

U.S. MILITARY OPERATIONS IN THE PHILIPPINES: A THREAT TO PEACE AND DEMOCRACY

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Abstract

This advocacy paper is based on a talk given at the Conference 'War on Terror: A Challenge to Democracy' (9 August 2002). It argues that the continuing US military operations in the Philippines, within the context of the US war against terror, have substantially eroded the already weak democratic processes in the Philippines and also pose a serious threat to peace and stability in Asia-Pacific. The current military operations and the growing reliance of President Gloria Arroyo's administration on the Philippine military provides a fertile ground for the full return of anti-democratic and militarist forces akin to those that supported martial law under President Ferdinand Marcos.

Considering the dearth of information on the history of Philippine-US relations, the paper provides a general overview of the issue of US military bases in the Philippines which may be helpful in providing a context to the current US military presence in the Philippines.

In July this year, Philippine newspapers bannered a story regarding a U.S. soldier who barged into the house of an unarmed Filipino civilian suspected of being a rebel² and shot him in front of his wife and children.

After the United States was forced to close its military bases in 1992, the U.S. military is back in the Philippines under a new mandate—launching a war against 'terror'.

From the original 660 U.S. troops and 160 military advisers deployed in the Philippines³ after September 11, the U.S. contingent has ballooned to nearly 3,000 troops in June this year. The policy direction taken by the U.S. government in the Philippines today, is clearly to (i) **increase** its troop deployment, reported to number 8,000 troops by October⁴; (ii) **expand** its operations from merely operating against the Abu Sayaff in Mindanao to conduct military action against other rebel groups outside Abu Sayaff areas; and (iii) **extend** its stay from the original six months to an undetermined period, perhaps permanently.

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² Julie Alipala and Juliet Javellana, 'American Soldier Tagged in Shooting of Abu Sayaff Suspect', *The Philippine Daily Inquirer* (Manila, Philippines) 27 July 2002, 1.

³ Gerard Lacuarta and Julie Alipala, 'Basilan Execs, Residents Want U.S. Troops to Stay', *Philippine Daily Inquirer* (Manila, Philippines), 31 July 2002, http://www/inq7.net/nat/2002/jul/31/nat_1-1.htm sighted on 7 August 2002.

⁴ Dona Pazzibugan and Julie Alipala, 'Balikatan 02-1 Ends; U.S. Assistance Continues: Long Term Plan Unveiled', *Philippine Daily Inquirer* (Manila, Philippines), 31 July 2002, http://www/inq7.net/nat/2002/aug/01/nat_2-1.htm sighted on 7 August 2002.

This paper posits that :

- (a) U.S. war against ‘terror’, manifested in the deployment of U.S. troops in the Philippines, undermines the already weak democratic institutions and processes in the country.
- (b) The standing policy of increasing, expanding and extending U.S. military presence in the Philippines substantially increases the possibility of a shooting war between the U.S. and various armed rebel groups in the Philippines.
- (c) If a shooting war does take place, the U.S. will inevitably demand support from other countries, Australia in particular, not out of military necessity, but in order to clothe its military operations with legitimacy and providing it a semblance of mandate from the international community. This would heavily impact on peace and stability in the region.

U.S.-Philippine relations: A history of military intervention since 1898

The first U.S. military involvement in the Philippines took place in 1898,⁵ immediately before the little known Philippine-American War, called by many writers as the U.S.’ first ‘Vietnam War’. After Spain ceded the Philippines to the U.S. under the Treaty of Paris of 10 December 1898⁶, the United States started its ‘pacification’ campaign to quell Filipino revolutionists and transform the archipelago into the first direct American colony. More than 126,000 US troops were sent to the Philippines to quell the resistance to US colonization efforts.

The reasons for US interest in the Philippines is best summed up by Sen. Albert Beveridge of Indiana, in a US Senate speech on 9 January 1900:

The Philippines are ours forever . . .and just beyond the Philippines are China’s illimitable markets. . . We will not renounce our part in the mission of our race, trustee under God, of the civilization of the world. . . . Where shall we turn for consumers of our surplus ? . . . China is our natural costumer. . . The Philippines will give us a base at the door of all the East. . .⁷

Despite ‘granting’ the Philippines its independence in 1945, the U.S. maintained heavy military presence in the country. On 14 March 1947,⁸ the U.S. and its former colony signed the Military Bases Agreement (MBA) and formalized the establishment of 23 U.S. military installations located in strategic parts of the country, the most important of which is the Subic Naval Base and Clark Airbase. Subic covers an area of 62,000 acres (26,000 hectares). Clark covers an area of 158,000 acres, almost the same size as that of Singapore.

⁵ Renato Constantino, *The Filipinos in the Philippines* (4th Printing, 1972) 7-15.

