

## Campaign Notes

# Bases by Another Name: U.S. Military Access in the Philippines

by Stephen R. Shalom

In September 1991, the Philippine Senate cast a historic vote, rejecting a treaty to allow U.S. military bases in the Philippines.

For forty-four long years, U.S. military facilities had been fixtures on the soil of the independent Republic of the Philippines. Clark Air Base and Subic Naval Base were among the largest U.S. foreign military installations in the world. At the end of World War II Pentagon planners had described Philippine bases “not merely as outposts, but as springboards from which the United States armed forces may be projected” into Asia.<sup>1</sup> In the major U.S. military interventions that followed—in Korea from 1950 to 1953, in Indochina from 1965 to 1973, and in the Persian Gulf after the Cold War in 1991—the Philippine bases provided crucial logistical support. The bases also housed transmitters for communicating with nuclear missile submarines, anti-submarine warfare aircraft, and, at various times, nuclear weapons.<sup>2</sup>

Over the term of the Military Bases Agreement the U.S. government agreed to all sorts of cosmetic changes in the official terms of the agreement as a way to blunt nationalist protests. The essential purpose of the bases, however, remained unchanged: “[N]owhere else in the world,” U.S. officials noted in 1972, “are we able to use our military bases with less restrictions than we do in the Philippines.”<sup>3</sup> Even when the United States agreed to fly the Philippine flag on the bases and to refer to the bases as “U.S. facilities on Philippine bases,” Washington was assured “unhindered military operations involving its forces in the Philippines.”

To protect its access to the bases, Washington frequently intervened in Philippine internal affairs, spearheading a counter-insurgency campaign in the early fifties and embracing Ferdinand Marcos when in 1972 he declared martial law to quash domestic opposition. When Marcos was finally ousted in 1986, anti-bases sentiment was strong; the new Constitution adopted the following year insisted that any new foreign bases or troop postings after 1991 would have to be secured in a treaty approved

by a two-thirds vote of the Philippine Senate (instead of by executive agreement, as previously). Moreover, the Constitution declared that, “the Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory.”

A new bases treaty came up for ratification in 1991. U.S. officials lobbied mightily—warning of the severe economic dislocation that would follow rejection of the bases treaty—but the Philippine Senate, reflecting strong nationalist pressures, would have no more. It rejected the treaty. The United States withdrew its troops, but even before the last U.S. soldier was gone U.S. officials were already working behind the scenes to assure continued military access to the Philippines. Knowing that the bases had become powerful nationalist symbols, Washington looked for other arrangements that might accomplish its purpose.

The Pentagon is now seeking to secure military access rights by executive agreement, thereby circumventing the Philippine Constitution, which requires Senate approval for a foreign military presence, and avoiding the expense and provocation of permanent installations. In November 1992, the commander of U.S. forces in the Pacific concluded a limited access agreement with the Philippines, providing for U.S. port visits, aircraft transits, and small-unit exercises. Since then United States and Philippine officials have been negotiating an Acquisition and Cross-Servicing Agreement (ACSA), which would considerably enlarge the scope of U.S. access. Officials involved have been quite reticent about the terms, but periodic revelations of some of the details have led to public protests in the Philippines.

In the fall of 1997, two new developments brought the ACSA issue to the fore. First, the U.S. and Philippine governments began talks on a Status of Forces Agreement (SOFA) that would grant partial diplomatic immunity to U.S. military personnel in the Philippines. The proposed agreement is reminiscent of the policy under the Military Bases Agreement whereby U.S. soldiers were often able to escape punishment for crimes committed in the Philippines, including the killing of Filipinos. Second, construction work at the Philippine port of General Santos City suggests that the harbor is possibly being prepared for U.S. military use.

The documents below reflect the opposition both inside and outside the Philippines to U.S. military access. First is an Open Letter to President Clinton signed by more than 300 U.S. and European peace activists and academics. This is followed by a statement issued by the Nuclear Free Philippines Coalition (NFPC), the leading Philippine organization in the struggle against bases in their old and their new incarnation. Next is an

---

1. JCS 1027/5, 20 September 1945, “Negotiations for the Retention of American Bases in the Philippines after Independence,” Annex A to Appendix A: “Special Instructions Regarding Selection of U.S. Military Bases in the Philippines,” Records of the U.S. Joint Chiefs of Staff, Record Group 218, National Archives, Washington, DC, File: CCS 686.9 Philippine Islands, (11-7-43) sec. 1.

