces to intensify their armed resistance and to advance the people's war from the strategic defensive to the strategic stalemate." And there the CPP-NPA shows its slip, as it were, on what their hearts, minds and hands are really into.

If what the CPP saying is true, or if it believes its own propaganda line that "The Aquino regime is not interested in serious peace negotiations with the NDFP," then the logical, honest or even honorable thing to do is to pull out from those negotiations. But no, instead the afore-cited CPP anniversary statement says: "However, we continue to express our desire for peace negotiations in order to prevent the enemy from claiming falsely that we are not interested in a just and lasting peace and also to keep open the possibility that the enemy regime would be compelled by the crisis and/or by our significant victories in people's war to seriously seek negotiations. Indeed, the only way to compel the enemy to engage in serious negotiations is to inflict major defeats on it and make it realize the futility of its attempt to destroy the revolutionary movement, especially the people's army." (underscoring supplied)

The CPP is in effect saying that it/we must continue this charade of peace negotiations if only for the propaganda measure of countering whatever anti-peace image unfavorable to it. But because its heart is not really into it, the CPP then makes its "*maraming dahilan*" (many reasons) not to proceed with the negotiations: "The formal meetings in the GPH-NDFP peace negotiations cannot be held unless the GPH addresses the prejudicial issues [esp. the release of claimed NDFP consultants] being raised by the NDFP and makes amends." And so it becomes like a self-fulfilling prophecy on the futility of negotiations with the enemy regime that is said to be not serious about it (in fairness to the CPP, there is also some basis for saying this).

Militarist View and Weapons-Driven Approach

The above underscored CPP statement also reveals its rather militarist view of and approach to peace negotiations, as in "compel the enemy" through military pressure to seriously negotiate and grant concessions. This view/approach, aside from the primacy of armed struggle in the CPP-NPA's PPW strategy, accounts for its aversion to ceasefires to accompany peace negotiations. It is extremely hard to see how continued tactical military offensives, rather than a general ceasefire (the case with the MILF), might constitute "specific measures of goodwill and confidence-building to create a favorable climate for peace negotiations." The said view/approach also indicates that the CPP-NPA does not really expect anything significant such as in terms of substantive reforms, and much less a negotiated political settlement, to come out of the negotiations. Otherwise, why invest so many precious lives of its Red fighters?

On the other hand, is the CPP in effect saying that its tactical ally MILF's peace negotiations with the GPH are not serious because of the accompanying ceasefire there which naturally does not "inflict major defeats" on the AFP? Tell that to the MILF. A perusal of the afore-cited CPP-NPA high policy level anniversary statements, particularly the sections on "Urgent fighting tasks," *show that there is nothing in terms of urgent tasks for the peace negotiations* while there is very much on inflicting major military defeats on the enemy regime in order "to advance the people's war from the strategic defensive to the strategic stalemate."

For example, in terms of “intensifying the people’s war,’ the afore-cited CPP anniversary statement contains quite specific military instructions or guidance such as this: “We must hamper and prevent enemy intrusions into the guerrilla fronts through ambushes and other actions, including sniper fire, grenade attacks, mortar and land mines. We must destroy the transport and supply lines and depots of the enemy. We must give the enemy forces no rest by launching attacks on their camps and detachments whenever possible, even at night. When enemy personnel hide in fortifications, we can wait for them to take the road and expose themselves to our attacks.”

The afore-cited NPA anniversary message follows through on this sort of guidance thus: “Small teams can be trained and employed to use AMFO (ammonium nitrate fuel oil) bombs, plastic bombs, TNT and incendiaries, including modest cigarette lighter, to destroy target objects such as military vehicles, facilities, fortifications and other fixed structures. Land mines, sniping and grenade throwing can be employed to impede enemy troop movement or harass any encamped force [author’s insertion: like the one on 1 September 2012 in Barangay Fatima, Paquibato District, Davao City which resulted in shrapnel injuries to 48 civilians, 18 of whom were minors] and gasoline bombs to destroy fuel depots, motor pools and military planes and helicopters. Units of people’s militias and self-defense forces are also encouraged to employ indigenous weaponry such as punji-spiked booby-traps, produce explosives from unexploded munitions of the enemy and make use of local tactics in combination and coordination with the full-time formations of the NPA.”