⁶ Renato Constantino, *The Philippines: A Past Revisited* (14th Edition, 1994) 213.

⁷ Roland G. Simbulan, *The Bases of our Insecurity* (1983) 62-3.

⁸ Ivan Molloy, *Rolling Back the Revolution* (2001) 125.

The U.S.-RP Mutual Defense Treaty (MDT), obligating both countries to provide joint defense against any *external* attack on both countries, signed on 30 August 1951⁹ further entrenched U.S.' military role in the Philippines.

The presence of U.S. military in Clark Air Base and Subic Naval Base, the largest U.S. military bases outside continental USA, gained notoriety during the years that followed. Prostitution, drugs and smuggling proliferated in base areas. There were many instances of Filipino's being shot and killed for entering base areas without authority.¹⁰ It must be noted that under the MBA, the U.S. essentially retains primary criminal jurisdiction over its troops. A U.S. personnel accused of a crime is usually shipped back to the U.S. rather than tried in the Philippines.

The use of these bases as storage facility of nuclear weapons and also as launching pad for military attacks on other countries such as Vietnam and Libya caused fear among Filipinos of being dragged into a possible war with other countries.

The issue on these US bases have always been a weak spot for the Philippine government¹¹ and was one of the issues that hasten the downfall of then President Ferdinand Marcos. The bases generated so much antagonism that on 16 September 1992, due to mounting protest, the Philippine Senate voted not to renew the MBA thereby forcing the closure of the bases. The new Philippine Constitution also contained a provision which declares that no foreign military bases, facilities or troops will be allowed into the country, unless provided for under a treaty recognized as such by the parties.¹²

The return

The Philippines is an ideal military forward position in Southeast Asia, a region with 572 million people and an average GNP of U.S.\$ 700 billion.¹³ It came as no surprise then, when the U.S. negotiated with the Philippine government the signing of the Acquisition and Cross Servicing Agreement (ACSA) in November 1994. The ACSA obligates the Philippines to provide U.S. military ships and planes with limited refuelling, repair, supply and storage facilities. However due to protests from many Filipinos, ACSA was not signed.

In November 1997, the U.S. again proposed the signing of the Status of Forces Agreement (SOFA) that grants rights and privileges to U.S. armed forces visiting the

⁹ Ibid 137.

¹⁰ See generally: Roland Simbulan, *The Bases of our Insecurity* (1983) and Alex Brillantes, *Dictatorship and Martial Law* (1987).

¹¹ Kathleen Weekley, *The Communist Party of the Philippines: 1968-1992* (2001) 208.

¹² Article XVIII, Section 25 of the 1987 Philippine Constitution provides that 'After the expiration in 1991 of the Agreement between the Republic of the Philippines and the United States of America concerning Military Bases, foreign bases, troops, or facilities shall not be allowed in the Philippines except under a treaty duly concurred in by the Senate and, when Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose, and recognized as a treaty by the other contracting State.'

¹³ Peter Symonds, 'Why has Southeast Asia Become the Second Front in Bush War Against Terrorism?' 26 April 2002, <http://www.wsws.org/articles/2002april2002/asia-a26.shtml>, sighted on 8 August 2002.

Philippines for war games and training exercises. Like the ACSA, the SOFA was not signed due to massive protests.

On 6 October 1998 the Executive submitted to the Philippine Senate for ratification an agreement signed by both the U.S. and the Philippines, the *Visiting Forces Agreement* (VFA). Although it contains similar provisions as the stillborn SOFA, the Philippine Senate by a vote of 18 against 5 ratified the agreement on 27 May 1999. The U.S. Senate did not ratify the VFA, which should render the treaty inoperable in the Philippines under Article 18 of the Philippine Constitution. The VFA was used as the basis for the entry of U.S. military personnel in the Philippines to conduct military training exercises and war games with Filipino troops. The VFA, together with the Mutual Defense Treaty (MDF), is currently used as the basis for the deployment of U.S. troops as part of the war against 'terror'. It must be noted that the Abu Sayaff is not deemed an 'external' aggressor within the parameters of the MDF.

The Filipinos are not new to US military operations having experienced it during the Philippine-American War of 1898-1901. Description of US military operations are best summed up by Stuart Miller in 'Our My Lai of 1900: Americans in the Philippine Insurrection' as cited in Roland Simbulan's 'Bases of Our Insecurity':¹⁴

Another American soldier freely confessed that he had used the "water cure" on 106 Filipinos, all but 26 of whom had died in the process. . . . The victim was placed on his back and forced to swallow huge amounts of water, often salted. Periodically, a soldier jumped on his distended stomach, and the process was started over again. . . .

