

REPUBLIC OF THE PHILIPPINES- UNITED STATES DEFENSE COOPERATION: OPPORTUNITIES AND CHALLENGES, A FILIPINO PERSPECTIVE

BY

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USAWC STRATEGY RESEARCH PROJECT

REPUBLIC OF THE PHILIPPINES-UNITED STATES DEFENSE COOPERATION: OPPORTUNITIES AND CHALLENGES, A FILIPINO PERSPECTIVE

by

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This paper examines defense cooperation between the Republic of the Philippines and the United States of America as a function of four driving forces: (1) historical ties, (2) established military engagement frameworks, (3) enduring common interests and threats, and (4) the priorities and style of leadership of the American Chief Executive. When all these elements are taken into consideration, they create opportunities and at the same time pose challenges to R.P.-U.S. defense cooperation. The author argues that among the four elements, the agenda and style of leadership of the American Chief Executive is the most varying. Yet, it is also the one that most strongly influences the opportunities and challenges related to specific kinds and the pace of continued defense cooperation for the Republic of the Philippines and the United States. He concludes that the change of emphasis and specific agenda of the Obama administration potentially ushers in new prospects for the alliance if those involved in R.P.-U.S. defense cooperation work towards maximizing the opportunities and reducing the challenges.

REPUBLIC OF THE PHILIPPINES-UNITED STATES DEFENSE COOPERATION: OPPORTUNITIES AND CHALLENGES, A FILIPINO PERSPECTIVE

Although the Philippines is not the largest of countries, it, using a phrase from boxing, punches above its weight in the international arena.

—Barrack Obama¹

Republic of the Philippines-United States (R.P.-U.S.) defense ties are deeply embedded in the two countries' long shared history. As Treaty allies, Filipino and American soldiers have fought side by side in many great battles even after the United States granted Philippine independence in 1946, such as the Korean War and Vietnam War². However, as much as history has laid the foundation for the present R.P.-U.S. defense cooperation, there are other equally important factors, or driving forces, that greatly contribute to continued Philippine defense relations with the United States. Such other elements are the institutionalization of military engagement frameworks, enduring common security threats and interests,³ and the priorities and style of leadership of the U.S. president.⁴

History has paved the way for the gradual establishment of these present security agreements as mechanism for military-to-military cooperation, the Mutual Defense Treaty of 1951, the Mutual Defense Assistance Agreement of 1953, the Visiting Forces Agreement of 1999 and the Mutual Logistics Support Agreement of 2002. The 1951 Mutual Defense Treaty serves as the mechanism for the two countries, as defense partners, to respond in the event of an armed attack by foreign forces on the metropolitan territories, armed forces, public vessels or aircraft of either country.⁵ The 1953 Mutual Defense Assistance Agreement revised and extended the 1947 Military Assistance Agreement, which constituted the continued commitment of the United

States Government to make equipment, materials, devices and other assistance available to the Philippines.⁶ The Visiting Forces Agreement was based on shared interest of regional peace and stability. It regulates the circumstances and conditions under which U.S. forces may visit the Philippines for bilateral military exercises.⁷ The Mutual Logistics Support Agreement, a facilitation agreement for reciprocal provisions of logistics between the Armed Forces of the Philippines and U.S. forces especially for the limited basing of U.S. forces in the Philippines. The Mutual Logistics Support Agreement can come to play only in conjunction with an approve activity under the Mutual Defense Treaty or Visiting Forces Agreement.⁸

To oversee and implement the functionalities of these agreements is or what is the R.P.-U.S. Mutual Defense Board and Security Engagement Board. The depth and complexity of this engagement framework, especially of the agreements that support it, provide stability and continuity despite the ever-evolving security environment.

The defeat of terrorism and the achievement of regional security are common interests of both the Republic of the Philippines and the United States. These common aspirations make the alliance grounded on shared values and mutual gain.⁹ On the one hand, the Philippines' sound bilateral diplomatic relations with various countries and its key initiatives in the development of regional organizations contribute to the importance of the Philippines' geopolitical role in Southeast Asia and the wider Asia Pacific.¹⁰ Hence, ties with the Philippines are valuable assets in establishing connection with the region. The United States, on the other hand, being a global superpower, has established the technical and technological capacity, and the network of allied states that provide support for both Philippine national and international defense endeavors.¹¹

A stable regional and global security environment through strong defense cooperation facilitates the efficient conduct of trade between both countries, promoting economic prosperity.¹²

Among these four driving forces, there is one force that centers on the individual. The Presidents of both the Philippines and the United States of America, elected by their respective populations, carries with him/her their respective country's public opinions and the powers to act on public opinion. Compared to the other driving forces, the Chief Executive, with a term of 4 years and qualified for another term in the case of U.S. presidents, and a 6 year single term for Philippine presidents, is more prone to the changes in the environment, which makes him/her the most dynamic determinant in R.P.-U.S. defense relations. Thus, changes in administration in either country would have its impact on the current defense engagements.¹³

The remainder of this paper examines the four driving forces that shape R.P.-U.S. defense relations in more detail, evaluates the possible opportunities and challenges for a broader R.P.-U.S. alliance, and provides recommendations on how to maximize the opportunities and overcome the identified challenges.

