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By Daniel B. Schirmer

The Origins of ACSA.

Philippine-U.S. relations appear to be on the verge of a radical and retrogressive shift, -- re-instating U.S. military dominance of the island nation after it had been seriously challenged by the Senate's defeat of the bases treaty in 1991, -- and returning the Philippines once again to a limited role on the world stage as Washington's military subordinate, a part first thrust upon it by U.S. colonization nearly one hundred years ago.

The Pentagon's push to re-assert its military domination of the Philippines is in line with its program to maintain the United States as a military superpower, capable of fighting two major regional conflicts (previously projected as a Korean and Mideast war) at the same time.

The pivot of this threatening reversion is an "Acquisition and Cross-Servicing Agreement" (ACSA from here on) currently under discussion. ACSA appears to be a decisive escalation of a process opened up in November 1992 when the Pentagon began an attempt to recoup its loss of 1991 by an arrangement giving the U.S. military access to Philippine ports, air-fields, and military installations.

The arrangement of 1992 took the form of an agreement between the executives of the two countries. Prior to the Philippine constitution of 1987, arrangements for U.S. bases had also taken this form. But the post-Marcos constitution, as a result of

nationalist pressures, had mandated that no foreign military presence could occur in the Philippines except as a result of a treaty passed by a 2/3 vote of the Senate. Despite its dubious constitutionality, the access agreement, according to its Philippine and U.S. supporters, derived legitimacy from a Philippine-U.S. Mutual Defense Treaty of 1951, a relic of the Cold War. It was a meeting of the Mutual Defense Board, a body of Philippine and U.S. military officials set up under the Treaty, that made public the access agreement of 1992.

When it was first announced to the press in November of that year, Admiral Charles R. Larson, then commander of the U.S. Pacific Fleet, described the agreement in very modest terms, as if to allay the anxieties of Philippine nationalists. It would, he said, amount to nothing more than "ship visits, aircraft transits, and small unit exercises."¹ In the same understated manner U.S. officials in the Philippines suggested, tentatively, they might "eventually win a broader military agreement with the Philippines." Meanwhile they expressed satisfaction that under the just concluded agreement the U.S. could "continue to use Philippine facilities in a fairly liberal manner, without going through another crisis with the Philippine legislature."² These officials failed to note, however, that in avoiding the legislature, they also by-passed the Philippine constitution.

The ACSA of 1994 seems to be the "broader military agreement" U.S. officials had earlier hoped for, judging from the text of its first draft as published in the *Manila Times* of November 25, 1994. According to its terms the Philippine military is to provide "Logistics Support, Supplies and Services" to the military of the United States, and in return the military of the United States is to provide the same to the military of the Philippines. It defines "Logistics Support, Supplies and Services" to mean:

food, billeting, transportation, petroleum, oils, lubricants, clothing, communications services, medical services, ammunition, base operations support (and construction incident thereto), storage services, use of facilities, training services, spare parts and components, repairs and maintenance service, and airport and seaport services.

Leaving out of consideration the services involved in supporting 14,000 U.S. troops previously assigned to Clark and Subic, the above list reads like a fairly complete catalog of the "Logistics Support, Supplies and Services" formerly provided the U.S. military by the U.S. bases in the Philippines.

Involvement in the Superpower's Wars.

There is, however, one function of the U.S. bases that is not included in this list: that of serving as a jumping off point for U.S. military intervention in the Asia-Pacific region. Because of its strategic central location in Asia, the Philippines has served as a staging area or source of supply to U.S. military interventions in the region for nearly one hundred years: from the intervention in China of 1900 to that in Soviet Russia of 1918, from those in Korea and Vietnam of the '50s, '60s, and '70s to that in the Gulf War of the '90s. (These are only the major interventions; there have been many minor ones as well.)

In 1945, as the United States was preparing to re-establish its military presence in the Philippines after the Japanese occupation of World War II, the U.S. Joint Chiefs of Staff wrote: "The United States bases in the Philippines should be considered not merely as outposts, but as springboards from which the United States armed forces may be projected."³ These words define the U.S. military's chief interest in the Philippines in the past, the present, and the foreseeable future.