A front page of the *Philadelphia Ledger* carried an eyewitness account of a large-scale retaliatory killing of Filipino civilians by Americans:

American troops have been relentless, have killed to exterminate men, women, and children, prisoners and captives . . . have taken prisoners people who have held up their hands and peacefully surrendered; and an hour later, without an atom of evidence to show that they were even insurrectos, stood them on the bridge and shot them down one by one to drop into the water below and float down as examples to those who find their bullet-ridden corpses.

This experience is the reason why many Filipino's are very apprehensive of the current US military operations in the Philippines.

Philippines: The second front

On 12 January 2002, President Gloria Arroyo approved a joint proposal by the Philippine Department of National Defense and the U.S. Pacific Command, to conduct joint military exercises in the Philippines called '*Balikatan 02-01*'. *Balikatan*, which means 'shoulder-to-shoulder' in Filipino is essentially a counter-terrorism operation initially conducted by 660 U.S. soldiers, 160 U.S. military advisers and 3,800 Philippine soldiers for a period of six months. This military

¹⁴ Simbulan, above n. 7, 68-9.

operation, which later in June was implemented by nearly 3,000 US soldiers, is the biggest deployment and military operations of the U.S. outside of Afghanistan. Under *Balikatan's* Terms of References, U.S. military personnel will conduct 'advising, assisting and training exercises' to combat terrorism and can engage in actual combat in 'self-defense'.

US troops were supposed to operate mainly in Basilan, the main base of the Abu Sayaff, which then held hostage two Americans, and one Filipino woman. However, U.S. spy planes were reported to reconnoitre areas outside Abu Sayaff territory before the local armed forces launch operations in villages within those areas. In fact, the biggest U.S. casualties outside the Afghan war theatre happened near Negros province, hundreds of miles away from Basilan, when a U.S. army helicopter crashed killing all 10 military personnel aboard.

The military operations had a major firefight with the Abu Sayaff in June 2002 that led to the rescue of one American hostage and the death of the other two hostages an American preacher and a Filipino woman.

Suspicious that the U.S. intends to stay were fuelled by U.S. Deputy Secretary of Defense Paul Wolfowitz, during a visit to the Philippines on 2 June 2002.¹⁵ He declared that 'We're open to all kinds of possibilities not just with respect to Basilan but with respect to the larger problems of peace and order in this country.' He further stated that '*It would be very misleading to suggest, especially to Filipinos, that as soon as the Burnhams¹⁶ are rescued the Americans will lose interest in the Philippines. This is a much bigger question.*' He also admitted to the media that deployment of U.S. military personnel down to the company level of the Philippine armed forces is being 'contemplated'.¹⁷

The U.S. then sent in June 2002 a contingent of approximately 1,800 U.S. soldiers to Luzon, thousands of kilometres from Mindanao, to conduct 'war games and training exercises'. This new and bigger deployment caused massive protests, since there are no Abu Sayaff, much less Muslim rebels, in Luzon. Rather, this area is a stronghold of another rebel group, the New People's Army (NPA).

These developments clearly indicate a longer, deeper and more active U.S. military engagement to address the problem of 'peace and order', which necessarily involves operations against the various rebel groups in the Philippines.

The expanding scope of U.S. operations has not escaped the notice of these rebel groups. The NPA, an armed rebel group with a reported strength of 11,000 regular troops¹⁸ warned that they will fire at any U.S. soldier entering their area of

¹⁵ Mark Baker, 'They may Return: U.S. Plans Bigger Presence in the Philippines', *The Age* (Melbourne), 5 June 2002, The Age, B4.

¹⁶ The Burnhams are the American couple held hostage by the Abu Sayaff.

¹⁷ U.S. Department of Defense, 'Transcript: News Briefing of Deputy Secretary Paul Wolfowitz', 3 June 2002, <http://usinfo.state.gov/topica/pol/terror/02060510.htm>, sighted on 7 August 2002.

¹⁸ SG News, 'Philippine Communist Leader Calls for Anti-Government Offensive', <http://sg.news.yahoo.com/020806/31agr.html>, sighted on 7 August 2002.

operations.¹⁹ They have reportedly shot and damaged in fact a U.S. military plane, which flew over rebel areas in northern Luzon.

On 25 July 2002, Philippine newspapers reported the shooting of an unarmed Filipino civilian Buyong Isnijal, by a U.S. soldier during a raid in the former's house. The U.S. military denied involvement in the shooting despite the testimony to the contrary of the wife of the victim.

Impact on Democracy and Peace

The current U.S. military operations in the Philippines, conducted within the context of the U.S. war on 'terror' undermine the already weak democratic institutions and process in the Philippines and threaten peace in the region.

Firstly, the peace process, particularly peace talks with the Moro Islamic Liberation Front (MILF) reportedly with an armed strength of 18,000 regular troops and the National Democratic Front (NDF) which leads the New People's Army (NPA), have been substantially derailed by the deployment of U.S. troops and threats of the U.S. to expand their operations against these groups. The recent—and sudden—inclusion of the NPA in the U.S. State Department's list of 34 'foreign terrorist 'organization' and the subsequent Philippine government's declaration of 'all out war' against the NPA, has practically all but destroyed any previous gains in advancing peace in the country.