R.P.-U.S. Historical Ties: Defense Relations through the Years

Philippine-American defense relations began when the United States declared war against Spain on April 25, 1898. Identifying one common threat, the Filipino revolutionaries and American forces worked towards the defeat of the Spaniards, which finally occurred following the Battle of Manila Bay in 1898. After Spain officially transferred ownership of the Philippines to the United States through the Treaty of Paris¹⁴ the Filipinos fought for independence against the Americans. The Americans defeated the Filipinos by 1902, but eventually decided that American occupation in the

Philippines would be temporary and only to aid in the transition of the Philippines towards independence.¹⁵

When the Japanese invaded the islands shortly after attacking Pearl Harbor in the Second World War, the military cooperation between Filipinos and Americans heightened again. Responding to the invasion, Filipino and American combatants defended the islands but were defeated by the Japanese.¹⁶ After years of Japanese occupation, during which Filipino and American fighters cooperated closely to conduct irregular warfare against the occupiers, the return of General Douglas MacArthur in the Leyte landing of 1944 led to renewed Filipino and American combined armed forces' conventional efforts against the Japanese, leading to the defeat of the Japanese in 1945.¹⁷

Even after the United States granted Philippine independence following the end of World War II, the Philippines cooperated with the United States in many international military engagements. Filipino soldiers fought along with United States troops and other soldiers of the United Nations member states in the Korean War. During and after the Cold War, the Philippines served as host for U.S. military bases at Clark and Subic. At the height of the Vietnam War in 1966, Subic Naval Base became the hub for American Ships containing food, fuel and arms vital for the sustenance of the U.S. fleet in the region.¹⁸ In the 1991 Gulf War, Subic was the "staging ground for one of the biggest U.S. military operations since the Vietnam War, the Desert Shield and Desert Storm operations. This provided support for the forward deployment of U.S. forces in the Asia-Pacific, which served as a key pillar for regional stability.¹⁹

R.P.-U.S. Defense Engagement Institutions: Agreements and Frameworks

The three main international military engagements of the Philippines and the United States after independence stated above – the Korean War, the Vietnam War and the Gulf War – were the basis and at the same time the product of formal agreements and mechanisms for R.P.-U.S. defense cooperation. First the Military Bases Agreement made the Republic of the Philippines' pivotal contributions to the abovementioned Wars possible. Signed in March 1946, this gave permission to the United States to continue the use of military bases in the Philippines for 99 years after Philippine independence, although it was amended to reduce the remaining duration to 25 years in 1966.²⁰ The Military Bases Agreement made Clark Airbase and Subic Naval Base available as extremely valuable repair and resupply stations for the U.S. Thirteenth Air Force and the U.S. Seventh Fleet respectively. Furthermore, these two bases were deemed important in the continued U.S. military presence in the Middle East as well as in the Pacific and Indian Oceans.²¹

In anticipation of the expiration of the Military Bases Agreement, Filipino and American negotiators inaugurated a series of talks for a new arrangement. After several months of discussion, an agreement was forged; it was labeled "R.P.-U.S. Treaty of Friendship, Cooperation and Security."²² Under this agreement, U.S. military presence in the Philippines would be allowed for at least ten more years, subject to renewal, for what was called "minimum compensation."²³ Since it was by its nature a treaty and would authorize the presence of American military troops, facilities, hardware and equipment in the country, it was necessary under the new 1987 Philippine Constitution to have it ratified by the Philippine Senate.²⁴

However, in September 1991, the Philippine Senate rejected the proposed treaty renewal by a one-vote margin.²⁵ This came at a time of political turmoil in the Philippines, when the nationalist movement to remove the U.S. military bases was at its peak.²⁶ Nevertheless, albeit with significantly less intensity after the Senate rejection, R.P.-U.S. defense cooperation continued through other existing agreements.

The Military Assistance Agreement, signed also in 1947, and the Mutual Defense Treaty have served as the foundation of the alliance, providing stability even with the termination of the Military Bases Agreement in 1991.

