

The Philippines in the Vortex of Complex Environmental Catastrophes, Human Rights Violations and Long Term Conflicts

The United States of America and the Philippines have a history inextricably linked going back to the establishment of the Philippines as a US colony at the beginning of the last century. The US has a long history of military involvement in the Philippines with large former naval and air bases and a history of funding of the Philippine military and joint military exercises. Now the US is seeking to increase that influence as a part of its "Pivot to Asia". The Philippines is a democracy with a governmental structure reflecting the influence of the US, yet the Philippines suffers from social injustice, corruption, a politicized military and severe poverty. The military in the Philippines has been fighting a 45-year insurgency, a conflict that has seen the military and national police guilty of ongoing violations of human rights that exacerbate the conditions that brought about the insurgency.

Added to this is the fact the Philippines is very prone to severe typhoons, brought about by natural and man-made calamities; the recent super typhoon Haiyan seems to be the harbinger of a new era of typhoons whose intensity is increased by the effects of global warming.

How can we affect a change in US policy to help bring about peace, justice and sustainable development of the Philippines?

I. Secure human rights and transparency conditions for US military assistance to the Government of the Philippines.

The Armed Forces of the Philippines (AFP), the paramilitary units under their control, and the Philippine National Police (PNP) continue to be involved in extrajudicial killings (EJK), enforced disappearances, illegal arrests and torture. From July of 2010, when President Aquino took office, through December 2013, the documented number of EJKs stands at 169, the enforced disappearances were 19, and torture cases were 86. From January to early March of 2014, ten killings of peasant and environmental activists have already been reported. Four were by the all-too familiar method involving two men on a motorcycle with license plates covered or removed and with faces covered; driving up, shooting the victim or victims with a handgun, and then speeding off.

According to the US State Department 2013 Human Rights Report, "the most significant human rights problems continued to be extrajudicial killings and enforced disappearances undertaken by security forces; a dysfunctional criminal justice system notable for poor cooperation between police and investigators, few prosecutions, and lengthy procedural delays; and widespread official corruption and abuse of power." Also, from January to October 2013, the Office of the Ombudsman of the Philippines, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, received 306 cases

involving military and law enforcement officers accused of committing human rights abuses. The cases included killings, injuries, unlawful arrest, and torture. Most were filed against low-ranking police and military officials. As of October, 302 cases were dismissed due to insufficiency of evidence, and eight were under investigation. No convictions against high-ranking police or military officials were recorded.

The victims are often human rights defenders, labor leaders, environmentalists, journalists and others fighting for peace and justice and against corruption. Members of these organizations are frequently vilified by the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) and/or paramilitary forces under the control of the AFP and PNP, as “enemies of the state”, often being accused of supporting the New Peoples’ Army (NPA), the armed force of the National Democratic Front of the Philippines (NDFP) which has been fighting a 45-year armed struggle against the AFP.

Indigenous people have been harassed by military and paramilitary forces for protesting against dislocation from their ancestral lands to accommodate the dozens of mining operations that have sprung up all over the country. An investigation of the killing of four members of the B’laan tribe in Mindanao, who were active against the proposed large Tampakan copper-gold mine being developed by Sagittarius Mines Inc., disclosed that the mining company has men on their payroll who are paramilitaries armed by, and under the nominal command of, the AFP.

In 2007, the US Congress passed a law mandating more oversight of US foreign aid to the Philippines and putting conditions to military aid under the State Department program of Foreign Military Financing (FMF), to ensure that it was not contributing to the long-standing dismal human rights situation in the Philippines. The three human rights conditions were:

- The Government of the Philippines is taking effective steps to prosecute those responsible for EJKs and enforced disappearances and strengthen government institutions working to eliminate EJKs and enforced disappearances;
- The Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for human rights, and is investigating, prosecuting, and punishing military personnel and others who have been credibly alleged to have violated such rights; and
- The Philippine military, and paramilitary groups under its control, are not engaging in acts of violence or intimidation against journalists or members of legal organizations and indigenous communities who advocate for human rights.