2. See Roland G. Simbulan, *A Guide to Nuclear Philippines* (Manila: IBON Databank Phils., 1989).

3. Committee Print, “Korea and the Philippines: November 1972,” Staff Report for the Senate Committee on Foreign Relations, 93rd Congress, 1st session, 18 February 1973, p. 41.

alert put out by the Philippine-based Coalition Against Trafficking in Women, warning of the multifaceted consequences of U.S. access. Finally, there is a letter by Daniel B. Schirmer of the U.S. organization Friends of the Filipino People, describing the current situation and urging continued public opposition.<sup>4</sup>

#### **OPEN LETTER TO PRESIDENT CLINTON ON U.S.-PHILIPPINE RELATIONS** (October 1997)

Issued at a press conference, 30 September 1997.

Dear President Clinton,

On September 30, 1997, in Washington, D.C., high civilian and military officials of the Philippine and United States governments held a meeting to negotiate a new Status of Forces Agreement (SOFA). These negotiations were made necessary because of Washington's demand, as put forward by Admiral Joseph W. Prueher, commander-in-chief of the U.S. Pacific Command, that the Philippine government grant "partial diplomatic immunity" to U.S. military personnel on duty in the Philippines.

The U.S. government demanded and got diplomatic immunity when it imposed U.S. bases on the Philippines at the beginning of the Cold War. This diplomatic immunity was clearly a definitive aspect of the infringement of Philippine sovereignty that the U.S. bases brought with them. U.S. soldiers were not bound by Philippine legal procedures, and when they committed crimes they were often spirited out of the country by U.S. military officialdom.

With the democratic upheaval that overthrew the Marcos dictatorship, the U.S. bases were removed, and Philippine national sovereignty strengthened. The attempt of the Pentagon to restore diplomatic immunity is part of its larger effort to restore the strategic military use of the Philippines that the bases provided Washington. The proposal for a new SOFA is therefore closely connected to the Pentagon's effort to foist an Acquisition and Cross-Servicing Agreement (ACSA) on the people of the Philippines. This agreement would allow the U.S. military to use most of the important ports of the Philippines for ship visits and military exercises. When first proposing ACSA in June 1993, Admiral Charles R. Larson, then chief of the Pacific Command, declared the agreement would in effect return the Philippines to its previous function as stepping-off point for U.S. military interventions in Asia and the Mideast. The U.S. military high command gave the Philippines this alien role after the imperial conquest nearly a century ago, and so it continued for many years until the Philippine Senate voted to remove the U.S. bases in September 1991.

Mr. President, you have proclaimed the promotion of democracy to be the keystone of your administration's foreign policy. We therefore call upon you, as Commander-in-Chief, to order the U.S. military to cease its attempt to take from the Philippine people—by means of SOFA and ACSA—the democratic gains they have won through the peaceful exercise of their political rights. To do otherwise is to remain complicit in an exercise of hypocrisy that tarnishes our nation in the eyes of the world.

---

4. Minor elisions have been made in the NFPC statement and the Schirmer letter.

[The letter was signed by over 300 people, with organizations listed for identification purposes only, including Colin Archer, executive secretary, International Peace Bureau, Geneva; Liberato Bautista, General Board of Church and Society, United Methodist Church; Daniel Berrigan, S.J.; Rev. Philip Berrigan; Noam Chomsky, MIT; David Dellinger; Frederick S. Heffermehl, president, Norwegian Peace Alliance, Oslo; Sr. Mary Danaher, Intercommunity Center for Justice and Peace; Richard Deats, Fellowship of Reconciliation; Joseph Gerson, American Friends Service Committee; Kathryn Johnson, Asia Pacific Center for Peace and Justice; Polly Mann, Women Against Military Madness; Ed Martin, Mennonite Central Committee; Tim McGloin, national coordinator, Friends of the Filipino People; David McReynolds, War Resisters' League; John Melegrito, Filipino Civil Rights Advocates; Dorotea Mendoza, GABRIELA Network; John Miller, Foreign Bases Project; Diana Onken, coordinator, Student Peace Action Network; Letty Russel, Yale Divinity School; Sharon Silber, Jews Against Genocide; Dirk Struik, professor emeritus, MIT; Kathy Thornton, RJM, Network: A National Catholic Social Justice Lobby; Edith Villastrigo, legislative director, Women Strike for Peace; and Howard Zinn, professor emeritus, Boston University.]

