

# The Politics of Security

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## Defense Arrangements

The mutual security arrangements between the Philippines and the United States rest on four separate agreements, three of them bilateral, one multilateral. The bilateral treaties are the Military Bases Agreement (1947), the Military Assistance Pact (1947), and the Mutual Defense Treaty (1951). The Philippines also signed the Manila Pact in 1954 along with the United States, the United Kingdom, France, Australia, New Zealand, Thailand, and Pakistan to establish a collective security organ, the Southeast Asia Treaty Organization, (SEATO). For two decades it was thought that these treaties and agreements provided the Philippines with an adequate and effective defense system against external aggression.

### *Military Bases*

In 1933 the Philippine Legislature rejected the Hare-Hawes-Cutting Law providing for Philippine independence because its provision for outright American retention of military and naval reservations in the Philippines was deemed to be repugnant to and inconsistent with true independence. The Tydings-McDuffie Law, approved in 1934, changed the procedure: the President of the United States and the President of the independent Philippines would negotiate the matter of base retention. Accordingly, a joint resolution of the U.S. Congress dated June 29, 1944 gave the U.S. President the authority "to acquire bases for the mutual protection of the Philippines and the United States" and the "maintenance of peace in the Pacific," presumably in the post-World War period. The phrases "mutual protection" and "peace in the Pacific," however, merely disguised the fact that the American bases in the Philippines represent a form of international servitude imposed by the United

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## THE MILITARY AGREEMENTS

The United States has several agreements with the Philippines pertaining to mutual defense, military assistance, and military bases in the Philippines.

1. Military Bases Agreement, March 1947, provides for the presence and operation of U.S. bases.

2. Military Assistance Program, June 1953, establishes conditions under which military assistance will be provided.

3. Mutual Security Treaty, August 1951, Article IV: "Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes."

4. SEATO Agreement, 1954.

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States upon its colony prior to granting it its independence. Where before World War II the U.S. only maintained installations on Corregidor Island and in Pampanga, other American bases were established after the war. The existing ones, Clark Air Base in Pampanga and Subic Naval Base in Zambales were greatly expanded so that they are now among the biggest military establishments of their kind outside American soil.

The road to agreement, however, was long and strewn with barriers. On May 14, 1945, Presidents Truman and Roxas signed a preliminary statement on the general principles of a military bases agreement. On July 28 the Congress of the Philippines approved a joint resolution authorizing the President of the Philippines to negotiate the establishment of American military bases in the Islands. Then followed seemingly interminable talks until, finally, on November 13, 1946, in a meeting called for the discussion of the bases question among the U.S. Secretaries of State, the Navy, and War, Secretary of War Robert P. Patterson expressed Washington's impatience over Manila's wavering attitude and hinted that the United States was reexamining the need for acquiring military bases and stationing American forces in the Philippines. Secretary Patterson reenforced his position by securing on November 23 from General Dwight D. Eisenhower, U.S. Army Chief of Staff, a recommendation that all American army forces be withdrawn from the

Philippines. On November 29, Secretary Patterson favorably endorsed General Eisenhower's position in a note to Secretary of State James F. Byrnes, saying: "You will note that General Eisenhower has recognized that the military importance of the Philippines is of lesser weight in our national interest than the future good relations of the two nations and that the long term continuance of Army forces in the Philippines would be of little value unless their retention was the result of an expressed desire of the Philippine Government."

Secretary Byrnes agreed with this position, and on December 4 President Truman approved the recommendation that all American army forces be withdrawn from the Philippines.<sup>1</sup>

The pressure was on. The military bases question would surely affect other vital measures concerning the Philippines pending in the U.S. Congress. Thus, in January 1947, President Roxas, despite strong opposition from some quarters in the Philippines, including some members of his own party, informed President Truman that the Philippines wanted the U.S. military bases in the Philippines. Probably contributing to President Roxas's decision was the need for military assistance in suppressing the Huk rebellion that was then already raging in Central Luzon.

The United States-Philippine Military Bases Agreement of March 14, 1947 formally granted to the U.S. "the right to retain the use of the bases." The Philippines agreed to "permit" the U.S. to use other bases "as the U.S. determines to be required by military necessity," and to enter into negotiations with the United States to permit it "to expand such bases, to exchange such bases for other bases, to acquire additional bases or relinquish rights to bases, as any of such exigencies may be required by military necessity."

Originally, there were 23 American military bases in the Philippines excluding associated sites. At present only seven remain, with a total area of 71,000 hectares, all of them on the island of Luzon. They are Clark Air Force Base (CAFB) in Pampanga; Subic Naval Base in Zambales; Bamban Radio Beacon Annex in Bamban, Tarlac (924 hectares); U.S. Naval Radio Station at Camp O'Donnell in Capas, Tarlac (761 hectares); the John Hay Air Base (Leave and Recreation Center) in Baguio City, (396 hectares); the U.S. Naval Communications Station in San Antonio and San Narciso, Zambales (1,060 hectares); and Camp Wallace (Air Station) in San Fernando, La Union (151 hectares). In addition, four bases are jointly used by the United States and the Philippines. These are: Appari Naval Base in Cagayan (not in active use); Fort Hughes on Corregidor Island,

which has been relinquished to the Philippines on December 22, 1965, but services the U.S. Air Force; Mt. Cabuyo Base in Santo Tomas, Mountain Province, used as a U.S. communications facility; and the South West Zambales Troup Training Area.

The key provisions of the bases agreement may be summarized as follows:

1. As determined to be mutually beneficial, the armed forces of the Philippines may serve on the U.S. bases and the armed forces of the U.S. may serve on Philippine military establishments. (Article II, paragraph 1.)

2. The U.S. has the rights, powers, and authority within the bases necessary for operation, defense or control, as well as such rights, power, and authority "within the limits of territorial waters and air space adjacent to, or in the vicinity of the bases which are necessary to provide access to them, or appropriate for their control." (Article III.)

3. Material equipment, supplies, or goods officially certified for exclusive use in the construction, maintenance, operation, or defense of the bases are exempted from customs and other duties. (Article V.)

