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EDCA IS NEGOTIATED SUBSERVIENCE

(Statement by the Center for People Empowerment in Governance (CenPEG) before the Senate Foreign Relations Committee chaired by Senator Miriam Defensor-Santiago, Senate Foreign Relations Committee hearing on the Enhanced Defense Cooperation Agreement (EDCA), Philippine Senate, December 1, 2014.)

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Madame Chair, I respectfully thank the Foreign Relations Committee for inviting us - the Center for People Empowerment in Governance or CenPEG - to give our views on the controversial Enhanced Defense Cooperation Agreement (EDCA). CenPEG is a non-corporate policy research and policy-advocacy think tank on issues of governance including Philippine foreign policy. I am currently the Vice Chair of the Board of Directors of CenPEG. I have authored 7 books and written at least 27 articles in scholarly journals here and abroad on Philippine-U.S. relations, U.S. military presence in Asia and the Pacific, and security agreements.

Madame Chair, I will immediately address the four topics that you have identified to be discussed in this public hearing on EDCA:

1. DOES EDCA NEED TO BE CONCURRED BY THE SENATE?

The EDCA needs to be concurred by the Senate, given the constitutional requirement that any treaty or international agreement that will allow foreign troops, foreign military facilities and foreign military bases on Philippine soil should be submitted to the Senate to be concurred by 2/3 of its Members. This provision is as clear as day, despite the fact that the proponents claim that EDCA merely implements provisions of the mother treaties such as the 1951 Mutual Defense Treaty (MDT) and the 1999 Visiting Forces Agreement (VFA). But, how can EDCA be a mere implementing executive agreement when it includes specific new provisions that rightfully belong to a new treaty? We should not let this trick pass. For this may be used as a precedent for future controversial executive agreements which in fact are new treaties on the grounds that they are mere implementing agreements of previous treaties.

From the text of EDCA, it is clear that U.S. troops are to be deployed and U.S. military facilities will be constructed – with the assistance of U.S. defense contractors - **INSIDE** Philippine military camps in any part of the country. From the provisions of EDCA, even the jurisdiction of national and international courts will have to be waived in relation to disputes arising from the implementation of EDCA. These are just some provisions that rightfully belong to a new treaty requiring the concurrence of the Senate.

2. IS EDCA NECESSARY?

The EDCA enhances the revival of the Cold War in the region in the context of the United States' Asia Pivot. The Cold War has long ended. Proponents of EDCA promote the usual misconception that U.S. forces will come to our rescue in the worst case scenario should a shooting war over the Spratlys erupt between China and the Philippines. There is no guarantee for such U.S. support in either the MDT, the VFA or the EDCA. In 1975, then U.S. Secretary of



State Henry Kissinger clarified that the Spratlys are not included nor recognized by the U.S. as part of the coverage of "Philippine Metropolitan territory" under the Mutual Defense Treaty.

Gone are the days when small nations were used as pawns of the big military powers. So let us not allow this to happen again to us through the EDCA. Trade and economic competition under the globalization regime has become the means for nations including the big powers, to deal with each other.

3. IS EDCA BENEFICIAL?

EDCA will only enhance the isolation of the Philippines from the fast-growing regional economic growth centers of Asia. We will forfeit our national interests if we focus anew on allowing foreign military forces to be stationed on our territory and to use our territory again, as a launching pad and springboard for U.S. interventionary wars. I recall that, when I visited Vietnam's War Museum in Ho Chi Minh City last year, a section of the Museum mentions the Philippines as a "satellite country" of the United States which not only sent "mercenary troops" paid by the U.S. to fight the Vietnamese people, but also "allowed U.S. military forces at Clark Air Base and Subic Naval Base to launch bombing attacks and military blockades against the Vietnamese people" who heroically resisted and eventually defeated U.S. armed intervention in their country. Did we then realize that that situation jeopardized our security just as EDCA now jeopardizes it because of the enemies of the United States which will target U.S. military forces in any part of the world?

Geographically, we are part of the regional growth center with ASEAN countries, China, Japan and South Korea. EDCA will allow the unlimited repositioning of U.S. troops, facilities and war materiel in any part of the Philippines, and "rent-free, at no cost to the United States". As a result, we will be dragged as an accessory to the United States' international conflicts, its wars of intervention, aggression, against other countries who are not our enemies. We will be abdicating from the fruits of this growth center if we play into the hands of the U.S.' Asia Pivot to re-militarize the region instead of focusing on trade, investments, and economic relations.

4. IS EDCA PRACTICAL?

The EDCA enhances U.S. intervention in the Philippines with the regular presence of foreign troops all-year round, thus overturning this Senate's historic rejection of the U.S. bases presence in 1991, and the Senate Resolution in 2009 which called for the abrogation of the VFA - the basis of EDCA - should the U.S. refuse to a bilateral review of the VFA to amend its onerous provisions. And if the proponents of EDCA continue to insist that this is just a mere implementation of previous existing treaties, then, by all means, let us abrogate the roots of these sell-outs - the MDT and the VFA - which have transformed our country into a forward base for interventionary forces of what the renowned American scholar Noam Chomsky calls the "No. 1 Terrorist State" - the U.S. - in the world today.

The Philippine Constitution, we believe, incorporated the stringent requirement for this kind of agreement to be submitted to the Senate for concurrence so that that our nation will never again compromise our tenets of sovereignty, peace and self-determination for ourselves and our neighbors, by hosting foreign military forces such as those of the United States which were used for aggression and intervention against smaller states and peoples seeking self-determination.

EDCA, like other previous agreements, is patently one-sided or onerous and is a clear cut case of negotiated subservience. So why do we agree to them and accept and inflict upon ourselves this kind of negotiated subservience? Even the Department of Foreign Affairs, in a Note Verbale to the U.S. Embassy (No. 06-0103) dated January 17, 2006 on the implementation of the EDCA's mother treaty - the VFA- in connection with the issue of custody of Daniel Smith, wrote:



"In addition, while aware of the differences between the Agreement and similar agreements entered into by the United States, the Philippine Government is seriously concerned over the patent disparity in the treatment of U.S. military personnel in other countries on the issue of custody in criminal cases."

So, what did we do about this? We inflicted on ourselves a graver form of subservience - the Enhanced Defense Cooperation Agreement (EDCA).

SADISTA TALAGA TAYO SA ATING SARILI.

Thank you, Madame Chair, for this honor of inviting us to your committee to present our views on this controversial issue that needs to be addressed from the perspective of our national interests and national security.

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