In the six years since the U. S. Congress put the military sanctions in place, the Government of the Republic of the Philippines (GPH) has expressed concern about being designated as a human rights violator, but this concern has not yet resulted in serious and substantive action. In 2012, Secretary of Justice Leila de Lima came to Washington, D.C. and met with human rights advocates making known her intentions to lobby for the return of the more than \$12 million in FMF that had not been released since 2008 due to GPH’s failure to meet human rights conditions contained in the FMF allocations. Her efforts were not successful.

However, on January 17, 2014, Congress passed, and the President signed into law, the first new appropriations bill since 2010, which brought to an end to a long series of continuing resolutions containing human rights restrictions on FMF for the Philippines.

What concerns us is that in the fiscal year 2014, restrictions *are not* in the appropriations bill language but instead only in the Conference Committee Report that provides guidance on how funding is to be used. The Report states that the Appropriations Committees in the House and Senate will decide on how much to release to the AFP, relying on information supplied by the State Department. Pressure from human rights advocates and expressions of concern by members of Congress are needed to alert the Committee on our concerns about the ongoing problems.

We call on our Senators and Representatives to:

- **Write to Sen. Patrick Leahy and Rep. Kay Granger (Chairs of State Foreign Operations subcommittees of the Appropriations Committees) requesting that Congress deny the release of any FY2014 Foreign Military Financing to the Armed Forces of the Philippines.**
- **Request the Foreign Operations Subcommittees of the Appropriations Committees to include language in the Foreign Military Financing section of FY2015 bill specifying that no military assistance be released to any branch of the Armed Forces of the Philippines until the Philippine government prosecutes military officers responsible for human rights violations.**

II. Advocate for US Government policies that contribute to a foundation for lasting peace in the Philippines.

The past forty-five years have been marked by on-going armed conflict between the GPH and the NDFP on the one hand, and the GPH and the Moro Islamic Liberation Front (MILF) on the other hand. Through the process of peace negotiations, the GPH and the MILF were able to forge an agreement to formally end their armed hostilities and will sign the Comprehensive Agreement on the Bangsamoro on March 27, 2014. What remain stalled are the Peace Talks between the GPH and the NDFP.

Addressing the Filipino people's clamor for peace with justice, the National Council of Churches of the Philippines (NCCP) has called for "...principled negotiations to thresh out the issues, unearth and address the root causes of the conflict. The peace negotiation is a way to just and lasting peace. It is a way to end the armed conflict that has claimed the lives of thousands of Filipinos, combatants and non-combatants alike."

Peace negotiations to decisively pave the way to a just, sustainable and durable peace must resume soon. It must focus on resolving the conditions that have provoked the past forty-five

years' unrest throughout the Philippines. Solution to this long-term conflict is vital for solving the human rights problem since the majority of human rights violations by the AFP and PNP occur as part of their anti-insurgency programs.

In 2002-03, the GPH agreed to join the U.S. led "Coalition of the Willing" to invade Iraq. In return, through the prodding of the GPH, the US added the Communist Party of the Philippines (CPP-NPA) to the list of Foreign Terrorist Organizations even though the CPP-NPA does not fit the State Department definition.

The listing of the CPP-NPA as a "terrorist organization" has been a major stumbling block to the peace negotiations between the GPH and the NDFP. It has also been a significant contributing factor to the deteriorating environment for peace in many parts of the Philippines.

Twenty-seven years of persistent, albeit on and off, negotiations have produced more than ten significant peace agreements aimed at addressing the lingering root causes of the Philippine crisis. As citizens and residents of the United States of America, our country's history is inextricably linked with the Philippines, reaching back to the Philippine-American war of 1899-1902 that set the stage for the colonization of the Philippines. No other country has more influence in Philippine economy, politics, and culture, and hence, in the resolution of the Philippine crisis, than the United States. The call for peace with justice is an international call and the resolution of the Philippine crisis must also involve the international community. We commend the support of the Government of Norway in helping broker the peace negotiations between the GPH and the NDFP.

The time is ripe and the moment is urgent for peace negotiations to resume. But both the GPH and the NDFP must implement in earnest and in good faith the agreements they have already made. These agreements were signed by the representatives of both parties in the presence of the Norwegian facilitator of the negotiations.

Among these agreements are (1) *The Hague Joint Declaration of 1992*, (2) *the Joint Agreement on Safety and Immunity Guarantees (JASIG, 1995)* and (3) *the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL, 1998)*.