The terms of ACSA clearly and definitely bind the Philippines to give continued service to U.S. wars and interventions in the Asia-Pacific region as is spelled out in Clause I, Applicability, section 1:

This Agreement is designed to facilitate reciprocal logistics support between the Parties to be used primarily during continued exercises, training, deployments, operations, or other cooperative efforts, and for unforeseen circumstances or exigencies mandated by the Treaty in which the recipient may have need of Logistics Support, Supplies and Services. (Emphasis added.)

The Philippine-U.S. Treaty of Mutual Defense, to which this clause

refers, mandates that each country shall come to the defense of the other in case of armed attack upon the territory or armed forces of either in the Pacific region. (In 1951, the year of its adoption, the Treaty was aimed at the perceived threat of Soviet expansion, and it later drew Philippine military personnel to U.S. wars in both Korea and Vietnam.)

Lest there be any mistake as to what "exigencies" refers, on three separate occasions the agreement defines how it will operate "during times of active hostilities." For example, the agreement sets a "monetary limitation" on the amount the military of either country may spend in payment for services rendered and supplies acquired. But it goes on to declare: "Annual monetary limitations do not apply during jointly declared periods of active hostilities."

It was Admiral Larson who first gave public notice that the Pentagon was re-establishing, via access, its former use of the Philippines as a springboard for U.S. power projection in the Asia-Pacific region. He revealed this at a press conference following a meeting of the Mutual Defense Board in June 1993. Ms. C.M. Q. Moreno, Managing Editor of San Francisco's *Philippine News* wrote an account of this press conference that appeared in the paper for June 16-23, 1993. At a later date Philippine Defense Minister, General Renato de Villa, was to say that a meeting of the Mutual Defense Board held in 1993 initiated ACSA. While not explicitly identifying it as such, the *Philippine News* story gives every indication that it was this June meeting that originated ACSA.

Ms. Moreno wrote that the meeting had projected a new Philippine-U.S. "security alliance," posing the matter in these terms: "The United States military bases in the Philippines may have closed down, but the American military presence in the archipelago is likely to continue, if plans being mulled by a Filipino-American panel materialize." The remarks of Philippine Foreign Secretary Roberio Romulo, who attended it, placed the meeting in the same way. He stressed the importance to regional security of "military-to-military interaction," and said, "This intensive engagement between our two countries." For his part, Admiral Larson took note of "brewing conflicts" in the Mideast and Korea and said that Washington was prepared to send troops to both places. Then the Admiral declared: "The Philippines may be used

as a staging area for U.S. military operations should the U.S. initiate involvement in those areas."

If Admiral Larson's attitude is any criterion, the U.S. military expects the Philippines, under the terms of the Mutual Defense Treaty and present access arrangements, to give support to the United States should the latter become engaged in hostilities in the Pacific or the Mideast. It is not so clear, however, that this works the other way around. In November 1992, stimulated by the use of the Mutual Defense Treaty to legitimize access, Philippine political leaders put forward the notion that the Treaty covered U.S. military support for Philippine claims to the much-disputed Spratly Islands in the South China Sea. U.S. officials quickly denied this.

Special Military Relations: One-Sided.

If Washington's interpretation of the Mutual Defense Treaty seems one-sided, ACSA, the Treaty's spawn, is, in its own terms, overwhelmingly unilateral, while laying claims to mutuality like the Treaty. The ACSA document calls for "cross-servicing," that is to say, the military of the Philippines and of the U.S. are each to provide what the other needs in support and supplies. Subic Base was for years the main supply and repair depot of the U.S. Pacific fleet and the installations there, now under Philippine control, would in all likelihood be similarly useful under ACSA. "When did Filipinos have warships? Only the U.S. has warships." So did former Senate President Jovito Salonga, a leader in the struggle against the bases, puncture ACSA's pretensions to mutuality, as he spoke to the press in November 1994 after ACSA was announced.

There is historical precedent for ACSA's questionable show of equal treatment to the Philippines. Just after World War II the U.S. government successfully pressed the Philippine Congress to pass a Parity Amendment to the Philippine constitution, giving U.S. investors in the Philippines the same rights as Philippine investors. (This was done to get around a nationalist provision in the Philippine constitution limiting the rights of foreign investors in that country.) In return Washington gave Philippine investors in the United States the same rights as U.S. investors. In those days Philippine investors in the United States were about as plentiful as Philippine warships are in U.S. ports today.