#### **PRESS STATEMENT** (30 September 1997)

Professor Roland Simbulan  
National Chairperson, Nuclear Free Philippines Coalition  
Manila, Philippines

"A New Task and Challenge for the Philippine Senate"

The Philippine Senate is currently facing the challenge of being bypassed by an agreement which would surrender the national sovereignty, dignity, and self-respect of the country as it celebrates the centennial years of its anti-colonial struggle and independence. We protest this breach of our territorial integrity and jurisdiction. For the Philippines is about to sign away its territorial integrity through a Status of Forces Agreement (SOFA) or a similar agreement that would grant immunity from criminal prosecution for American troops without a formal treaty ratified by the Philippine Senate. In fact, according to Karen S. Heath, U.S. Assistant Secretary of the Navy for Manpower and Reserve Affairs, in a letter to Fr. Shay Cullen, U.S. Forces already do have "limited immunity." Since December 1996, talks have been going on between the Philippines and the United States for granting immunity status within Philippine territory on port visits or during military training exercises in the Philippines. Specifically, the United States is seeking a Status of Forces Agreement (SOFA) for its military personnel, a privilege which was granted before to U.S. personnel as part of the defunct Philippine-U.S. Military Bases Agreement and included as an annex of the proposed bases treaty which was rejected by the Philippine Senate in 1991. The ongoing negotiations on SOFA therefore merely seek to resurrect provisions of the proposed bases treaty already rejected in that historic 1991 decision.

In the light of these disturbing developments, the Senate is once again called upon:

First, to assert its constitutional mandate and responsibility (i.e., treaty-ratifying powers) to the Filipino people. The 1987 Philippine Constitution specially assigns the following treaty-ratifying roles to the Senate:

- "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate...." (Sec. 21, Executive Department)
- "All existing treaties or international agreements which have not been ratified shall not be renewed or extended without the

concurrence of at least two-thirds of all the members of the Senate....” (Sec. 4, Art. 8, Transitory Provisions)

- “After the expiration in 1991 of the agreement between the Republic of the Philippines and the United States of America concerning military bases, foreign military bases, troops or facilities shall not be allowed in the Philippines except under a treaty duly concurred in by the Senate, and when the Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose and recognized as a treaty by the other contracting state....” (Sec. 25, Art. 18, Transitory Provisions).

Second, Status of Forces Agreements (SOFA) are normally granted only to countries hosting U.S. facilities and military bases. It would be unprecedented and an abuse of the right of legation to extend the diplomatic immunities and privileges that we grant to diplomats (i.e., ambassadors, nuncios, envoys, minister, *chargés d'affaires*) to visiting foreign military personnel. If U.S. or other foreign military forces are already committing wanton violations of the Philippine Constitution through port visits of foreign warships for “rest and recreation” and military exercises in the absence of a formal treaty as called for by the Constitution, can these unconstitutional acts now be corrected by an even more serious surrender of our territorial and criminal jurisdiction over visiting foreign military servicemen? In fact, it is really a question of whether we will allow the courts of another country to sit in judgment on the act of foreign soldiers committed within our own country. A SOFA or similar agreement will extend the grant of extraterritoriality or exemption of foreign troops from local jurisdiction.

Third, the Senate and the Filipino people must see through and reject the sinister moves to append supposedly “economic provisions” to the proposed SOFA agreement being negotiated as this is too obviously a form of icing to cover up the infringement of our criminal customs, fiscal, immigration, and statutory regulations to be given up to visiting foreign military personnel. Furthermore, shall we now reserve the economic conversion of the former bases which have created thousands of jobs and more than when our people’s dignity and self-respect was blighted by foreign military forces using the country as a brothel? It has also been reported that the Philippines and U.S. panels in the SOFA negotiations are conspiring to look for a new name for this SOFA agreement to make it more palatable to the public.

Fourth, the Senate should investigate U.S. complicity in moves to amend the Charter. Since 1992, efforts have been made by the United States to bypass if not ignore the Constitutional provisions banning nuclear weapons from Philippine territory and those provisions that prohibit foreign military forces in the absence of a formal treaty....