The afore-cited NPA anniversary message is titled “Strengthen the people’s army and intensify the people’s war.” The message explains that accent on the NPA: “The Party considers the NPA as the key force for advancing the people’s war from the strategic defensive to the strategic stalemate.... It is responsible for annihilating the enemy military forces and laying the ground for establishing Red political power.... The main objective is to wipe out enemy units and seize weapons so that more units of the people’s army can be formed. The people’s army must seize several thousand more high-powered rifles and other weapons from the enemy.” (underscoring supplied)

In other words, the key force which is the NPA is designed such that it must engage regularly in combat, otherwise it will wither away. That is the way it survives and replenishes itself, by paying special attention to seizing enemy weapons that allow it to form more units of the NPA. This seems to be an inordinately weapons-driven approach. And to seize those weapons, the enemy units carrying them must be annihilated or wiped out (the context of course is legitimate combat but it smacks almost of killing primarily for the weapons). There can thus be no ceasefire, particularly one that is unduly long from the NPA perspective. And the peace negotiations cannot be allowed to dilute or distract away from the “Urgent fighting tasks.”

Social Costs and Root Causes

But the price for this approach is very costly in terms of precious lives irreplaceably lost, including of the best and the brightest sons and daughters of the people — on both sides and among the civilians caught in the crossfire. One must ask, is it worth it, even from the revolutionary perspective, after more than four decades of protracted people’s war and still in the strategic defensive stage? Of course, Sison has his own sophisticated answer by way of saying that “The costs of keeping the reactionary ruling system are far higher than the costs of waging armed revolution. Exploitation and oppression exact a terrible toll on the people and are precisely what drive people to wage armed revolution. We should be able to see the high cost of the violence of daily exploitation to recognize the necessity and lower cost of armed revolution.”

There are of course social root causes of the armed conflict, and they can be addressed through the

peace process. NDFP-Bicol spokesperson Greg Bañares says “We all dream of a real and long-lasting peace founded on social justice. It can be borne out of the success of the peace talks that leans on agreements that will solve the ills of our society.” But, and here is the catch, he says that “peace could also be achieved through the success of the revolutionary war... While the peace negotiation has no clear direction, it is better to go on with the armed struggle.” (underscoring supplied) The peace negotiations actually have a clear general direction, which is found in *The Hague Joint Declaration* of 1 September 1992, the 20-year old framework agreement between the GPH and the NDFP for their peace negotiations. But for the most part of those past 20 years, the peace talks have been going nowhere, especially nowhere in that clear general direction. The parties have only themselves to blame for this, for squandering most of 20 years.

The CPP points the finger of blame at the Aquino regime which it says is not “interested in addressing the roots of the armed conflict and forging agreements with the NDFP on social, economic and political reforms.” That may be true but, to be sure, one can only really say that definitively after it has been shown to be such in the practical course of peace negotiations on those reforms. The proof of the pudding would be actual substantive negotiations. But precisely the substantive negotiations on reforms have yet to be conducted. As we said in our “Peace challenge” paper of December 2011, let the substantive talks on specific reforms – not issues like release of claimed NDFP consultants or removal of “terrorist” listing or even the use of landmines – be the litmus test on the sincerity and seriousness of the parties, on who is interested or not in key reforms, and on the viability of their peace negotiations.

– “Special Track” for “Immediate Just Peace”

The problem is that the parties do not have the requisite will to even just bring it to the test of actual substantive negotiations. Perhaps this is already indicative of a sense or calculation that nothing would come out of it or, worse, of a policy decision preferring another mode like military victory to resolve the armed conflict. Possibly instructive in this regard is the NDFP proposal on a “special track of immediate truce and alliance on the basis of a general declaration of common intent” which would purportedly “accelerate addressing the roots of the armed conflict.” The NDFP “special track” proposal includes a 10-Point *Concise Agreement for an Immediate Just Peace* (CAIJP) which could be described as a capsulized version of the 10-Point or 12-Point NDFP political program in terms of its basic national-democratic program planks.

Significantly imbedded in the CAIJP, and found in three of its 10 Points, is having a “coalition government.” This would presumably include the NDFP which proposes it and which “coalition government” features, among others, “significant representation” of “the toiling masses of workers and peasants” – precisely the basic sectors which the NDFP claims to mainly represent. In addition, “alliance and truce become the *modus vivendi* of the GPH and NDFP.” As a come-on, “The civil war between the GPH and the NDFP shall cease and a just peace shall ensue” as soon as they co-sign the CAIJP.

Ano ang NDFP, sinuswerte? (How lucky can the NDFP be?) Does the NDFP honestly believe that the GPH would deliver to it on a silver platter the core NDFP political program and seats in a “coalition government”? The GPH Panel Chair Padilla has already stated that “the GPH had already rejected this” and that “the GPH will never agree to establish a coalition government or a power-sharing arrangement with the NDFP-CPP-NPA.” [On the other hand, it must be noted at this point that the GPH and the MILF have agreed at least in principle and framework, if not also on key arrangements, on power-sharing and even wealth-sharing between the Central Government and a “new autonomous political entity” for the Bangsamoro and called “Bangsamoro.”] Does the NDFP honestly believe that

the GPH would agree to “alliance and truce” with a force that refers to it as the “U.S-Aquino regime” and is hell bent on inflicting major military defeats on it, if not overthrowing it?