4. The U.S. has the right to bring into the Philippines members of the U.S. military forces and U.S. nationals employed by or under a contract with the United States together with their families, as well as technical personnel of other nationalities in connection with the construction, maintenance, or operation of the bases; they are also exempt from income tax payment in the Philippines except in respect of income derived from Philippine sources, as well as exempt from any poll or residence tax, import or export duty, or tax on personal property imported for their own use. (Articles XI and XII.)

5. Under Article XIII, Paragraph 1, the U.S. has jurisdiction over:

"1. "a) Any offense committed by any person within any base except where the offender and offended parties are both Philippine citizens (not members of the armed forces of the U.S. on active duty) or the offense is against the security of the Philippines;

"b) Any offense committed outside the bases by any member of the armed forces of the United States in which the offended party is also a member of the armed forces of the United States; and

"c) Any offense committed outside the bases by any

member of the armed forces of the United States against the security of the United States.

"2. The Philippines shall have the right to exercise jurisdiction over all other offenses outside the bases by any member of the armed forces of the United States. . . ."

"4. . . . If any offense falling under Paragraph 2 of this Article is committed by any member of the armed forces of the United States.

"(a) while engaged in the actual performance of a specific military duty, or

"(b) during a period of national emergency declared by either Government . . . the United States is free to exercise jurisdiction. . . ."

"6. Notwithstanding the foregoing provisions, it is mutually agreed that in time of war the United States shall have the right to exercise exclusive jurisdiction over any offenses which may be committed by members of the armed forces of the United States in the Philippines.

"7. The U.S. agrees that it will not grant asylum in any of the bases to any person fleeing from the lawful jurisdiction of the Philippines."

Other important provisions are:

Article XXV:

"1. The Philippines agrees that it shall not grant, without prior consent of the U.S., any bases or any rights, power, or authority whatsoever, in or relating to bases, to any third power.

"2. . . . the U.S. shall not, without the consent of the Philippines, assign, or underlet, or part with the possession of the whole or any part of any base, or of any right, power or authority granted by this Agreement, to any third power."

Article XXVII: ". . . the U.S. shall have the right to recruit citizens of the Philippines for voluntary enlistment into the United States armed forces for a fixed term of year. . . ."

Article XXIX: "The present Agreement . . . shall remain in force for a period of ninety-nine years subject to extension thereunder as agreed by the two Governments."

The Philippines derived some benefits from the presence of the American bases. Besides the obvious fact that the Philippines was

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## THE MILITARY BASES\*

**SUBIC NAVAL BASE**—Subic Naval Base is located about 112 kilometers northwest of Manila and is large enough to anchor or berth the entire U.S. 7th Fleet. Its size measures 14,570 hectares, and its primary responsibility is to provide lay-up and repair facilities for U.S. vessels. It has such facilities such as a naval station and an air station, a supply depot, a hospital, a naval magazine, a public works center, marine barracks, and ship repair facility.

Rear Admiral Thomas J. Kilcline is Commander of U.S. Naval Forces in the Philippines as well as Commander-in-Chief Pacific's senior representative in the Philippines. The base personnel consists of 6,000 Americans and 26,000 Filipinos.

**13th AIR FORCE, CLARK AIR BASE**—Clark Air Base is the headquarters of the 13th Air Force. Clark is located about 100 kilometers north of Manila on the MacArthur National Highway. It is the home of such facilities or units as the 3rd Tactical Fighter Wing, the 374TH Tactical Airlift Wing, the 3rd Combat Support Group, the 1961 Communications Group, the 1st Medical Service Wing, and the 6922nd Security Squadron.

The Commander of the 13th Air Force is Major General LeRoy Mamor. Base personnel is made up of 9,000 Americans and 15,000 Filipinos.

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\*As of December 1975.

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not threatened with external aggression, owing largely to its insularity, but, perhaps, also because of the deterrent effect of the American forces, the bases in a significant way have been a boon to the economy. Next to the national government, the bases are the largest single employer in the country. As of 1975, there were 55,346 Filipinos employed in U.S. bases (25,346 at CAFB and 30,000 at Subic Naval Base) with a payroll of \$170 million. From U.S. Embassy sources, the estimated U.S. expenditures in the bases amounted to \$136 million in 1971, \$183 million in 1972, \$217 million in 1973, and \$232 million in 1974. The U.S. capital investment in CAFB is estimated at \$150.6 million; at Subic, \$327.94 million. A part of these disbursements, probably a small fraction, find its way into the Philippine economy as invisible income. This is so because much of the appropriations for the bases are actually spent for maintenance and repairs which do not entail contract servicing by Filipino firms, and most purchases of consumption goods by base personnel are made

at PX commissaries. Income from the bases are therefore mostly for off-base housing facilities, for entertainment and recreation services, and the employment of locals on-base. A Philippine source has estimated the "actual flows into the Philippine income stream" as follows:

<i>Year</i>	<i>Operation &amp; Maintenance Cost</i>	<i>Military Pay</i>	<i>Total</i>
1968	\$41,485,000	\$33,633,620	\$75,118,620
1969	58,406,479	34,146,068	92,558,447
1970	51,651,379	35,936,940	87,588,194
1971	28,495,841	29,883,878	58,379,719
1972	34,597,433	30,395,986	64,993,410
1973	33,327,300	19,418,390	52,745,690
1974	46,384,000	28,395,360	74,779,360
1975	61,403,100	21,300,000	82,703,100

As emphasized by Ambassador William Sullivan, the presence of U.S. air and naval forces in the Philippines had enabled the Philippines to orient its defense budget toward internal law and order. The Philippines, he said, had saved what would necessarily have been huge outlays for air and naval forces of its own. When the bases go, indeed, an important source of dollar revenue would disappear. It goes without saying, moreover, that Philippine defense expenditure would probably increase tremendously from the present 16 per cent of the national budget to, let us say, 50 per cent, with no guarantee that an exclusively indigenous defense establishment would be adequate to counter external aggression. The rechanneling of huge government resources to the military establishment will hinder national development efforts.