The recent willingness by NDFP Chief Political Consultant Jose Maria Sison to meet with President Aquino augurs well for the resumption of peace talks. Sison noted that the government should "fulfill its obligations regarding the substantive agenda for negotiations, the safety and immunity guarantees for NDFP peace consultants and the release of political prisoners falsely accused of common crimes." On the part of the Government of the Philippines (GPH), Peace Panel Chair Alexander Padilla, in a statement made in August 2, 2013, said that "sincerity and goodwill will move the 21-year peace process with the Communist Party of the Philippines/New People's Army/National Democratic Front (CPP/NPA/NDF) forward."

However, the recent spate of killings and highly publicized arrests of NDFP peace consultants (Benito and Wilma Austria Tiamzon) signals the GPH is essentially closing the door on the peace

process and are taking a militaristic approach to ending conflict. The arrests raise serious questions on the “sincerity and goodwill” of the Philippine Government and an utter disregard for prior agreements signed with the NDFP, under which the Tiamzons are afforded protection and immunity under the JASIG.

History has shown that arrests, detention, killings of leaders and alleged supporters have failed to quell the 45 year old insurgency and bring about a cessation in armed hostility. We believe that just and lasting peace in the country can only be achieved through a process that addresses the roots of the armed conflict. There is an urgent need for peace negotiations to resume, and must resume soon.

We call on our Senators and Representatives to:

- **Write Secretary of State John Kerry to support the call of peace advocates in the Philippines and in the United States of America and to urge the Government of the Philippines, and by all means available and possible, to resume the peace talks with the National Democratic Front of the Philippines in accordance with all prior bilateral agreements, moving forward with “the goal of a comprehensive agreement on the socio-economic and political reforms that are urgently needed and are the main causes for the continuing insurgency. The substantive agenda agreed upon by the negotiating parties in The Hague Joint Declaration must be implemented.**
- **Write Secretary of State John Kerry to remove the Communist Party of the Philippines–New People’s Army, member organization of the NDFP, from the list of Foreign Terrorist Organizations and remove NDFP’s Chief Political Consultant and CPP founding member Jose Maria Sison from the Department of Treasury terrorist listing since this is a major roadblock to the resumption of peace talks. Neither the CPP-NPA nor Mr. Sison fits the State Department definition of a Foreign Terrorist Organization/individual. This listing has also contributed to the continuing human rights violations by the AFP and PNP. It has also resulted in the deterioration of peace conditions, especially in the rural areas.**

III. Advocate for US Government disaster aid and military policies that do not contribute to environmental threats to the Philippines and provide remedies to the pollution left by the US military.

Typhoon Haiyan (local name: Typhoon Yolanda) struck the Philippines in November 2013. It was the strongest typhoon in recorded history to hit land. The more than 6,000 confirmed deaths, the 1600 persons missing and the massive displacement of population are staggering. The enormity of destruction in human lives and properties was unprecedented. Nearly 4,000,000 people remain homeless. The super-typhoon drew extraordinary local and international attention and assistance to the victims. But it also drew widespread criticism and attention to the complex and worsening environmental conditions that the Filipino people face, and

criticism related to the appallingly slow, inadequate and patchwork response of the Philippine government before and in the aftermath of the typhoon.

The Philippines is ranked as the third most disaster-prone country in the world by the U.N. which said in a report that “whether natural events turn into disasters depends critically on the coping and adaptive capacity of governments.”

For a country like the Philippines whose islands straddle the so-called Pacific Ring of Fire, typhoons and other natural events are typical. However, in the last five years, the country has experienced more frequent intense typhoons such as *Ondoy* in 2009 and *Pablo* in 2012. The nation’s environmental challenges are exacerbated by national and international policies, which cause havoc to the people but benefit corrupt local politicians and international big business interests.

Man-made environmental disasters form part of the cry of Filipinos for social justice. Even as typhoons and other natural calamities have visited the Philippines with predictable frequency, inadequate policy attention and poor planning for mitigation have turned them into human-induced disasters. Historically, big landowners, corporations, and foreign investors in the Philippines are directly linked to unsustainable use of land. The practice of open-pit and strip mining by extractive industries and massive deforestation have ravaged the land and made communities more susceptible to landslides, flooding, and destructive winds. These destructive practices have resulted in displaced populations and great suffering of the people, especially indigenous peoples living in the rural areas.