The Mutual Defense Treaty is premised on the recognition of both the Republic of the Philippines and the United States that an armed attack in the Pacific on either of them would be an equal threat to the security of the other. Aside from the actual response to the existence of an external attack, the Republic of the Philippines and U.S. forces through self-help and mutual aid, seek to prepare and enhance their capability to prevent those attacks or efficiently respond to them.²⁷ To achieve the defense goals set in the Mutual Defense Treaty, the Mutual Defense Board was established in 1951. The Mutual Defense Board serves as a mechanism for continuing liaison and consultation between the two countries to develop and improve their common defense. In the true spirit of the Mutual Defense Treaty, the activities implemented by the Mutual Defense Board focus on traditional military exercises that aim to prepare both armed forces for joint ventures against another aggressor state.²⁸

However, as the security environment changed its focus from inter-state warfare to terrorism and other internal threats to the state, the Mutual Defense Board's framework needed another mechanism for security engagement that can address these

new challenges. Especially in the aftermath of the September 11 attacks, this other mechanism, the Security Engagement Board, revitalized R.P.-U.S. defense relations after almost a decade since the Military Bases Agreement abolition.

For purposes other than military, or for non-traditional security concerns, the Security Engagement Board was created by the Romulo-Kenney Exchange of Notes.²⁹ The Security Engagement Board addresses military to military and inter-civilian agency coordination to deal with terrorism, maritime security, transnational crimes, humanitarian assistance, man-made disasters and other new security concerns.³⁰ The Security Engagement Board works in partnership with the Mutual Defense Board in enabling the Republic of the Philippines and the U.S. forces to expand areas of cooperation to address non-traditional security concerns, while at the same time sustaining the strength of their mutual partnership against traditional security threats.

The Romulo-Kenney Exchange of Notes was based on the 1998 Visiting Forces Agreement. The Visiting Forces Agreement reinvigorated the defense ties of the Republic of the Philippines and the United States in that it provided a new legal framework for the presence of relatively large number of American troops since the abolition of the bases.³¹ Together with the 2002 Mutual Logistics Support Agreement, the Visiting Forces Agreement guides the Mutual Defense Board -Security Engagement Board framework while the Visiting Forces Agreement and the Mutual Logistics Support Agreement regulate the circumstances, conditions and terms of exchanges of equipment and personnel between the two armed forces.

One of the activities annually implemented by the Security Engagement Board is the “*Balikatan*” (“Shouldering the Load Together”) Exercises. A series of combined

exercises that aims to improve R.P.-U.S. combined planning, combat readiness and interoperability, the “*Balikatan*” series is a representative sample of the vast range of activities that are jointly undertaken by the Republic of the Philippines and U.S. armed forces: seminars and workshops, cross trainings, field training exercises and civil-military operations.³² Support activities include command and control, force protection and security operations, information and public affairs, protocol, personnel, medical and evacuation, logistics, communications, legal, engineering and exercise-related constructions, as well as humanitarian civil assistance exercises.³³

These various agreements and their implementing bodies are components of a highly-developed defense and security engagement framework between the Republic of the Philippines and the United States. This engagement framework complements and supplements the enduring common interests already drawing the two nations together despite their geographic separation across the vast Pacific Ocean.

Enduring Common Interests

Despite the ever-evolving security environment in the Asia-Pacific, the R.P.-U.S. defense alliance has worked towards the fulfillment of broad and enduring common interests: regional security and stability, maritime security and transnational crimes and terrorism.

Asia-Pacific Security and Stability. During the Cold War, regional stability in the Asia-Pacific implied maintaining the balance of power between the influence of the United States and the most powerful Communist states, the Union of Soviet Socialist Republics (USSR) and “Red” China, among countries in the region. In contrast, Asia-Pacific security and stability in the present context necessitates ensuring China’s peaceful rise as a regional and global economic power.³⁴

Unfortunately, China's rapid economic progress has been coupled with more aggressive political-military policies and action in the region, posing a critical role in regional security concern. Beijing has reinforced nationalistic sensitivity over the disputed territorial claims in the South China Sea and Taiwan, which, in turn, has heightened tensions and increased the difficulty of managing the already complicated territorial disputes without undermining regional stability. China's aggressive actions include its occupation of Mischief reef and the building of permanent infrastructures on its occupied islands in the South China Sea,³⁵ as well as its aggressive military demonstrations near Taiwan.³⁶

The issue of Taiwan has served as a point of long standing disagreement between the United States and China. The United States has reiterated that it supports the One China Policy as long as resolution of the issue on Taiwan is achieved peacefully.³⁷ Peaceful resolution seems almost anything but how China approaches the issue, as the March 1996 and more recent Chinese missile tests conducted near Taiwan show. China's military exercises, missile tests and other arms demonstrations were in response to the growing Taiwanese support for government efforts towards full independence.³⁸ Therefore, the United States has kept a close watch on the Asia-Pacific in order to ensure that aggressive missile demonstrations would be halted in order to prevent the escalation of conflict.