But if there are benefits deriving from the presence of the American military bases, there are also serious disadvantages which eventually led to strong nationalist agitation for the removal of the bases from the country. Thus, the communities adjoining the bases, especially in the cases of Clark Air Force Base and Subic Naval Base, became "sin cities." Angeles (pop. 140,000) and Olongapo (pop. 190,000) have hundreds of pleasure establishments catering to the prurient interests of off-duty American servicemen. While these cities derive much of their income therefrom, many Filipinos feel the bad social implications, as well as the obvious health hazards, of this type of business activity far outweigh the economic benefits. It is a

fact that outside Metropolitan Manila, these two cities register the highest crime rate and social disorder in the country. Then, too, the rampant smuggling of PX goods harmed the economy and bred corruption.

There are also the frequent complaints of labor exploitation. The 1947 exchange of notes providing for a 40-hour week and fringe benefits (overtime pay, separation pay, equitable compensation, etc.) has more often been honored in the breach than in the performance. Until the signing of the Ople-Wilson Agreement in 1968, Filipino workers were denied the right to form labor unions; denied the weapon of collective bargaining, Filipino labor was easy prey for exploitation. Even the Ople-Wilson agreement had its shortcomings: it established a labor arbitration board of six members with nothing more than recommendatory powers and whose composition — three members for each government — invited deadlock.

Another unpleasant aspect of the bases is in respect of community relations. Racial discrimination in one form or another cannot be helped as a daily experience of many Filipino workers. It is most seriously manifested in the manner of handling instances of alleged pilferage or scavenging for scrap in prohibited areas. Offenders are tacked down with hound dogs or shot in cold blood "mistaken" for wild boars.

But the most thorny problems arose from the question of criminal jurisdiction over U.S. servicemen. (More will be said about this later.)

Before the 1970's, there was an ambivalence in the Philippine attitude toward the bases. In general, the presence of the bases was not opposed; and over the years protracted negotiations led to piecemeal changes.

The most important changes thus far in the military bases agreement were the reduction of the lease period for the bases from 99 years to 25 years (starting in 1966 and ending in 1991) as a result of the Serrano-Bohlen talks in 1959 and incorporated in the Rusk-Ramos Agreement of 1966; the reduction of the number of bases to only two major ones — Clark and Subic; the turning over to the Philippines of the titles of ownership to base lands in 1956; an agreement that the United States government would consult the Philippine government whenever it would need the bases for military combat operations, or for stock-piling nuclear weapons or installing long-range missiles; and the creation of a Mutual Defense Board with mixed members for joint consultation, planning, and liaison service.



In addition, the naval air station in Sangley Point has been transferred to the Philippines. A total of 10,000 hectares of the Clark Air force Base and 400 hectares of Camp John Hay were reverted to us, as were parts of military reservations in Zambales and Bataan. Other adjustments have been made with respect to criminal jurisdiction, taxation, immigration and other aspects of the presence of American military bases and forces in the Philippines.

In 1965, the touchy Article XII on criminal jurisdiction was revised. In brief, the U.S. renounced exclusive jurisdiction over on-base offenses. The term "on duty" was clarified. It was agreed that the provisions on waivers of jurisdiction would be improved. The creation of a bipartisan criminal jurisdiction implementation committee was also agreed upon.

The controversy over the military bases, however, would not die down with these concessions. In time larger questions were to be raised. Among other things, the late Senator Recto called attention to the humiliating extraterritorial rights enjoyed by Americans in the bases. "We sacrificed our sovereignty over strategic bases within our frontiers," he exclaimed. He wanted the Philippine flag to fly alone, as in Spain, over the American bases. He fought then U.S. Attorney General Herbert Brownell's assertion that the U.S. owned the base lands in the Philippines, making a sham of Philippine independence. In the end he won his point that the bases were merely on lease, and the U.S. in 1956 conceded that sovereignty over the base lands belonged to the Philippines.

### *Military Assistance*

An adjunct to the bases agreement, the Military Assistance Pact signed on March 27, 1947, committed the United States, "during the period immediately following the independence of the Philippines," to provide its armed forces assistance in training and development. With respect to this obligation, the United States was to furnish the Philippine armed forces certain essential services, arms ammunition, equipment, and supplies and certain naval vessels and aircraft. Some of these initial equipment and supplies were to be furnished "gratuitously," but "additional equipment and supplies other than those surplus to the needs of the U.S. required in the furtherance of military assistance shall be . . . subject to reimbursement by the Republic of the Philippines on terms to be mutually agreed upon." The Philippines may not, without the agreement of the U.S., "procure arms, ammunition, military equipment and naval vessels" from

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## JOINT UNITED STATES MILITARY ADVISORY GROUP—JUSMAG\*

### Major Programs

1. Security Assistance—Provides technical and resource management assistance to the Armed Forces of the Philippines (AFP).

2. Financial Assistance —

a. In conjunction with the Armed Forces of the Philippines, develops plans and programs for both Grant Aid and Foreign Military Sales (FMS) to the AFP. It should be noted that AFP FMS purchases from the United States almost equal Grant Aid. In FY 1975, the Grant Aid Program approved by Congress totalled \$21 million. MFS sales for the same period amounted to \$20.4 million.

b. Total United States Grant Aid to the Philippines during the period FY 1970 thru FY 1975 has amounted to almost 500 million dollars, or approximately 20 million dollars per year.

3. Training—The JUSMAG-administered training program has afforded 14,745 AFP personnel (FY 1950 thru FY 1973) the opportunity to attend United States schools in either the United States or overseas.

4. Personnel—JUSMAG Philippines has a present authorized strength of 39 military personnel, nine United States Civilians and six Local National Employees.

\*Source: U.S. Embassy.

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other governments; nor "engage or accept the services of any personnel of any Government other than the United States of America for duties of any nature connected with the Philippine armed forces."

It also provided for the creation of a Military Advisory Group whose functions were "to provide such advice and assistance to the Republic of the Philippines as has been authorized by the Congress of the United States of America and as is necessary to accomplish the purpose" of the agreement. The members of the MAG were to enjoy diplomatic immunity.

The agreement was initially for five years, but was renewable.