Does the NDFP honestly believe that the GPH will find “common political ground” in the CAIJP’s nat-dem catch-phrase flagship programs like “national industrialization and (genuine or revolutionary) land reform,” “a patriotic, scientific and pro-people culture,” “cancellation of the foreign debt,” “reduction of the appropriations for the military and other armed organizations of the GPH,” “a truly independent foreign policy” and so on? As it is, the GPH and the NDFP already have differing perceptions or understandings of the “mutually acceptable principles” of “national sovereignty, democracy and social justice” in The Hague Joint Declaration. They are not on the same page, as it turns out, even on these general concepts and principles in their framework agreement. How much more when it comes to nat-dem catch-phrase flagship programs?

There is a sense that the NDFP “special track” proposal was made with the full expectation that it would be rejected as the kind of proposal that any Philippine government cannot but refuse. And so, why propose it in the first place? The answer is found at the end of the CAIJP document: “Otherwise [i.e. if not co-signed by the GPH], the Filipino people and revolutionary forces are more than ever justified to continue the new democratic revolution through people’s war...” It all goes back to the PPW strategy. But for the NDFP to say on the other extreme that, upon the co-signing by the GPH of the CAIJP, “the civil war ends and a just peace is achieved immediately,” is also to raise false expectations about achieving peace. Institutional peace-building just doesn’t happen that way. It begins (or should begin) not with the signing of a peace agreement but even long before that, during the process surrounding the peace negotiations.

Thus far, we have engaged or deconstructed largely the NDFP’s political or propaganda line about the peace negotiations, in order to argue the thesis of this article that the negotiations have become a charade. This purposive engagement is because the NDFP has articulated that line more calculatedly, consciously and prominently. In contrast, the GPH has not been as voluble. But actions (or more precisely lack of action) can speak louder than words. The inaction of not trying, or of not trying hard enough, can belie whatever spoken words or intentions. One might say this, for example, about the published statement of the Office of the Presidential Adviser on the Peace Process (OPAPP) that “Amidst roadblocks in the GPH-NDFP peace process, the government remains firm on its commitment to attain a final negotiated political settlement with the NDFP.” How can the OPAPP even talk about “a final negotiated political settlement” (and raise false hopes like the NDFP does with the CAIJP) when the parties have not been able, for a considerable length of time already, to resume their formal peace talks that still have to cover three major substantive agenda headings?

The parties agreed in an informal meeting initiated by the Royal Norwegian Government (RNG) in Oslo last June 2012 “to continue meaningful discussions of concerns and issues raised by both sides” (mainly about the level of violence and landmine use raised by the GPH, and about claimed political detainees and consultants raised by the NDFP). It is the RNG Third Party Facilitator, rather than the parties themselves, that has been exerting extra effort “to revive the lagging peace process.” And yet more than three months have passed, including the European summer vacation season (the NDFP peace panel is based in Europe), without any follow-up meeting on even these *non-substantive* “prejudicial issues,” but there has been no vacation or break on the war front.

“Strategic Stalemate”: What is to be done?

And so, all told, there has been for some time already a “strategic stalemate,” not in the military situation but in the more-off-than-on peace negotiations. It is about time that these, just like the

ARMM, be declared to be a “failed experiment.” What is to be done then after just dropping the charade of peace talks? The answer to this question deserves a separate fuller treatment. We will for now, however, outline here some thoughts about just one important particular area of concern and work. Since the parties, especially the NDFP, have their hearts more into pursuing their respective deadly wars against each other, it is also in their respective interest, and more so of the civilian population in the war zones, that the war is conducted in accordance with the rules, basically the rules of human rights and IHL. Proof, though not necessarily the best evidence, of this common interest is their 1998 *Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law* (CARHRIHL), considered a substantive agreement, the first one and likely the only one. In a manner of speaking, respect for human rights and IHL may be “the only game in town” on the GPH-NDFP front, certainly better than “playing our charade” of peace talks.

Unfortunately, the CARHRIHL’s implementation has also been stalemated not only by the stalemated dynamics of the peace negotiations under which such implementation has been subsumed, but also by its stalemate-prone Joint Monitoring Committee (JMC) mechanism with certain consensus rules. This is further complicated by each party asserting their respective justice systems in another game of “two governments,” and raising again the specters of unconstitutionality and belligerency status. Perhaps the parties may want to consider at least “uncoupling” the JMC mechanism from the peace negotiations, so that the operationalization of the JMC is not dependent or contingent on the state of progress (or lack of it) of the formal peace talks.