ACSA's gross imbalance appears in another way. Its terms

say that an explanatory document or "supplementary arrangement" must accompany every order for goods and services. (Though "during times of active hostilities" an order may be placed without one.) It then lists three sets of U.S. military authorities who may negotiate the supplementary arrangements. But the agreement specifies absolutely no one on the Philippine side to make such arrangements. This omission seems to indicate that the military on both sides take for granted the relationship's one-sided nature.

It was, moreover, U.S. officials who took the initiative both in the creation of ACSA and in its introduction to the Philippine public. On November 12, 1994, Philippine Defense Minister de Villa told the press that the agreement was drafted in 1993 at the instance of the U.S. panel of the Mutual Defense Board.⁵ This was the Philippine Defense Minister's first public reference to the new agreement and it came only after the U.S. Ambassador to the Philippines, John Negroponte, had first announced its existence two days before. Then Negroponte had said ACSA would permit U.S. warships to refuel and resupply in Philippine ports and allow the U.S. military to spend up to \$12 million each year in the Philippines for supplies and services. He made sure to add, however, that Philippine ships could similarly resupply in U.S. ports and spend up to the same amount. He further stated that Presidents Ramos and Clinton would discuss ACSA at their coming meeting in Manila, and that the agreement would be signed at a meeting of the Mutual Defense Board on December 15. The Ambassador gave no further details.⁶

Prepositioning: Access in Another Form.

Ambassador Negroponte's announcement of ACSA came at the very height of adverse public reaction to reports that Washington intended to impose another, expanded form of access on the Philippines: prepositioning, or the stockpiling of U.S. war materiel, using ships as floating depots in foreign waters.

As part of the Pentagon's post-Cold War plan to achieve the capability of fighting two major regional conflicts at once, the U.S. Joint Chiefs of Staff in 1992 had recommended the Army preposition equipment aboard 16 ships to be located in a swing position between Southwest Asia and Korea.⁷ In September 1994 President Clinton had asked Thailand to allow the U.S. to anchor

six civilian ships containing tanks, armored vehicles, heavy weapons, and military supplies in the Gulf of Thailand. On October 31 Thailand turned down the request. Malaysia and Indonesia immediately expressed support for Thailand's decision.⁸

On November 5 Winston Lord, Assistant Secretary of State for East Asia and Pacific Affairs, held a press conference in which he discussed President Clinton's coming visit to the Philippines on November 12-13 (to take place on his way to the APEC conference in Indonesia). Turning to the question of prepositioning, so recently refused by Thailand, Malaysia, and Indonesia, Lord said the United States was still looking for other locations in Asia, adding, "We have other options."⁹

Manila papers carried the story and speculation arose that Clinton would propose prepositioning to Ramos on his coming visit, a rumor seemingly corroborated by an unidentified source in the foreign office.¹⁰ Whereupon a heated opposition arose (a result, in part at least, of Philippine resistance to access since 1992). Senator Wigberto Tanada, a leading opponent of both bases and access, told the press prepositioning "would completely nullify the Senate's decision in 1991 regarding the bases treaty," and "make our country a bodega (storeroom) for deadly U.S. weapons against countries deemed unfriendly to the U.S. but not necessarily our enemies."¹¹ The *Philippine Star* reported members of the Senate unanimous in their opposition to the proposal.¹² Newspaper editors and columnists spoke out in protest as did anti-bases, anti-access organizations like the Nuclear Free Philippines Coalition. Simultaneously President Ramos, Foreign Secretary Romulo, and Ambassador Negroponte denied Washington had proposed prepositioning to the Philippines or that it was on the agenda of the Ramos-Clinton meeting. All three, however, left the door open for such a proposal in the future.

It was at this moment that Ambassador Negroponte introduced ACSA to the Philippine public. In the discussion that followed, President Ramos expressed support "in principle" for this new proposal, while Foreign Secretary Romulo argued for it because of the gain it would bring the Philippines from the sale of supplies and services.¹³ (Although profits from the U.S. Navy's use under ACSA of two important services at Subic would not go to Filipinos, but to two U.S. corporations: one of which bought up the Navy's fuel

storage tanks at Subic when the Navy pulled out, the other, the Navy's electric power plants there.)