The military aid program has been widely criticized for its pitiful inadequacy with respect to the perceived needs. Still it has amounted to \$525.1 million from 1964 to 1969. In 1973 the United

States turned over 16 C-123 military transport planes to the Philippines. In the same year, the United States Congress, despite the lobbying of some Filipinos to stop it, approved \$22.3 million as military assistance for FY 1974. On May 7 1974, Defense Secretary Juan Ponce Enrile and Ambassador Sullivan signed a memorandum of understanding in which the U.S. would extend a loan to the Philippines to finance an M-16 rifle factory and ammunition plant. Also in July 1975, six United States Navy ships (auxiliary harbor craft) with a total value of \$2,398,000 were turned over to the Philippines. In the aggregate, U.S. military assistance to the Philippines for fiscal year 1970-72 amounted to \$58,433,000, and for 1973-75 increased to \$95,862,000.

In recent years, culminating in the political leadership itself calling for greater military self-reliance, a growing number of Filipinos has demanded revision of the military assistance agreement with the United States. There are serious misgivings about the consequences of too heavy a reliance on the United States for the basic requirements of the nation's defense. Under U.S. military advisers, it has been alleged, the armed forces of the Philippines have been organized, trained, equipped, and developed according to Western military conventions. The "Americanization" of the armed forces include indoctrination in American strategic and tactical concepts, which may serve American purposes but are unrelated or unsuited to the local milieu and needs. Attention has also been drawn to the deteriorating quality and obsolescence of military equipment being received under the military assistance program.

These considerations, added to the perceived unreliability of the American military commitment resulting from the policy of detente with China, render U.S. military assistance, in view of its critics, a liability rather than an asset to the security of the Philippines.

Today, therefore, the Philippines is trying to the fullest extent of its capability to be self-reliant in internal defense, a concept which, pursued to its logical conclusion, includes the idea of the removal of foreign troops from Philippine soil, not merely the ending of extraterritoriality. The need to be self-reliant militarily is a lesson learned, for one thing, from United States itself, when it chose to remain neutral in the Malaysia-Philippines dispute over Sabah. Then there is the sudden U.S. abandonment of Indochina, a telling lesson and an eye-opener.

On this point, Ambassador Sullivan commented: "The posture of the Philippines in terms of self-reliance in military matters, of course,

is also changing. With an increase in the size of its Armed Forces and a considerably greater manufacture of its own military equipment, the Philippines no longer will have to depend on the United States so much militarily."

On October 21, 1975, an Associated Press dispatch from Washington, subsequently denied, reported that for FY 1976 "the state department's new military aid requests contain no allocation for the Philippines. U.S. officials said Philippine aid is contingent on the outcome of negotiations concerning the future of American bases in that country." Despite the subsequent denial of the story, it is a fact that for FY 1976 the Ford administration has recommended to Congress only \$20 million in grants and an unspecified smaller amount for military credit sales to the Philippines, compared with an announced assistance package of \$200 million for South Korea, \$42.5 million for Indonesia, \$37 million for Thailand, and \$80 million for Taiwan. The answer of the Philippines to these obvious pressures is military self-reliance, within the framework of the larger policy of an independent foreign policy.

### *Mutual Defense*

The rationale for the existence of the military bases was formalized in the Mutual Defense Treaty between the Philippines and the United States in 1951. The parties to the treaty declared "their sense of unity and their common determination to defend themselves against external armed attack" and their desire "further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the Pacific area."

The treaty, signed in Washington on August 30, 1951 provided, in Article IV, that "each Party recognizes that an armed attack in the Pacific area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes." Article V stated: "For the purpose of Article IV; an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific Ocean, its armed forces, public vessels, or aircraft in the Pacific."

It was provided that the treaty would "remain in force indefinitely," but that either party may terminate it on a year's notice to the other party.

Similarly-worded provisions were to be found in the ANZUS (Australia, New Zealand, United States) Treaty and the Treaty of Mutual Cooperation and Security between Japan and the United States. In 1954, the U.S. tied up all these bilateral agreements together in the Southeast Asia Treaty Organization to regionalize the American security umbrella. In the Cold War language of Philippine President Ramon Magsaysay, the purpose of the SEATO was to "build an adequate system of defense around an exposed and threatened sector of the world."

Signed in Manila on September 8, 1954 by representatives of the Philippines, the United States, Great Britain, France, Australia, New Zealand, Pakistan, and Thailand, the SEATO treaty, in its core article (Article IV), provided: "Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes." The protocol to the treaty placed Vietnam, Laos, and Cambodia under the protective umbrella of SEATO. The treaty also provided that the signatories would exert a concerted effort to "prevent and counter subversive activities directed from without against their territorial integrity and political stability." The United States immediately qualified this provision with its "understanding" that its commitment was limited to cases of "communist aggression or armed attack." The process of "consultation" would operate "in the event of other [types of] aggression or armed attack."

The other substantive provisions of the SEATO treaty provided for the peaceful settlement of international disputes in which the signatories might get involved, and cooperation with one another in the promotion of their economic and social well-being, including cultural exchange.

Also signed by the country representatives was the Pacific Charter affirming "the principle of equal rights and self-determination of peoples," their cooperation in the economic, social, and cultural fields in order to promote higher living standards, economic progress, and social well-being in the region, and their determination "to prevent or counter by appropriate means any attempt in the treaty area to subvert their freedom or to destroy their sovereignty or territorial integrity."

Notably absent from SEATO membership were Indonesia, Malaya (Malaysia), and Burma which certainly are part of the region

the organization was supposed to embrace.

Filipino nationalists were quick to denounce the RP-U.S. mutual defense pact as a mere scrap of paper — a paper tiger. Senator Claro M. Recto called attention to the lack of an automatic clause which would bring the United States immediately to the defense of the Philippines should it be attacked by an external aggressor.

Others picked up this theme and suitable variations of it. Some critics pointed out that the Western security system which included SEATO, by encircling the communist bloc in pursuit of the U.S.-inspired policy of "containment," generated tensions in the region and actually brought the threat of war rather than security in its train. It was said that the American bases in the Philippines, not the country as such, would be prime targets (magnet is another word bandied about) in any war with the communist powers. These criticisms, however, fell on deaf ears in official Philippine circles. Somehow the argument did not seem to them to ring true. For one thing, the Philippines, well into the Sixties and early Seventies, was politically and economically weak; for another it had been continuously confronted by a serious communist rebellion, and finally the Cold War psychology held the opinion-makers in its grip.