The peace process is a decisive component in the transition to democracy. The long running internal conflict in the Philippines has resulted in massive violation of civil and political rights. Security considerations has not only led government to abhor people's participation in governance but also caused the breakdown of consultative processes. In times of war, democracy is always the first casualty.

Secondly, in order to quell the inevitable massive protest as U.S. military operations drag on, President Arroyo's administration will have to substantially rely on the military establishment. With increasing U.S. military aid to train and arm the Philippine military, it is not farfetched to expect the resurgence of the armed forces similar to those that held sway during the martial law period under then President Ferdinand Marcos. Democratic processes will flounder in a situation where the executive department is beholden to its military generals heading a Philippine military prone to violate human rights of Filipinos protesting against unpopular government policies. Furthermore, transparency, a crucial aspect of democracy has been completely abandoned by the Arroyo government during the negotiations and the drafting of the agreements related to the deployment of U.S. troops, to pre-empt protests which have been fatal to previous attempts to reintroduce US military presence in the country.

Thirdly, due to the need to legitimise its presence in the country, the U.S. will find it necessary to heavily influence important departments in the Philippine government. U.S. State Secretary Colin Powell after his visit to the Philippines on 2

¹⁹ For information on the New People's Army, see Kathleen Weekley, above n 11.

August 2002,²⁰ announced a U.S.\$55 Million military aid, in addition to the previously announced U.S.\$ 100 million aid commitment,²¹ an offer which the cash-strapped Philippine government will find hard to resist. Due to fear that its troops in the Philippines may be opened to possible criminal prosecution, the US is openly using the carrot and the stick to pressure the Philippine government not to ratify the Rome Statute establishing the International Criminal Court. The U.S. has declared its threat to withhold aid to countries that ratify the Rome Statute. The rush to have an anti-terrorist law passed, despite its apparent threat to civil and political liberties and susceptibility to abuse, further props up the suspicion that even the legislature is heavily controlled by the U.S. Surely, decisive influence by a foreign government over the executive and a legislature of another country not only undermines that country's sovereignty but its democracy as well.

Fourthly, the Supreme Court decision that the Visiting Forces Agreement (VFA) does not violate Philippine Constitution, despite its non-ratification as a treaty by the United States, has put into question the independence of the judiciary. Even if the U.S. did not exercise any influence on the Supreme Court, people's perception that it is so, will cause serious harm in the credibility and functioning of the justice system. One basic component of democracy is a fair and impartial judiciary and administration of justice, and also importantly, a perception that it is so. The government's lack of interest in investigating and prosecuting those involved in the reported shooting of an unarmed Filipino civilian by an American soldier, does not help in improving the credibility of the justice system.

A shooting war between the U.S. and Filipino rebel groups, will also impact not only in the Philippines but in the whole Asia-Pacific region as well. If the U.S. becomes directly involved in armed conflict with various Philippine rebel groups, which have more firepower than the 200-strong Abu-Sayaff and a possible combined strength of more than 30,000 armed regular troops, it will without any doubt, demand military support from other countries in the region such as Australia. This demand is not so much out of military necessity, but more on the need of the U.S. to clothe its military intervention with legitimacy. Support from Australia and other countries no matter how token, will be seen as a mandate from the international community for the U.S. operations. This will practically create instability in the region as supporters of the Filipino Marxist rebel groups and Islamic rebel groups could retaliate against the U.S. and those that will support its war in Southeast Asia.

In summary, Philippine democratic institutions and process are not just at risk of being weakened, but have already been substantially undermined by the deployment and operations of U.S. troops in the Philippines as part the war against 'terror'. The war has a negative impact on various factors, which inform transitional democracy in the Philippines, notably the three branches of government, the armed forces and the peace process. The escalation of the conflict will only hasten the

²⁰ Agence France Presse, 'Powell Arrives to Bolster Partnership Against Terror', *Philippine Daily Inquirer* (Manila, Philippines), 3 August 2002, http://www.inq.7.net/brk/2002/aug/03/brkprl_9.1.htm sighted on 7 August 2002.

²¹ Fe Zamora, 'U.S. to Give US\$55 M to RP Anti-Terror Campaign', *Philippine Daily Inquirer* (Manila, Philippines), 3 August 2002, http://www.inq.7.net/brk/2002/aug/03/brkprl_9.1.htm sighted on 7 August 2002.

dislocation of these processes and create a fertile opportunity for the re-emergence of anti-democratic forces and institutions that has once controlled the Philippines during the Marcos martial law dictatorship.