On the other hand, wrote the *Manila Times*, "Negroponte's announcement drew sharp reaction because it came in the wake of reports... of using the Philippines for the U.S. prepositioning scheme."¹⁴ In this highly charged atmosphere the opposition to prepositioning, by and large, simply merged with the quickly aroused opposition to ACSA.

Clinton Visits, and the Fight Against ACSA Begins.

Senator Blas Ople, chair of the Senate committee on foreign relations, opened the attack on ACSA with a bitter condemnation of the way in which Ambassador Negroponte had taken over its public presentation: "That we owe this information to the unilateral announcement of the U.S. government reflects poorly on the regard with which it holds its Philippine counterpart."¹⁵ (When de Villa also objected publicly to Negroponte's behavior the Ambassador apologized to him and Romulo -- but not to Ople -- for his "premature announcement.")

Then Senator Ople went on to denounce the agreement's substance. "It is a deliberate circumvention of the Constitution," he said. "It is like trying to get by legal stealth what the Senate disapproved of three years ago."¹⁶ Senators Orlando Mercado, chair of the Senate committee on defense, Wigberto Tanada, and Francisco Tazad said they could not see how the Philippine government could allow the presence of foreign troops and facilities here, even for a limited period, without a treaty covering the agreement. Senator Mercado vowed never to accept this arrangement.¹⁷

The Senatorial opposition came to a head, however, when Senator Ople summoned Defense Secretary Renato de Villa and Foreign Secretary Roberto Romulo to appear before his committee and shed light on ACSA, about which, he complained, the Senate had been kept in the dark.

While editors and columnists again joined members of the Senate in expressing disapproval, this time in addition protestors took to the streets, linking their opposition to prepositioning and ACSA to the visit of President Clinton. On November 11 at least 1,000 people marched on the U.S. Embassy to protest the visit.¹⁸

and on the 12th (Clinton arrived late that night) rallies took place throughout Manila "as activists denounced the visit as the revival of U.S. efforts to make the Philippines a pawn for its military interests."¹⁹ On the 13th they massed at the Manila Hotel and Malacaang Palace where Clinton was scheduled to appear.

According to the press many organizations participated in the demonstrations, including Nuclear Free Philippines Coalition, League of Filipino Students, Sanlakas, Gabriela, Bayan, Buklod, and KMTU. Besides opposition to a return of the U.S. military presence, demonstrators expressed related concerns about Amerasian children, toxic waste at the former base sites, and prostitution of Philippine women by returning U.S. military personnel.

Police armed with tear gas and truncheons met demonstrators everywhere, and as a result a number suffered injuries. "The violent dispersal of several demonstrations," wrote *Today*, "recalled protest rallies during the Marcos dictatorship."²⁰

While they cast an unmistakable shadow on Clinton's visit, the demonstrations did not break the smooth flow of his schedule, which emphasized the question of "security" that Undersecretary Lord had said would be important to the visit. Ambassador Negroponte's ACSA announcement had keyed this theme, and Clinton followed suit with visits to Corregidor and the U.S. cemetery for the dead of World War II, both places symbolic of U.S.-Philippine military collaboration.

At the U.S. cemetery Clinton vowed the U.S. would "remain engaged with the Philippines." This was "Clinton's closest reference to Washington's reported plans to seek a new form of military access to the country," wrote a reporter for the *Manila Times* of November 14. The perceptive comment of the *Times* reporter pointed to a difficulty the leaders of the two nations faced when they spoke in public about the new post-bases military arrangements, since the Pentagon treats all access arrangements as classified. At their meeting in Washington a year before they had met this problem by referring to the access agreement in a very limited and elliptical manner. They did the same at their joint press conference on November 13, where, without mentioning ACSA by name, both spoke favorably of joint military exercises, and Ramos referred to the "re-watering, refueling and minor repairs, and also

rest and recreation" involved in servicing. What was striking about their Manila press conference was Ramos' remark that "the servicing aspect is already being done," and Clinton's announcement that the U.S. "will be able to supply the Philippine armed forces with two C130s soon" -- which Ramos later said the Philippines would have to pay for (as specified in the agreement's text). In other words, both leaders referred to provisions of the unnamed ACSA as if they were already in place and operating.