## **The Agonizing Reappraisal**

### *The New Balance of Power*

America's defeat and withdrawal from Indochina made China the most prominent power factor in Southeast Asia, if only because of geographic propinquity. Following the inexorable logic of the Nixon Doctrine, America's defense perimeter receded somewhat leaving Japan to play the role of her surrogate in the region she used to dominate. Soviet Russia, for her part, is not exactly a new element in the Southeast Asian power equation. Its effort to enter the region, after having established friendly links with India in 1971 treaty, simply became more prominent and created one more area of Sino-Soviet confrontation. North Vietnam and the new Communist states on the mainland, except Cambodia, have close ties with Moscow. Russia has been reported to have unsuccessfully requested room in Cam Ranh Bay in South Vietnam for its naval force. Aid, trade and a burgeoning navy are Russia's main instruments of entry into the region. In the future, ASEAN may be a power to reckon with on its own, but this will depend on the progress of regional integration and the growth of a shared sense of common danger among the member nations.

This shifting in the power balance was bound to have tremendous repercussions on the Philippines. It thrust to the very forefront of its foreign policy the entire range of Philippine-American defense relations and security arrangements. Called into question was the relevance to the national interest of the mutual defense pact, the military bases, the program of military assistance, even SEATO.

What became the question uppermost in everyone's mind was: if the United States not only failed to save South Vietnam, Laos, and Cambodia from communism but in fact hastily abandoned them to their fate for the sake of détente with China, could we rely on United States defense commitments under the ambiguous terms of the 1951 mutual defense pact?

President Marcos himself led the call for a review of these defense arrangements. "It is clear," he declared, "that the balance of power that we depended upon for the stability and peace of Asia has been disturbed. Therefore, we are compelled to discard our old assumptions since we are facing conditions different from those which existed when we signed the security treaty with the United States."

### *National Security Alternatives*

The future of the Philippine-American military alliance apparently now depends upon the answer to President Marcos's question, which he raised on April 16, 1975, "whether the identity of interests which formed the basis of the Mutual Defense Treaty between the Philippines and the United States still exists." It became clear to many, as it did earlier to as far as President Marcos, that "new understandings will have to be reached and existing ambiguities clarified" in the mutual security arrangements.

The Philippines, obviously, cannot rely completely on its diplomatic relations with China as the ultimate solution to its national security problem. As one precaution, and a counterweight to the possibility of undue Chinese influence in the future, the Philippines has been taking definite steps toward the establishment of diplomatic relations with Russia. At the regional level, it has been increasing its effort to get the ASEAN proposal for a "zone of peace, freedom and neutrality" widely accepted by those powers who are in a position to guarantee its existence—the U.S., China and the Soviet Union.

Internally, the Philippines has embarked on a program of military self-reliance, with a modernization plan which would increase the

strength of the armed forces to 260,000 men and provide it with greater mobility and firepower.

These moves, taken together, also constitute an alternative security strategy to take care of the contingency of American withdrawal from Asia and the dismantling of the bases.

While relations with the United States would have to be reviewed and perhaps undergo drastic changes, the United States itself is not to be written off completely. As President Marcos sees it, "the growing naval power of the Soviet Union in the Indian Ocean, the strength of the sea forces of the People's Republic of China and the expanded defense forces of Japan require that the United States maintain a presence in Asia of at least equal strength if the quadri-lateral power balance is to be maintained." A strategy of diplomatic equidistance in relation to the Four Powers—the United States, China, Japan, and Russia—is emerging.

In his "anguished search for solutions to the security of the Republic" *vis-à-vis* the United States, President Marcos has been raising a lot of candid questions that go into the heart of the matter. Analyzing how the "new situation in Asia" called for a change in the defense line of the United States, he said on April 16, 1975: "[T]he present defense line of the United States which extends from the Aleutians to Japan, Korea, Thailand and Indochina may be changed so that a new defense line has to emerge to include the Philippines, Indonesia and Australia. This projects the Philippines into the front-line." Then he asked: "[If] the purpose of American military bases is to strengthen American military posture in the Pacific, or in the Indian Ocean and throughout the world, does this not expose the Philippines to the animosities, suspicions and the conflicts arising out of this American military build-up—animosities and conflicts that we have no participation in making?"

"Do not these military bases of the United States become primary targets for attack by the prospective enemies of the United States, who may not necessarily be hostile to the Philippines?"

"Do not these bases endanger the safety of the Filipinos and the Philippines not only from conventional armed attack but, possibly, from nuclear attack?"

"I have instructed all the agencies concerned," President Marcos said, "to make in-depth studies of these questions in order that we may be properly guided in the decisions that we will have to make in the days ahead."



On April 25, 1975, the President's foreign Policy Council came to the conclusion that the United States-Philippine Mutual Defense Treaty is no longer tenable. Secretary Romulo followed on May 27 with his own statement: "We are inescapably led to the conclusion that the Mutual Defense Treaty is far from being mutual and that it exists solely for the protection of the United States forces stationed in the Philippines. . . . We who signed the Treaty in the full belief that it ensures the Philippines from external aggression now find that it is us, the small Power, who consider ourselves obligated to defend the big Power." He underscored the fact that the treaty was Cold War-oriented and therefore unsuited to the "changing circumstances in Asia, and added that in the present context of Asia it is a 'factor for instability.' "

Secretary Romulo's views echoed President Marcos's own, expressed in a major policy speech of April 16, 1975. In that speech, the President had complained that "the Mutual Defense Treaty between the Philippines and the United States nowhere contains iron-clad guarantees that the United States will take immediate retaliatory action in the event of external aggression against the Philippines. American Constitutional processes would operate, leaving wide room for doubt about the character of retaliatory action, which need not be military, that the United States Congress may deem appropriate." In hypothetical terms which he nevertheless regarded as posing a problem, the answer to which "surpasses in importance any other problem of the Philippines since it concerns our very survival," he asked:

"Supposing that a foreign power from whatever quarter mounts massive infiltration of hostile agents intent on violating the sovereignty and territorial integrity of the country. We would interpret such an action as external aggression within the meaning of the United Nations Charter, and therefore, falling within the Mutual Defense Treaty."

