

# Primer: RP-US relations

*What is the present policy of the Philippines toward the United States?*

The Philippines maintains friendly relations and economic ties with the United States. In an effort to strengthen ties for mutual benefit, a review of existing treaties between the Philippines and the United States is underway.

*What is the nature of Philippine security arrangements with the United States?*

There are three basic agreements between the Philippines and the United States. These are: (1) the Military Bases Agreement (signed on 14 March 1947); (2) the Military Assistance Agreement (signed on 21 March 1947); and (3) the Mutual Defense Treaty (signed on 30 August 1951).

As a colony of the United States from 1898 to 1946, the Philippines completely depended on the United States for protection. In turn the United States used the Philippines as a place to station military forces to protect its political and commercial interests not only in this country but also in the whole of the Asian region. Thus, American military bases were established in the Philippines while it was still a colony under the United States.

When the Philippines regained independence in 1946, the Filipino leaders of the Philippine Government believed that because of the destruction of the country during World War II, the Philippines would not be able to defend itself against any enemy and, therefore, had to continue under the old military arrangements with the United States. This time it was necessary to sign the three treaties stated above because the Philippines was already a sovereign state.

*What does the Military Bases Agreement provide for?*

This agreement allowed the United States to establish, operate and maintain military, naval and air bases in the Philippines. The number and area of the bases have been reduced gradually over the years. Originally, the use of the bases was for a period of 99 years. This was later reduced to 25 years. The agreement will end in 1991, unless revised earlier.

*At present, are the military bases still necessary for the protection of the Philippines?*

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 US bases in the Philippines are as follows:

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

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

Yes. Irritants have been created between Filipinos and Americans in the matter of jurisdiction over persons involved in crimes committed inside and

outside of the bases. Many Filipinos have been killed in such incidents.

For example, a Filipino was killed while allegedly trying to steal 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 US court martial or were taken out of the Philippines by the US authorities while the criminal cases against them were still pending in court.

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

There are provisions on criminal jurisdiction in the Agreement but these provisions are favorable only to the Americans.



Virgilio Avila, Unlabeled. Etching 1970, 19.6 x 17.9 cms.

*US bases: protection or nuclear magnets?*

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 have been completed. In other countries, where there are American bases, the custody of an accused American serviceman rests with the host government.

*Has the Philippine government done anything to change the provisions of the Military Bases Agreement which are harmful to the Philippines?*

Changes in the agreement can be made only with the consent of the two governments. The Philippines has been negotiating with the United States

over many years at technical level. President Marcos is known to favor meetings at policy level where decisions could be reached more quickly.

In its recent meeting on the military bases, assistance, and mutual defense agreement, the Foreign Policy Council recommended that changes be made in the agreements, that national survival demands their urgent review and the adoption of alternatives that best serve the national interest.

*What changes or gains have so far been made by negotiations?*

□ The lease period of the agreement has been greatly reduced from 99 to 25 years.

□ There were originally 23 bases and reservations held by the US. These have been reduced to only two major ones, Clark Air Base and Subic Naval Base.

□ All titles to base lands were turned over to the Philippines in 1956. The US Government used to claim

ownership of these lands. President Marcos is known to favor meetings at policy level where decisions could be reached more quickly.

*What is the Mutual Defense Treaty?*

This treaty provides that an armed attack on the metropolitan territory of either the Philippines or the US or on the island territories under US jurisdiction in the Pacific Ocean would be dangerous to its peace and safety and that each party would act to meet the common danger in accordance with its constitutional processes.

*What guarantee has America given for the national security of the Philippines?*

None. The terms of the Mutual Defense Treaty do not ensure the security of the Philippines. There is no provision whatsoever for an automatic declaration of war or immediate retaliation by the American government in case the Philippines is attacked.

*Would the United States come to the assistance of the Philippines if a foreign power attacks the country but not the American bases?*

At the hearings held by the Symington Committee of the US Senate, it came out that the United States is obligated to repel an attack only if the American bases in the Philippines were directly attacked. That is, there is no obligation on the part of the United States to repel an attack on the Philippines if such an attack does not endanger the US bases. That was also the gist of assurances by past American Presidents (Eisenhower and Johnson): that the deployment of American forces in the Philippines was such that an attack on the Philippines would necessarily involve an attack on American forces and hence would be instantly repelled.

*On July 4, 1946, the Philippines entered into an Executive Agreement with the United States. This is the Philippine Trade Act of 1946. Why did we enter into this Agreement?*

Our badly shattered economy after World War II forced the Philippines to seek economic assistance from the United States for the rehabilitation of the country.

The Constitution was amended to include a provision in the Philippine Trade Act of 1946 which gave United States citizens equal rights with Filipinos in the development, disposition, exploitation and utilization of all agricultural, timber, mineral lands and other natural resources of the Philippines. The amendment came to be known as Parity.

The Trade Agreement was later revised due to provisions which discriminated in favor of American citizens. It became known as Laurel-Langley Agreement which took effect on July 1, 1956 and expired on July 3, 1974.

*How does the Philippines conduct its economic relations with the United States after the termination of the Laurel-Langley Agreement?*

There is no trade agreement between the Philippines and the United States at the moment. The Philippines now conducts normal commercial transactions with the United States as with any other country.