Unlike the U.S. strategy of containment towards the Union of Soviet Socialist Republics during the Cold War, the United States engages China and aids in the latter's integration in the international community. Making China part of the international community appears to better guarantee its compliance with conventions and peaceful

standards as compared to totally isolating it. Thus, the United States has engaged in direct dialogue and agreements with China, while at the same time the United States also maintains strong bilateral and multilateral economic and security relations with China's neighbours.³⁹

As claimant to the Kalayaan Group of Islands, islets of the Mischief Reef, and Scarborough Shoal in the South China Sea, the Philippines has encountered clashes with China on diplomatic and even military levels. In the 1990s, both the Philippines and China built permanent structures in the islands, but only to be destroyed by one another. One incident involved a 90-minute gun battle between Chinese and Philippine naval ships near Campones Island. Currently, however, China and the Philippines have demonstrated willingness to pursue joint cooperation towards monitoring and patrolling the islands. Together with the other claimants, the Philippines engaged China by making it a party to the 2002 ASEAN Declaration on the Conduct of Parties in the South China Sea which called for mutual restraint by all parties.⁴⁰ Philippine and Chinese oil companies have also begun joint exploration in the South China Sea waters.⁴¹

Both the Republic of the Philippines and the United States deem interoperability as one of the main means to secure regional stability. By deepening military-to-military cooperation in all aspects – personnel, intelligence, operations, logistics, plans, training and others – the Republic of the Philippines and the U.S. armed forces ensure the efficiency and reliability of each other in joint missions. Intelligence and Logistics subcommittees under the Mutual Defense Board facilitate for wider knowledge and materiel resource base.⁴² At the strategic level, the Mutual Defense Board –Security

Engagement Board planning cycle ensure coordination of activities and their consistency with set goals and objectives.

Maritime Security and Transnational Crimes. Related to the dilemma on Taiwan and the South China Sea, maritime security is a common concern of the United States and the Philippines. There are two intertwined reasons behind such concern: the assertion of the freedom of navigation, which would, in turn, combat transnational crimes.

The Philippines has continuously ensured that its vital waterways are open for safe trade and commerce. This is not only evident in its efforts to promote cooperation among claimants of the islands in the South China Sea, but it is also manifested in the Philippines' pursuit of forming trilateral maritime patrol cooperation with Indonesia and Malaysia in the Southern Philippine seas. These efforts not only ease the political tension among states, but are also vital for Philippine economic interests.

In the same manner, the United States has always campaigned for open high seas in the spirit of defending states' freedom of navigation on and over flight over the world's oceans for both military and commercial purposes. Open high seas that allow free navigation allow constant supply of raw materials and exports to and from the United States and the global market. Such therefore is vital for economic security.⁴³ In terms of national security, freedom of navigation is also essential to allow the worldwide movement of U.S. military forces and the sealift and airlift needed for support. Free sea and air spaces enable the expedient provision of military presence for diplomatic purposes, the conduct of humanitarian operations, the support of international missions

of the U.S. Armed Forces, intelligence and surveillance, the projection of power and enforcement of sanctions, among other purposes.⁴⁴

Moreover, the high seas historically and currently, have been an integral part of the perpetuation of piracy, drugs and firearms trafficking, smuggling, human trafficking and other syndicated activities. Indonesia, the South China Sea, and the Malacca and Singapore Straits are key areas that are mostly prone to piracy, threatening regional maritime trade and safe freedom of navigation.⁴⁵

The Asia-Pacific region remains a convenient and ideal ground for drug and firearms trafficking and other highly-syndicated activities via the seaborne route. The seas have been an integral part of the flow of supply for children and humans for exploitative labor.⁴⁶ These criminal activities all the more necessitate enhanced cooperation among states in order to enable more expansive and efficient patrol, monitoring for and deterrence of crime syndicate groups. In order to safeguard the said vulnerable areas, the Philippines and the United States engage in joint-patrol activities. The United States also assists the Republic of the Philippines in coordinating for and developing joint patrol programs with other countries such as Indonesia, Australia and Malaysia.