"The aggression, however, is not directed against the American bases as such. The legal question then arises: Would the United States, under the terms of the Mutual Defense Treaty, come to the assistance of the Philippines? Is the United States duty-bound, under the Treaty, to do so? If it decides to do so, what forms of aid would it grant a threatened Philippines? The larger question is: In what specific cases of aggression against the Philippines by outside powers would the United States be obligated to come to the succor of our country under the terms of the Mutual Defense Treaty?"

He doubted whether the assurances and commitments made by American presidents had any binding moral and legal effects on the U.S. Congress and the American people "in view of what is happening in Indochina" (an obvious reference to the virtual abandonment of South Vietnam, Laos, and Cambodia by the United States). "In any event, commitments by American Presidents would appear to have little value except as forms of psychological reassurance," he said. He was bothered by the silence up to that time in Washington. "In regard to the Philippines, President Ford has made no commitments whatsoever concerning American action in case of an attack on our country," he said.

"As the Mutual Defense Treaty stands," he concluded, "it would appear, from the interpretation by the United States Congress during the Symington hearings, that the United States is obliged to repel an attack only if the United States bases in the Philippines were directly attacked, but *not* if the Philippines itself were attacked in a way which does not endanger the United States bases."

Worst still, President Marcos said, even the assurances under the 1969 Nixon Doctrine that "the United States will keep all of its treaty commitments" now practically amounted to nothing because "In October 1973 . . . the United States Congress passed, over the American President's objections, a joint resolution that would substantially curtail the authority of the President to employ the Armed Forces of the United States in order to carry out its commitments to its allies. In the light of this legislative act, the basis for American policy in East Asia which is the Nixon Doctrine is now laid wide open to question, so that it is now less clear how the United States proposes to stand by its treaty commitments against external aggression short of a nuclear war, precisely the kind of the war that is least expected in Asia."

President Marcos's arguments, of course are not new; he has drawn generously on powerful sentiments expressed over the years by a long line of nationalist statesmen. This fact was not lost on American leaders, and a train of sensitive reactions followed. On June 6, 1975, Assistant Secretary of State for the Pacific and East Asian Affairs Philip Habib flew to Manila and conferred with President Marcos on mutual security matters. On June 19 Secretary of State Henry Kissinger issued a statement as follows: "We will permit no question to arise about the firmness of our treaty commitments. Allies who seek our support will find us constant. At the same time, if any partner seeks to modify these commitments, we

will be prepared to accommodate that desire." On August 20, U.S. Senate Majority Leader Mike Mansfield assured President Marcos that "it was the prevailing sentiment of the American Congress that the Philippines must be preserved as an ally and defended from external attack."

In any forthcoming talks President Marcos can be expected to insist on a NATO-like automatic retaliation clause in a renegotiated mutual defense treaty. This is implicit in his reaction to Senator Mansfield's warm remarks addressed to the Philippines. "The Chairman of the Committee on Foreign Relations of the United States Senate has revived the term 'special feeling'," he said. "I quote him. 'We have only special feelings towards the Philippines.' A very broad and all-embracing suggestion, but certainly as a leader I cannot depend on a statement like that in the event of any aggression."

### *The Stand on Military Bases*

As to the military bases issue, President Marcos thinks that the specific problems to probe are: "First, are the military bases here still important to the United States? Second, and much more important, if they are, how valuable are they to us, the Filipinos and the Republic of the Philippines?" In the light of the recent developments in the region, however, the continued presence of the American bases in the Philippines has increasingly been called into question. Today they have become synonymous with any tangible symbol of colonialism which notoriety dictates should be done away with. As Secretary Carlos P. Romulo has remarked, "while they are here the integrity of our sovereignty will always be under question."

A "Primer on Philippine Foreign Policy," prepared in August 1975 by the Department of Foreign Affairs and serialized by all the metropolitan newspapers, posed the question: "At present, are the military bases still necessary for the protection of the Philippines?"

The answer: "The Philippine Government is reviewing its stand on the further need for the bases, in consultation with the United States in the light of new developments in Asia.

"Some arguments against the continued presence of United States bases in the Philippines are as follows:

- "1. The Philippines is not in danger of external aggression; and
- "2. United States bases may provoke nuclear aggression by enemies of the United States who are not enemies of the Philippines."

On July 7, 1975, President Marcos stated the official position thus: "We want to put an end to the practice of extra-territoriality in our country, in keeping with our dignity as a sovereign Republic and in keeping with the developments of our times. We want to assume control of all U.S. bases and put them to a productive economic, as well as military use. At the same time we are willing to enter into new arrangements that would help the United States maintain an effective presence over the air and sea lanes of the Western Pacific." To expedite negotiations, President Marcos has asked that the talks be moved from the technical to the policy levels in order that decisions may be reached more quickly.

Whatever the outcome of the negotiations, the principle that the American bases are temporary expedients has been rather clearly established. The ASEAN has been utilized to lend support to this principle. Among the ASEAN countries, Indonesia had been exerting the strongest pressure on the Philippines to remove the American bases. And in a joint communique issued by President Marcos and Thailand's Prime Minister Kukrit Pramoj during the latter's visit to the Philippines in August 1975, the two leaders reiterated that American military bases in their respective countries were temporary in character. Thailand had in fact set March 1976 for the complete withdrawal of American military personnel. (The controversial phase-out of U.S. military bases has been attended by violence generated by pro and con factions, and finally led to the downfall of the government of Kukrit Pramoj in the April 1976 elections.)

The point to be negotiated by the Philippines and the U.S., it appears, is not whether the United States will retain the bases but how it would be allowed to use them in the interim. In other words, the landlord has issued the notice of eviction but left out the date for the tenant to pack up and go. But for as long as the military bases remain, certain irritants in the landlord-tenant relation must be removed. The most abrasive question is the extraterritorial rights enjoyed by United States military personnel in the course of their tour of duty in the country. The August 1975 official foreign policy "Primer", with touches of sarcasm and acrimony unexpected in an official document of this kind, sums up the issues in a series of question and answers.