The United States government must also not be let off the hook from its responsibility of bases clean-up in the light of the established toxic contamination in the former bases. U.S. Ambassador Thomas Hubbard should stop issuing blanket denials of toxic contamination because he is merely opinionating baselessly against scientific and technical evidence of massive toxic contamination. Will the Filipino people now allow this toxic contamination to be extended in the twenty-two ports all over the country being eyed under the coverage of ACSA and SOFA agreements?

The United States government should respect the independence of this sovereign country which is commemorating the

centennial of its independence next year [1998]. Or will the United States once again repeat its expansionist history started 100 years ago by snatching our independence, trampling upon our sovereignty, and making our Republic a short-lived one?

We ask that the Senate rise up to this challenge and task and fight for this country’s national sovereignty if it wishes to be true to the ideals of the 1896 revolution and our independence struggle.

### **INFORMATION ALERT**

Originally released in June 1997, this alert was reissued during the NFPC press conference on 30 September 1997.

The Coalition Against Trafficking in Women  
Metro Manila, Philippines

“Square One: Bringing Back U.S. Military Presence in the Philippines. Whose Security Is at Stake?”

The sketchy information filtering through the press about the imminent signing by the United States and [Republic of the Philippines] government of a Status of Forces Agreement (SOFA) is cause for grave alarm on many counts. The lack of transparency and public debate with which these talks have been conducted raise justified questions about possible attempts to circumvent provisions in the Philippine Constitution, particularly those governing military treaties and the entry into or presence of nuclear weapons in Philippine territory. The guise of commercial or executive agreements being pushed in no way masks the military nature and intent of the proposed movements and activities of the U.S. military in the Philippines. In fact, in the name of “security,” renewed U.S. military presence in the Philippines poses grave threats to Filipino sovereignty, risks of environmental damage, and, especially, social harm to Filipino women and children.

The United States, through its policy of neither confirming nor denying the presence of nuclear weapons on its military vessels, and condoned by an apparently helpless Philippine government, has in the past violated the Philippine Constitution with impunity and can fully be expected to continue to do so in and around the twenty-two Philippine ports that the U.S. Navy wants to obtain access to. In this connection, it is worth noting the curious fact that the Philippines, the only Asean member state to have a nuclear-weapons-free provision in its Constitution, is also the only Asean state not to have signed and ratified the 1995 Southeast Asian Nuclear Weapons Free Zone Treaty. It may be speculated that the inordinate influence of the United States on Philippine political decision-making could be playing a role in this matter.

The pressure being exerted by the United States for the signing of a SOFA was recently felt when U.S. Ambassador Thomas Hubbard publicly posed the threat that with delays in the signing, “the greater the risk that the security relationship will drift.” Apart from objecting to the bullying undertones of that statement (and that relationship), we would do well to reexamine the very concept of human security misappropriated by militarism by recalling the heavy social and environmental impacts and costs of past U.S. military presence in the country: the thousands of dislocated lives of sexually exploited women, abandoned and marginalized Amerasian children, environmental damage through military toxic wastes and military exercises, the subser-vient economies, [and] the crimes of rape and murder of women. Past experience clearly show[s] that the security of Filipino people, especially women and children, from the U.S. military

was never taken into account. Now, it is to be feared that human security will be sacrificed once more as a result of the present government's attitude of accommodation of and identification with U.S. interests.

A true understanding of human securities sees through and goes beyond the lethal power games that military establishments through history have falsely named and appropriated issues of security. Again, allowing U.S. Navy port calls, this time in twenty-two cities and towns in the Philippines (Laoag, San Fernando, Lingayen, Legaspi, Subic Bay, Manila, Batangas, Masbate, Romblon, Calbayog, Tagbilaran, Tacloban, Baybay, Cebu, Iloilo, Roxas City, Bacolod, Dumaguete, Zamboanga, Cagayan, Davao, Puerto Princessa) as well as allowing military exercises augurs ill for the vulnerable populations and the ecological integrity of those sites. It will also demonstrate once more the Philippine government's position of weakness to defend its own Constitution and national interests. More concretely, what this will mean for the twenty-two cities where the U.S. Navy proposes to dock for "R & R" and to hold military exercises can include:

1. The risk of oil, toxic, low-level radioactive or other wastes leaked or dumped at sea or in port;
2. risk of nuclear accident;
3. environmental damage including soil and water pollution and destruction of flora and fauna by beach landings and military exercises;
4. unexploded ammunition and accidental fire;
5. displacement of local population;
6. dislocated local economies;
7. prostitution and sex businesses, child sexual abuse, unwanted Amerasian children;
8. spread of STDs [sexually transmitted diseases] and HIV/AIDS.