Terrorism. The 9/11 terrorist attack in the United States brought far-reaching implications not just for the United States but for the Asia Pacific region as well. Long-standing alliances and rivalries alike were engaged by the United States to mobilize support to combat terrorism. Foremost among the mobilized alliances is the United States' partnership with the Republic of the Philippines. Together the R.P.-U.S. defense partnership worked with greater focus towards the fight against terrorism.

After the 9/11 attacks, then U.S. President George W. Bush declared an all-out War on Terrorism. This was followed by American military operations in Afghanistan and Iraq, intended to disrupt the dominant political groups in the Middle East believed to support international terrorist organizations.

As for the Philippines, the country has long been confronted by three major terrorist and insurgent groups: the Communist Party of the Philippines/New People's Army operating largely across the country, the Moro Islamic Liberation Front in Mindanao and the Abu Sayyaf Group in Basilan and Sulu.⁴⁷ However, the intensity of government's military and other efforts to forge permanent reconciliation with these groups reached an all time high after the 9/11 attacks in the United States.⁴⁸

As military exercises gained a new focus on terrorism after 9/11, military relations between both countries were most closely linked since the Philippine Senate's abolition of American bases in 1991. This was due to the Philippines's immediate response to Washington's appeals for assistance in the War against Terrorism, resulting in the Republic of the Philippines membership in the "Coalition of the Willing". President Gloria Macapagal-Arroyo even offered airspace and seaports to U.S. forces for intelligence and logistical support.⁴⁹ The Philippines also sent a 96-man humanitarian contingent to Iraq.⁵⁰ In response, the United States offered the Republic of the Philippines increased military assistance to combat terrorism domestically. Since 9/11, the re-intensified exercise program has included preventive and tactical measures against terrorist and insurgent groups' attacks instead of only external aggressors. In addition, more than 1,000 U.S. troops were sent to the Philippines in 2002 to train Filipino soldiers in counter-insurgency measures against the secessionists.⁵¹

The Philippines and the United States face a common enemy, not only because the nature of the groups they combat are the same, but also because some of these groups actually are linked, making them part of one common network.⁵² There has been evidence that the Abu Sayyaf Group in the Philippines is linked to the wider Al Qaeda network. One example is the finding that ASG founder Abdurajak Janjalani and Osama Bin Laden's brother-in-law Muhammad Jamal Khalifa were connected with each other. Another is that Abu Sayyaf Group key members were found to have trained in Afghanistan under Ramzi Yousef, who was found guilty of the 1993 World Trade Center attack. That 1993 attacks has been linked to Bin Laden.⁵³ Abu Sayyaf received training and funding through Khalifa's network.⁵⁴ Furthermore, Philippine immigration records show that many terrorists involved in the 9/11 attacks went to the Philippines regularly.⁵⁵

The above mentioned driving forces provide the stable structure within which R.P.-U.S. defense engagements develop and take shape. However, the priorities and leadership style of the President are what defines the specific details – the modalities of engagement established or most frequently utilized, the pace of the processes of existing frameworks, the number of activities, etc. – for a given time period.

Leadership of the U.S. Chief Executive

The transition from the Bush administration to the Obama administration provides a helpful insight on how a change in leadership could alter pre-existing and even enduring ties, frameworks and common interests. Thus, we look first to the changes that have taken place in the advent of the Obama administration.

Even with only a year into his administration, President Obama has both spoken and concretely manifested significant changes in U.S. defense policy. The main changes initiated by the Obama administration are emphasizing leadership through

multilateralism, prioritization of human rights and civil liberties, a refocus on Southeast Asia and utilization of a holistic approach to security.

Multilateralism and Diplomacy. It took the 9/11 attacks to make the Bush administration realize the importance of building and maintaining alliances in the international community in order to protect U.S. national interests. In contrast, the Obama administration had a prior belief in multilateralism even before the current President was sworn into office. In organizing his cabinet, President Obama mentioned: "...In order to do that (ensure national security) we have to combine military power with strengthened diplomacy...".⁵⁶ He also noted that in order ensure global security, it is important to build and forge stronger alliances around the world so that the United States Government is not carrying the burdens of these challenges by itself. Obama's Secretary of State, Hilary Clinton, added that security, values and interests cannot be protected and advanced by force alone.⁵⁷ This explains the increased visibility of President Obama and the U.S. delegation in international organizations and in meetings regarding international conventions.