Query: *"Is there actual harm done to the Philippines at present by the presence of military bases?"*

Answer: "Yes, irritants have arisen between Filipinos and

Americans in the matter of jurisdiction over persons involved in crimes committed inside and outside the bases. Many Filipinos have been killed in such incidents.

For example, a Filipino was killed while allegedly trying to steal [sic] a bicycle. Two Filipino fishermen were shot while fishing within the off-limits area of the Subic Naval Base. Another Filipino was killed in broad daylight by an American serviceman who claimed that he mistook the Filipino for a wild boar. In most of these cases, the Philippine Government filed protests with the American Government with no result. The Americans involved were either acquitted by the U.S. court martial or were taken out of the Philippines by the U.S. authorities while the criminal cases against them were still pending in court.

*Query: "Why does this happen? Are there no provisions on criminal jurisdiction in the Military Bases Agreement?"*

*Answer: "There are provisions on criminal jurisdiction in the Agreement but these provisions were favorable only to the Americans.*

First, the Philippine Government has no jurisdiction over an American serviceman who commits an offense while in the performance of his military duty. It is the base commander who determines whether or not the soldier is on duty, and the commander issues a certification to this effect. The Philippine Government could disagree with the certification of the base commander, but the final decision is made through diplomatic negotiation and not by law.

Second, when an American serviceman is accused of committing an offense over which the Philippine Government has jurisdiction, the American authorities keep custody of the serviceman. For this reason, many accused Americans have been taken out of the Philippines even before hearing of their cases has been completed. In other countries, where there are American bases, the custody of an accused American serviceman rests with the host government.

The Philippines has made it dear that it wants an arrangement similar to that between the United States and NATO or countries like Japan and Spain, where American military personnel do not enjoy extra-territorial rights. The Philippines wants to exercise supervision over all United States military bases, with a Filipino commander overseeing and supervising the bases and the Philippine flag alone flying above them. In addition, the Philippines would like the United States to pay rentals for the use of the bases, as in Spain.

For bargaining purposes, if not in preparation for the ultimate complete turnover of the bases 16 years from now, the Philippines is ready to present elaborate plans for their use. To compensate for the expected loss of revenue, the Philippine government plans to turn Subic Naval Base into a ship repair complex, Clark Air Base into an international airport and commercial complex, and Camp John Hay into a recreational and tourist center. A survey conducted by the Chamber of Commerce of the Philippines in May 1975 found that more jobs and income could be generated when United States military bases are taken over by the government and the private sector.

As stated earlier, President Marcos came out on July 7, 1975 with the position that, in keeping with the dignity of the sovereign republic and in response to recent developments in the region, the Philippines wanted to assume control of all the U.S. bases and put them to productive economic, as well as military, use.

On the military side, the objective is to arrive at a mutually acceptable adjustment of the military bases and mutual defense agreements which would allow the United States to maintain an effective presence over the air and sea lanes of the Western Pacific, as well as satisfy the requirements of the Philippine interest in a Four-Power balance in the region.

Especially with respect to the second aim, the question may be raised: would continued U.S. retention of its bases in the Philippines be compatible with the concept of a Four-Power balance? Pursued to its logical conclusion, the answer would probably be, no. First, the presence of the U.S. bases is premised on the principle of "mutual defense." By definition, mutual defense is a bilateral arrangement; it excludes third parties. American presence in the Philippines through its military bases here, needless to say, would tip the balance heavily in its favor as against the three other powers — Russia, China, and Japan. Secondly, indefinite American retention of the bases would run counter to the Philippine commitment to the ASEAN proposal for Southeast Asia to become a region of neutrality. Thirdly, the presence of American troops in the Philippines would violate the spirit of the new posture of military self-reliance.

Fortunately, the question need not be addressed frontally, for the pragmatic situation does not call for a categorical answer at this time. It would appear, in any case, that the American military presence in the Philippines would be unobjectionable to Japan, if it is not indeed to its interest, considering the continuing close alliance

between the two powers. Russia is still at the early stages of its effort to penetrate the region politically, economically, and militarily, and is thus hardly in a position to make a significant issue of the American bases in the Philippines. As to China, there are intimations that it would not press the removal of the American bases, and would in fact find them useful at this time as effective counterpoise to the nascent but growing Russian presence. The prevailing atmosphere of *détente*, or the thawing of the Cold War, relegates to the background the role of rival Great Power military forces in the region.

The current situation, therefore, allows for the temporary retention by the United States of its Philippine bases on the unspoken understanding that their roles would be considerably reduced. Pointing the way in this direction is the on-going phase-out of the SEATO. The sino-American *détente* is also likely to entail a chain of reactions down the line, including the possible re-drawing of the U.S. defense line in the Pacific. The likely shift is from present forward bases such as those in the Philippines to Guam and Tinian, diminishing the importance of Clark Air Base and Subic Naval Base. With the move to a fall-back base in the Marianas still on the drawing boards, the ending of the Vietnam war had already reduced the personnel and activities on the American bases in the Philippines and elsewhere in the region, with perceptible economic effects in the base satellite towns. A factor that will progressively work to diminish the role of the U.S. bases is the new Philippine policy of military self-reliance, which finds unnecessary the need for the continued presence of American troops on Philippine soil. President Marcos has stressed on a number of occasions that Filipinos will fight their own battles and have not — and would not — called on foreign troops for help.

In keeping with this thrust is the Philippine demand that the revised status of forces agreement should put an end to the practice of extraterritoriality, particularly as to criminal jurisdiction, in the U.S. bases. This would be a very important revision of the base rights agreement between the Philippines and the United States inasmuch as it has been the source of irritation between the two sides and a ready sparkplug of anti-American manifestations.