Both the Washington and the Manila meetings of the two presidents saw attempts to raise the access relationship a notch higher. Before he visited Washington in 1993, sources in the Philippine Foreign Office let it be known that the President intended to grant Clinton automatic access, in a manner reminiscent of Marcos' grant of unhampered U.S. military operations on the bases. Similarly before Clinton's arrival in Manila came Negroponte's announcement of ACSA.

Negroponte and his superiors may have thought that the nostalgic symbolism of the U.S. president's itinerary would help the Philippine public swallow what amounted to a decisive escalation of the Philippine-U.S. military relationship. Conversely, for those opposed to ACSA, the Clinton visit provided an opportunity to focus public attention unfavorably on this new development.

Malaya thought the U.S. President's visit "narrated by hundreds of protestors demonstrating against U.S. influence, some shouting 'Clinton Out!' and 'Yankes Go Home!'"²¹ While to the *Philippine Star* "the only fly in the ointment" was "the criticism from the Philippine Senate for the re-supplying and re-fueling for U.S. warships calling in the country."²² In the eyes of the Manila press it appeared that the opposition to ACSA may have scored in this particular contest for public opinion.

A Setback for the Pentagon.

A week later when Defense Secretary de Villa testified before a joint hearing of the foreign relations and defense committees of the Senate there was little doubt that the recent opposition had given the agreement's supporters a setback.

When ACSA had been first announced General de Villa had defended it, saying it would not allow stockpiling of weapons (so hotly protested after the rumor of prepositioning), would not lead

to a return of the U.S. military presence, and would respect the Philippine constitution.²³ Then a week later he told the Senators that he found it necessary to reject ACSA because of "ambiguities" in its first draft. This would have to be revised to clearly differentiate the storage mentioned in the text from any suggestion of stockpiling. The draft would also have to be rid of any taint of automatic grants. He would have to send it back to the Mutual Defense Board for revision, and it could not possibly be signed by December 15 (the date set by Ambassador Negroponte). De Villa stated clearly, however, that the rejection of the first draft, did not mean that the proposal would no longer be entertained.²⁴

Evidently, however, some Philippine defense officials did not put too much hope in de Villa's plans to deal with ambiguities, nor did they seem overly enthusiastic about ACSA itself, as reported in the *Manila Times* of November 23:

Sources involved in previous bases talks say if the language used by the U.S. is ambiguous, the ambiguity is deliberate. That is how the U.S. operates when it comes to bases agreements. . . . Likewise a high defense official involved in previous talks says that when the U.S. military says 'access,' they actually mean 'presence,' or arrangements that would result in bases under another name.

Defense committee "insiders" also told *Today* that the draft rejection and the postponement of the signing were a "setback in the U.S. attempts to project itself in political flash points in Asia and the Mideast." If the opposition of the Senate and the protests in the streets had anything to do with Defense Secretary de Villa's change of position, then it can be seen as a concession to the opposition, designed to draw the heat from it by delay and to throw it off track.

A "Routine" Agreement -- Say Ramos and Negroponte.

De Villa's maneuver gave support to the main line of defense put forward by ACSA's two principal proponents: President Ramos and Ambassador Negroponte. This was to the effect that ACSA was merely a routine affair of supply and refueling, similar, said Negroponte, to agreements the U.S. had with South Korea,

Singapore, and Australia. Consequently when de Villa set about revising the draft to remove any hint of stockpiling, this appeared to be an attempt to guarantee its routine nature.

But to say that ACSA was merely an ordinary affair of supply and refueling, similar to U.S. agreements with other countries, was to hide its unique and decisive function: the restoration to the U.S. military of its use of the Philippines as a stepping stone for intervention in Asia and the Mideast.

Further hiding the truth about the agreement were the Ambassador's remarks accompanying his announcement of ACSA, as reported by the *Philippine Daily Inquirer* of November 11: "Negroponte denied the claim of the Nuclear Free Philippines Coalition that Penatagon and Philippine defense officials have signed a pact allowing American troops to use the Philippines as a staging area for Korea and the Middle East."