Moreover, President Obama was awarded the Nobel Peace Prize as a leader and "spokesperson" for diplomacy and multilateralism in international defense affairs especially in terms of disarmament. For this President, working with other countries through international organizations is the most effective way to promote national interests. This is because U.S. national interests are shared and cannot be solved alone.⁵⁸

Prioritization of Human Rights and Civil Liberties. The American commitment to the primacy of human rights and civil liberties was re-intensified at the onset of the

Obama administration. President Obama's order to close down Guantanamo Bay, a penal complex hosting prisoners who some allege have been abused by American guards during their detention, attests to this dedication to human rights.⁵⁹ Moreover, the president signed Executive Order number 13491 which abolishes the prior EO 13440 that was frequently cited to justify inhumane interrogation and loose compliance with human rights conventions. Maintaining the habeas corpus of suspected criminal, EO 13491 aims to protect the safe and humane treatment of individuals in United States custody and of detained United States personnel. It also ensures compliance with U.S. laws on the protection of civil liberties as well as the Geneva Conventions and other treaty obligations of the United States.⁶⁰ It rests on the Obama administration's firm belief that upholding human rights is not in conflict with pursuing national interests.

Refocus on Southeast Asia. Secretary of State Hilary Clinton mentioned during the signing of the Treaty of Amity and Cooperation in Southeast Asia that "The United States is back in Southeast Asia."⁶¹ The Treaty of Amity and Cooperation is one of the most vital documents of the Association of Southeast Asian Nations (ASEAN) and a non-ASEAN member's accession to the Treaty of Amity and Cooperation is seen as a symbol of the acceding country's firm commitment to peacefully engaging Southeast Asia through multilateral means.⁶²

The signing of the Treaty of Amity and Cooperation and active U.S. participation in the ASEAN forums are welcome changes from what was observed during the Bush administration. Prior to the Obama administration, there was an apparent U.S. absence in many Asia-Pacific regional meetings. Then Secretary of State Condoleezza Rice did not attend two of the three previous ASEAN Regional Forums, the largest and most

important dialogue forum in Asia.⁶³ The Bush administration did retain and even intensified strong ties with some Southeast Asian states like the Philippines, Thailand and Indonesia. However, U.S. activity then was strong at the bilateral level and to selected countries only. Active U.S. presence during the Bush administration centered on the Middle East; its strong bilateral relations, moreover, were not able to extend to regional cooperation as compared to the policy of the Obama administration.

A Holistic Approach to Security. The Obama administration favors a well-rounded approach to security. The current administration recognizes the need to engage states which are not part of the alliance network, because of security interests that go beyond strictly state-to-state relations. Moreover, by recognizing the importance of food security, energy security, internal stability, economic well being and climate change, the Obama administration is aware that there is a growing recognition to seriously deal with the non-traditional or more comprehensive security issues.⁶⁴ Thus, besides an increased recognition in rhetoric that security can be fully achieved by tapping the social aspects, there are also more concrete moves to act on the recognition of the importance of comprehensive security.

As just one example, part of a broader approach to finally end terrorism in the Middle East is the U.S. State Department and other federal agencies currently training more civilian personnel with vital governance and development competencies. There is also an ongoing development of an integrated and intensified civil-military plan for the Middle East.⁶⁵

Analysis: Opportunities and Challenges for R.P.-U.S. Relations

The advent of the Obama administration has brought forth new areas of cooperation and reasons to strengthen R.P.-U.S. ties. This is not to say, however, that

there is or will be a drastic shift in the way the United States engages the Republic of the Philippines, nor is it to prove that R.P.-U.S. common interests have drastically changed. What has changed, however, is the emphasis on existing modalities as well as the focus which is inherent in the change of leadership style and priority agenda. The change in emphasis therefore provides valuable opportunities for the following endeavors:

Harnessing Philippine Competencies for Stronger U.S.-Asia Pacific Multilateral Defense Cooperation. The Philippines has three main assets that make R.P.-U.S. defense relations a good starting point for multilateral defense endeavors in Southeast Asia. First, the Philippines is one of the most active members of the ASEAN and also it is the most frequent proponent of new and innovative ASEAN ventures such as a Human Rights article in the ASEAN Charter and the 2009 ASEAN Voluntary Demonstration of Response, a Republic of the Philippines and United States-led humanitarian assistance and disaster response demonstration, that is considered as the first concrete project of the ASEAN Regional Forum.⁶⁶ Second, the robust R.P.-U.S. bilateral defense engagement framework, the Mutual Defense Board-Security Engagement Board framework previously discussed, is an ideal starting point for a multilateral defense engagement with Southeast Asia. The framework is the most robust among U.S. defense engagements in Southeast Asia since it already has institutionalized planning and implementation processes as well as committees specializing in traditional and non-traditional aspects of defense.