Extraterritoriality has its roots in the Middle Ages, when it was the practice of commercial towns to bestow upon foreign merchants the privilege of being governed by their own laws. With the rise of nation-states, however, the privilege was withdrawn. Extraterri-

toriality survived, however, in Western dealings with non-Christian states, usually imposed under the terms of articles of "capitulations." The citizens of the foreign capitulatory state remained subject to the laws of their own country and were tried before their own diplomatic or consular courts. In the nineteenth century, Western powers tended to impose unilaterally upon countries with different customs and legal systems limitations upon their sovereignty by insisting upon the capitulatory right of exemption of their nationals from the local jurisdiction. Many abuses have attended the enjoyment by foreigners of extraterritorial jurisdictional rights, and sooner or later the host countries abrogated these rights. Thus, Japan released itself from this limitation upon its sovereignty in 1899, Turkey in 1914, Thailand in 1920, Iran in 1927, Egypt and Morocco in 1937, and China in 1943. Capitulatory rights were also abolished in Palestine, Syria, and Iraq.

After World War II, extraterritorial rights were built into various agreements between Allied Powers and the countries where they established or retained military bases, as in the case of the United States in the Philippines. The basic reason for the imposition of extraterritorial jurisdiction on the foreign military bases was the same as in the classical cases cited above; namely, the distrust of the White Man in the fairness of the native or colored man's system of justice. There is every just reason for the termination of this slur to the national pride, to the dignity of our sovereign state.

On the economic side, anticipating a reduced role of the U.S. military bases, as well as in the context of the broader framework of the general development plan of the country, the Philippine government has prepared a proposal which would provide a more stable foundation for the economy of the communities which now primarily depend for their means of livelihood upon the American bases. Both Clark and Subic bases are in Central Luzon, and form a triangle with the newly-established Bataan Export Processing Zone, a 1000-hectare industrial site for the manufacture of export goods and located 60 kilometers southwest of Subic. Central Luzon, the "rice granary" of the country and prime producer of staple food crops, serves as the rich and fertile hinterland for both American bases. It is interlaced with a sophisticated infrastructure of roads, bridges, irrigation and electrification works, and telecommunications facilities. Essentially, the plan considers the extensive base areas as integral parts of the region in future development schemes. Specifically, it calls for the retrieval of excess or unused base lands for agricultural,



industrial, or commercial development purposes, while allowing U.S. military forces in the Philippines and in the Southeast Asian region to retain strategic base facilities and guaranteeing access thereto, as well as the exclusive use of specific facilities or areas as required by them for the effective performance of their duties, for so long as mutual defense interest obtain between the two countries. The control and administration of the bases will be immediately transferred to the Philippine government, with arrangements for joint use, as in Japan, of certain military facilities.

On the principle that the manpower skills already acquired in present base jobs and those generally available in the area should be fully utilized, the economic projects in the bases should initially be in the same line of activities wherein the labor force is presently engaged and should, by phases, mixed with manufacturing, agricultural, and service industries appropriate to the existing resources in the area. The proposal is to make maximum use of the growth potentials of the bases and their vicinities.

Thus, Clark Air Base and Subic Naval Base will be developed into commercial-military complexes. Clark is envisioned as a center for industrial growth in the thickly-populated Central Plain, with an industrial site set aside for the purpose. As regards the base, the projects contemplated are an international airport for passengers and cargo, with domestic trans-shipment facilities; a major aircraft manufacturing plant and repair-maintenance facilities; other allied industrial activities; and corporate farming. Subic will be developed into a major ship-repairing servicing complex, with anchorage facilities for laid-up tankers, and a variety of related maritime industries. Already, the Philippine government has under consideration a joint-venture proposal with Kawasaki Heavy Industries of Japan for the establishment of a ship-repair yard at Cabangan Point, 10 kilometers northwest across the bay from Subic base. Camp John Hay is planned for development into a tourist estate under international management in the heart of Baguio City, the summer capital of the Philippines.

The United States has indicated its readiness to renegotiate the military bases agreement. Its posture is that these bases have declined in importance and might in the long run be expendable. American forces in the Philippines have already been reduced in strength from a peak of 25,000 men to 18,000 in 1974 and further down to 16,000 in 1973. As Ambassador Sullivan put it, "The U.S., in accordance with the Nixon Doctrine, is gradually and responsibly

reducing its military shield. It is taking care however to make these reductions with a clear view towards preserving the equilibrium which now exists among the great powers in the region. . . . The decision makers in the smaller Asian states need to weigh their actions carefully if they wish to maintain the necessary American contribution to the East Asian balance."

The overall situation appears to be that with the sudden communist takeover in Indo-China, the problems of continuing even a symbolic U.S. presence in Thailand, the reduction of the American force in Taiwan as a direct result of U.S. — China détente, the reversion of Okinawa (home of a major American base) to Japan, and the questioning posture of the Philippines as regards the American military bases, U.S. strategists are thinking of a pullback to Hawaii and certain Mid-ocean island "toe-holds." Hawaii, a State of the Union, has always been and will now, more than ever, be the key element in the U.S. defense strategy in the Pacific. The other "home" base—the farthest out from the U.S. West Coast—is Guam. Like Hawaii, Guam has heavy military installations for long-range bombers and tanker planes, and also harbors nuclear-missile submarines.

In anticipation in particular of a Philippine move to eventually take over the bases, the United States has in addition announced that it is expanding its military installations in the Marianas island group for fall-back purposes. Conveniently, the people of northern Marianas have recently voted for Commonwealth status, and already the Pentagon has a \$3000 million plan for building up the 27,000-acre island of Tinian into an air and naval base,

Officially, however, the United States has assured its other allies, notably Japan, which the U.S. still regards as its principal ally in Asia playing a vital, if surrogate, role in the maintenance of regional stability, that it was not unilaterally pulling out of the Philippines. Thus, in a military posture statement presented on January 27, 1976 to the U.S. House Armed Services Committee, General George Brown, Chairman of the Joint Chiefs of Staff of the U.S. Armed Forces, reported: "Our bases in the Philippines . . . project a continued U.S. presence in the wake of communist successes in Indochina. They are the key to the support of the forward deployment of American armed forces. The Philippines and the U.S. both need U.S. presence on Philippine naval and air bases as a vital part of the U.S.-Philippine security, and as a stabilizing influence in the entire region."