It is an indisputable and historical fact, unfortunately of recent confirmation in Okinawa where a school girl was raped by U.S. servicemen and in Korea where a bar woman was brutally murdered, that militarism integrates a culture of racism, sexual aggression, and other forms of violence. In our own country, too, such crimes have been committed against women and girls. Women's organizations in the Philippines that have long worked on these issues are dismayed by the Philippine government's seeming willingness to go back politically to square one: this time not just with an Olongapo or Angeles City bearing the brunt of intolerable social impacts on women and children, but with twenty-two cities and towns in the Philippines that will be sacrificed in the name of military and political interests that are not our own. We call on the mayors [and] the local and provincial governments of the cities above named to vigorously oppose political machinations that will result in harm to their populations and environments. U.S. interests must not be allowed to prevail over the higher interests of Filipino women, men and children.

**LETTER** (November 18, 1997)

Daniel B. Schirmer, Boston Friends of the Filipino People

Dear Friend,

You may have been one of the over 300 people who signed the Open Letter to President Clinton opposing the Pentagon's push for two U.S.-Philippine agreements: a Status of Forces Agreement (SOFA) giving partial diplomatic immunity to the U.S. military in the Philippines, and an Acquisition and Cross-

Servicing Agreement (ACSA), giving it access to Philippine ports and airfields. In October the letter and signatures were sent to President Clinton and to opponents of the measures in the Philippines, where the press took note.

Since the letter was sent, however, there has been an explosive public discussion in the Philippines as to whether the U.S. military should have landing rights in Mindanao, at the harbor of General Santos City, and a nearby airfield. As a result SOFA and ACSA have come into the sharpest focus of Philippine popular attention, and the opposition to these measures has correspondingly intensified.

In the past few years U.S. AID has spent 48 million dollars for the construction of the airfield at General Santos City, 15 million for the expansion of its harbor, and 63 million for building highways connecting the city with other towns in the region. Hired to carry out these projects were U.S. contractors often used by the Pentagon. As things stand, of all the harbors and airfields in Mindanao (second largest island in the Philippine archipelago), only those of General Santos City are capable of accommodating the massive warships and warplanes of the United States, according to University of the Philippines Professor Roland Simbulan, a leader of the opposition to ACSA and SOFA.

On October 17 [1997] a Mindanao paper reported U.S. Ambassador Thomas Hubbard saying the U.S. military had the right to use the airport and seaport in General Santos City, a report the Embassy later denied. This denial had little effect.

The fact is that the discussion over SOFA and ACSA has undergone a crucial change. It is no longer a debate over abstract agreements of indefinite application. Now the question has a certain concreteness and immediacy: should Washington be allowed to put these agreements into actual practice, in a very definite location, using installations made to order, so to speak. At General Santos City the issue has been joined, and the time is now.

Politicians in Mindanao and nationally are divided, with many of President Ramos' own party in favor of landing rights. (Fidel Ramos has supported U.S. military access to the Philippines ever since the Philippine Senate's 1991 rejection of U.S. military bases.) But popular resistance is organizing with a new urgency. Warning of impending "moral, social and environmental decay" if U.S. troops are allowed to use local facilities, Catholic Bishop Dinualdo Gutierrez of General Santos City has called for a massive demonstration of opposition there.

Sponsors of the October Open Letter believe there should be a U.S. response to this new situation: to help counter any Pentagon effort to put SOFA and ACSA into effect in General Santos City and to show support for Filipinos organizing to prevent this threatening renewal of U.S. military domination. Previous Philippine newspaper coverage of the October Open Letter was welcome, but given the present urgency we would like our position to get even more attention. For this reason we propose to run the October Open Letter... as a newspaper ad in Manila and General Santos City early in 1998, and for this we ask your help.

Sincerely yours,

*Daniel B. Schirmer*  
Boston Friends of the Filipino People