Human rights and IHL are ultimately too important to be left at the mercy of the JMC mechanism. As we said early on above, we to break out of the stalemated dynamics of the peace negotiations, and all concerned, not just the two warring parties, have to find new and better ways of civilian protection. The NDFP proposal for a “special track” for “immediate just peace,” no matter how politically unrealistic, at least shows that there can be some “thinking out of the box” of the “regular track” of four sequential substantive agenda stages in the peace negotiations outlined in *The Hague Joint Declaration* and its 1995 implementing agreement on Reciprocal Working Committees (RWCs). Let this kind of “thinking out of the box,” creativity and flexibility manifest itself more in the direction of humanitarian protection.

For one, the CPP-NPA-NDFP national leadership should no longer discourage or prohibit its local commands from local-level talks (not local peace talks) that would more expeditiously and effectively address humanitarian concerns arising from armed hostilities at that level. This kind of local-level talks should no longer be proscribed by that leadership as necessarily a counter-insurgency trap to pacify, divide and induce the capitulation of the revolutionary forces. Relatedly, local-level talks initiated by conflict-affected local communities, that seek respect for their own genuine declarations of their communities as “peace zones” that are off-limits to armed hostilities, should not be treated as necessarily a counter-insurgency measure to cramp or limit the areas for NPA tactical offensives. The whole countryside is vast enough for that.

Civil society peace groups like notably Sulong CARHRIHL (Advance CARHRIHL) have tried to make CARHRIHL work even without the stalemated JMC mechanism, albeit Sulong CARHRIHL has focused mainly on work at the local community level, where after all the work is most needed. But of course the broad work of advancing human rights and IHL is not limited to and by the CARHRIHL. The broad array of IHL (and also human rights) advocates who had gathered around the first National Summit on IHL in 2009 have significantly since then taken on and stepped up the work to address the relevant main challenges of: [1] humanitarian intervention especially during massive internal displacement due to armed hostilities; [2] education, information and communications on IHL (and human rights); and [3] monitoring, investigation and prosecution of IHL (and human rights) violations in the context of the armed conflict.

In terms of exploring alternative institutional mechanisms for that last most difficult challenge monitoring/investigation of and accountability for IHL (and human rights) violations, the 2009 IHL Summit for one called on the Commission on Human Rights (CHR) to develop its own complementary or fallback mechanism to the JMC. It is good that an independent constitutional commission mandated for human rights concerns, with a nationwide offices, and with international links, is giving attention also to the related but distinct field of IHL and to HR-IHL violations not only of the state armed forces but also of non-state armed groups. Seeking rebel accountability is a special challenge in itself due to various conceptual and practical reasons, including “no permanent address.”

Conceptually, there is the traditional notion that human rights and their violations pertain only to state agents, not to non-state actors. One of the best evidences and arguments against this traditional concept is the CARHRIHL itself which holds a non-state armed group in the NDFP to standards of human rights and a measure, albeit limited, of accountability therefore. And yet the existing and pending legislation on torture, enforced disappearances and extra-judicial killings are by definition limited to only those perpetrated by state agents. Again, perhaps the best evidence and argument against that narrow(-minded) definition is the experience of the CPP-NPA anti-infiltration campaigns of the 1980s where all three crimes were admittedly committed.

There is a CPP-NPA organizational “plea of guilty” to these purge violations but there has been inadequate accountability and redress. It is about time that those collective as well as individual human rights and IHL violations be given a more effective institutional redress in terms of truth, justice and healing for the purge victims and survivors and their families before the moment and memories are lost. Given the passage of time (with the legal rules on prescription, albeit only for prescriptible common crimes, but not for war crimes and crimes against humanity, among others), there should be exaction of at least historical and moral accountability, if no longer legal accountability, such as through some form of “truth commission.”

The work of upholding respect for human rights and IHL in the context of the GPH-NDFP armed conflict may be well below the ideal and the high policy level of a negotiated political settlement. But aside from its more immediate value of civilian protection, HR-IHL work has a long-term **strategic value** and direction of laying better ground (and lowering the costs and antagonism) for a negotiated political settlement when the requisite political will and also paradigm shifts on both sides come about, hopefully sooner rather than later. In the meantime, let’s not fool ourselves “playing our charade” of peace talks, and just devote our efforts, energies and valuable time to what can be realistically and beneficially done. This is the **new peace challenge** on the GPH-NDFP front of war and peace.

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Naga City, 8 October 2012

P.S.

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