Third, the strategic location of the Philippines puts the country in the middle of important waterways that are vital for trade and defense affairs. This location is the

impetus for the conduct of joint patrols bilaterally with Malaysia and Indonesia, as well as joint maritime exploration with China and Australia. The Philippines' strategic location and the Philippines' partnership with these large neighboring states make the Philippines a very desirable partner for the United States in leading multilateral cooperation for maritime security endeavors.

Enhanced Consultation and Dialogue. President Obama's belief in dialogue and diplomacy with other countries is an opportunity for more open lines of communication between the Philippines and the United States. The Obama administration began by heavily relying on the consultative process. This is evident in the state visits of President Obama to various countries to talk with various state leaders, as well as its reception of visits of heads of governments including Philippine President Gloria Arroyo to the White House.⁶⁷ This approach facilitates thorough discussion among the parties rather than merely letting the United States dictate its terms. This is therefore an opportunity for both the Philippines and the United States to strengthen its diplomatic channels as well as pursue a more transparent and forthright dialogue to articulate each states' interests and deepen mutual understanding.

Deeper R.P.-U.S. Inter-Agency Cooperation for a Holistic Security. The Obama administration's recognition of non-military aspects of security opens a viable avenue for civilian agencies focusing on the social aspects of conflict to step up in contributing to overall security. Terrorism, in particular, likely would be more efficiently and more permanently solved if the social aspects that are identified to breed terrorists are also dealt with – deprivation, political injustices, poverty etc. Military cooperation will remain a vital form of R.P.-U.S. engagement, however there is opportunity to have the R.P.-

U.S. approach to security be less military-centric. Years of R.P.-U.S. military engagement make the Republic of the Philippines and U.S. Armed Forces ready to help coordinate with each other's civilian agencies to provide a more effective "whole of government" approach.

In light of these opportunities, there are two main challenges to R.P.-U.S. Defense Cooperation: constitutional constraints of the Philippines in terms of accommodating other troops within its territory, and the need for the Philippine Government to more strictly comply with Human Rights reporting.

Republic of the Philippines Constitutional Hindrance to Multilateralism. Article 18, Section 25 of the 1987 Philippine Constitution states that foreign military bases, troops or other facilities are not allowed in the Philippines except if a treaty exists between the Philippines and the other country, which was duly concurred in by the Senate, ratified by a majority of the votes cast by the people in a national referendum if required by the Philippine Congress, and is recognized as a treaty by the other contracting State.⁶⁸ This provision in the Philippine Constitution and the Philippine Senate's subsequent rejection of the extension of the Military Bases Agreement has made it initially difficult to expand R.P.-U.S. Defense Cooperation. However, the United States remains the sole Treaty ally of the Philippines, and bilateral military relation of the Republic of the Philippines and the United States was still made possible after that Senate rejection with the help of the Status of Forces Agreement (otherwise known as the Visiting Forces Agreement) between the Republic of the Philippines and the United States in 1999.⁶⁹

As much as the Visiting Forces Agreement has reinvigorated the alliance, the Constitution and the previous Senate rejection of the Military Bases Agreement still

hinder another aspired joint venture by the Republic of the Philippines and the United States: the trend towards stronger multilateralism. The military aspect of multilateralism, incorporating troops from other nationalities to participate in R.P.-U.S. exercises in the Philippines is said to be unconstitutional as there are no treaties or Status of Forces Agreement that would govern the non-U.S. forces' stay within Philippine territory. Thus, these constraints make it difficult for R.P.-U.S. military cooperation to lead in the collaboration of broader forces in the region.

Issues on Republic of the Philippines' Compliance with Human Rights

Conventions. The Philippines has been known as an active proponent of a Human Rights Body for the ASEAN and also for resolution to the human rights issues in Myanmar.⁷⁰ However, in terms of its domestic affairs, the Philippines appears to lack follow through to its own rhetoric. On the one hand, Philippine progressive civil society groups have claimed that the total number of extrajudicial killings since the first year of the Arroyo administration has reached 1,118 victims.⁷¹ These groups attribute the source of the killings to the Armed Forces of Philippines' Oplan Bantay Laya (Operation Protect Freedom) activities. Oplan Bantay Laya is claimed to be a military operation to violently interrogate and kill identified members and leaders of terrorist and leftist groups in the country.⁷² On the other hand, the Philippine Military attributes the deaths to internal conflict within the rebel groups that resulted in the insurgent groups' killings of their belligerent members. According to the Armed Forces of the Philippines, the rebels' publicity of their own killings adds to the propaganda to motivate people into developing hatred and eventually aversion to the Philippine military.⁷³ Established human rights offices do not agree on the actual number nor on the party responsible for the killings,

leaving exaggerated numbers and accounts from both military and civil society competing for public sympathy.⁷⁴ Both the actual killings and this finger-pointing will prove to be a liability in the Republic of the Philippines joining as a full partner in any U.S. campaign to uphold human rights and comply with international conventions on the protection of civil liberties.