Protests against these practices have been met with violence and violation of human rights by security forces—the AFP, paramilitary groups and the police. The graft-ridden and corruption-prone system of governance in the Philippines have unjustly and illegally diverted money from the national coffers for much-needed disaster planning and relief into the pockets of politicians and their bogus non-governmental surrogates. Inadequate investments in sustainable development and industrialization have left the country even more susceptible to natural calamities, making the people even more vulnerable.

On an international level, greenhouse gases emitted by industrialized nations have worsened global warming (including ocean warming), a logical reason behind intensified typhoons and natural calamities in underdeveloped countries like the Philippines.

Aside from the carbon dioxide emissions from the U.S. and industrialized countries which contribute to the environmental problems of the Philippines, the toxic wastes left behind in 1992 by the U.S. military bases in Subic and Clark remain to be addressed and their toxicity continue as a major safety issue and a health hazard. Also, more recently, a U.S. naval warship plying the Philippine waters carelessly damaged portions of a Philippine coral reef, causing millions of dollars of damage which the U.S. should but has not compensated the Philippines.

It is likewise ironic that while the U.S. government sent support to the Philippines in the

aftermath of Typhoon Haiyan in the form of military presence, it is taking advantage of the tragedy to further its agenda of advancing its “pivot into the Asia Pacific”. The U.S. sent naval warships, weapons, and soldiers.

To truly rebuild disaster-affected communities, the Philippine government must utilize the resources of the country for its people --- build infrastructures and systems that will adequately prepare its citizens for natural calamities, promote decent livelihood so that no one will be vulnerable due to poverty, and protect the environment from destructive large-scale mining and deforestation.

For the United States, it must take cognizance of the role that the Philippine military has played in the violations of rights of indigenous people, environmental activists, and rights advocates. We must stop sending aid to the Philippine military, the police and other security agencies, as long as they are violating the human rights of the people. The tax dollars of the American people must not be used to reward corrupt Philippine government officials, particularly the armed forces, the police and the paramilitary groups known to abuse the Filipino people.

The U.S. must also cease to take advantage of these calamities to further deploy soldiers in the country. Genuine humanitarian relief must not come in the form of weapons and warships, but in the form of independent civil organizations that are knowledgeable and trained for disaster response. Included in this humanitarian aid should be a designation of the Philippines as a country whose nationals residing in the U.S. can avail of Temporary Protected Status (TPS). The U.S. must recognize the serious humanitarian crisis that befell the Filipino people and provide the opportunity for Filipinos residing in the U.S. with authorization to work, eligibility to go back home so they can visit and provide material help to them and protection from deportation.

True environmental justice in the Philippines means having a safe, peaceful, and healthy environment to live in, free from displacement by big local and foreign business corporations, as well as from the security forces protecting them, so that the people can thrive as productive members of the country.

We call on our Senators and Representatives to:

- **Require the U.S. Department of Defense to file Environmental Impact Assessment (EIA) reports (including social impacts) with every U.S. military or resource deployment in the Philippines, to prevent environmental damage. Such reports are required for military activities in the US.**
- **Require remediation and compensation for environmental damages caused U.S. military activities, including the pollution remaining at Subic and Clark as well as the damage to the Tubbataha Reef in January 2013. The U.S. military has a generally good record of remediation within the US but, until now, has not taken responsibility for the above-mentioned environmental damage in the Philippines.**

* * * * *

This document is the product of wide consultation and collaborative drafting among representatives and networks of the following organizations which are also the sponsors of the Philippine Workshop at the 2014 Ecumenical Advocacy Days (EAD): by Asia Pacific Forum (APF), Ecumenical Advocacy Network on the Philippines (EANP), Isaiah Circle—United Nations and International Affairs Office of the General Board of Church and Society of The United Methodist Church, National Alliance for Filipino Concerns (NAFCON), and the National Ecumenical Forum for Filipino Concerns—Northern California (NEFFCON--NorCal). This document includes main points raised by participants in the Philippine Workshop at EAD held on March 22, 2014.