Conclusion and Recommendations:

The challenges are not impossible to overcome, as there are already existing efforts that could aid in the favorable settlement of these issues. However, improving these efforts is highly recommended.

In terms of finding a way to reconcile the constitutional constraints of the Republic of the Philippines and the aspiration to venture into multilateral exercises, it is important to note that Memorandums of Understanding or Agreements between the Philippines' neighbors have allowed for bilateral exchanges and seminars between the forces of the Philippines and Indonesia, Malaysia and Brunei, to name but a few. Together with these Memorandums of Agreement between the Republic of the Philippines and other countries, the conduct of the ASEAN Regional Forum Voluntary-Demonstration of Response on Philippine territory - an exercise participated in by forces from various states in Asia, the United States and European Union - could serve as model for a viable framework for multilateral defense cooperation in the Philippines. The R.P. -U.S. alliance should explore and develop multilateral frameworks along the precedence provided by these previous agreements and programs.

On the issue of human rights, the Armed Forces of the Philippines Human Rights Office and various Armed Forces of the Philippines' Protocols on the humane treatment of individuals in conflict have been established in order to accurately account for the

extrajudicial or unexplained killings happening in the country.⁷⁵ What is still lacking, however, is coordination of the Armed Forces of the Philippines Human Rights Office with independent Human Rights agencies to obtain validation for the Armed Forces of the Philippines' findings and more accurate accounts.⁷⁶ The Armed Forces of the Philippines and the rest of the government's claims should seek verification from internationally recognized organizations in order to settle doubts from civil society groups. The United States could also provide capacity-building programs to improve fact-finding and investigation, as well as recommend institutional changes to improve Republic of the Philippines' compliance with international human rights conventions.

With the main challenges addressed, R.P.-U.S. alliance can more efficiently work towards multilateralism in securing regional security in the region. Beyond the challenges lie various opportunities for R.P.-U.S. defense cooperation.

As discussed earlier, the Philippines can harness the Mutual Defense Board-Security Engagement Board framework, its network and leadership in the region, as well as its strategic location to encourage states to pursue cooperative efforts for the protection of vital high seas, the prevention of the spread of transnational crimes and terrorism, and peaceful engagement with China.

Moreover, a holistic approach to security can be achieved by strengthening the Inter-Agency component of the R.P.-U.S. Security Engagement Board. The said component, the Inter-Agency Committee, is currently being developed to include civilian agencies such as the social welfare, sciences, health and other departments of the Republic of the Philippines and the United States in bilateral defense cooperative programs.⁷⁷ The Inter-Agency Committee thus taps the capabilities of these civilian

agencies to contribute to the eradication of terrorism and other transnational crimes, promotion of maritime security and humanitarian assistance in disasters, and the prevention of chemical, biological and nuclear weapons proliferation. As much as coordinating and developing cohesion among all these civilian agencies is a gargantuan task, the R.P.-U.S. alliance should work towards the full integration of the Inter-Agency Committee in the Mutual Defense Board-Security Engagement Board framework.

Lastly, the R.P.-U.S. Alliance should maximize more open diplomacy and lines of communication in order to define a clearer “Way Ahead” for R.P.-U.S. defense cooperation, as well as to achieve a balance of interest between the two allies. An R.P.-U.S. Defense Ministerial Dialogue mechanism could be established to facilitate regular exchanges of information and joint policy guidance for Republic of the Philippines and U.S. forces by the Defense Ministers themselves. Despite the robust R.P.-U.S. military engagement, this strategic dialogue mechanism at the Ministerial level has yet to be established.

The R.P.-U.S. alliance has grown through the years. This development, however, is not without some growing pains. Regardless of the rough roads it occasionally has taken, the partnership has overcome many challenges and continues to progress. This constant growth is not only because of the driving forces such as its deep historical foundations, firm structure and enduring common interests. As much as these three driving forces indeed provide the general direction, the steering and leadership of the U.S. Commander-in-Chief have been vital in determining which road to take. In the advent of the Obama administration, it is therefore important to address the challenges and maximize the opportunities on the new road ahead.

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