The Ambassador may not have known of Admiral Larson's interventionist statement of June 1993. But in view of his responsibilities and experience how could Negroponte have been unaware that the agreement he was introducing allowed the U.S. military to use Philippine ports, airfields, and military installations for "unforeseen circumstances or exigencies"?

The *Manila Chronicle*, in an editorial of November 23 generally favorable to ACSA, found the Ambassador's distortion of its reality beyond belief, writing:

There is no denying the fact that the Philippines will perform some form of supporting role in the U.S. strategy of forward movement in the region. Should the U.S. decide on military action in the Korean peninsula, the ACSA could be used to support a troop build-up there. In the case of massive deployment in the Persian Gulf, U.S. troops travelling through Asia can choose to source supplies from the Philippines.

At this point Ambassador Negroponte's defense of ACSA may be better understood if some of his diplomatic past is recalled. He was Ambassador to Honduras from 1981 to 1985 and gave full support to the Reagan-sponsored Contra war against the Nicaraguan

government, an executive policy that contravened the will of the U.S. Congress. In 1983, during his stay,

... the US operation was so large that the CIA opened a press bureau in a Honduran Holiday Inn to brag about its exploits. Some 300 to 400 North American military personnel worked in the small country. The 116 members of the U.S. Embassy made it the largest in all Latin America.²⁵

In effect it was from the Embassy that the Contra war was run. While he was there the Pentagon had Honduras under an access arrangement with U.S. troops rotating in and out for joint exercises with Honduran forces, and it used Honduran territory as a staging area for the Contras.

Be that as it may, even before he announced and defended ACSA Ambassador Negroponte's public discussion of U.S. access policy lacked credibility. In May 1994, as former Mayor Gordon of Olongapo, the city near Subic, was touring the United States to drum up investment for the converted base area, he let slip that U.S. warships would soon be docking at Subic for supplies and repairs.²⁶ Whereupon Negroponte stepped into the picture to deny categorically that the United States had made any proposal for such ship visits. In fact, as Defense Secretary de Villa later testified, the United States had done just this nearly a year earlier, when it proposed ACSA to the Mutual Defense Board.

The Manila Times prints the text of ACSA.

Then suddenly, at one stroke, it became more difficult for the supporters of ACSA to spread misinformation about it, and they suffered another setback. On November 25 the *Manila Times* printed the text of ACSA. On November 12 after Negroponte's announcement, the editor of the *Philippine Star* had called for the Philippine government to release the text of ACSA. But it was a representative of the free press of Manila, not the Ramos government, that took this step. Considering the Pentagon's policy of keeping all access agreements classified and its high-placed friends in the Philippine government, the move of the *Manila Times* was a bold one, reminiscent of the *New York Times* publication of

the secret Pentagon papers, during the Vietnam War.

The *Manila Times* editorial that accompanied the text led off with a description of what it called three "major loopholes" in the document. The second and third of these warned that ACSA could bring the Philippines an open-ended stay of U.S. troops, and visits by nuclear-armed U.S. warships, both banned by the constitution.

Since November 1992 opponents of access policy had consistently regarded U.S. small unit exercises on Philippine soil and the visits of U.S. nuclear-capable warships as unconstitutional and had protested these accordingly. The defeat of the bases treaty in 1991 clearly made the presence of U.S. troops in the Philippines unconstitutional. Under a separate provision the Philippine constitution of 1987 banned nuclear weapons from the country, and since the U.S. Navy neither confirms nor denies the presence of nuclear weapons on its vessels, the opponents of access had regarded the visits of nuclear-capable warships as unconstitutional. The fact that the Bush Administration had banned nuclear weapons from surface warships except in times of crisis did not change the problem.

In November 1994, however, ACSA brought with it something new, the detailed commitment of the Philippine military to aid the U.S. military "during times of active hostilities." In its editorial the *Times* gave first place to a warning of this eventuality:

The original draft could involve us in a war not of our own choosing or making. The draft requires us to service U.S. logistics needs for training and operations, and even in the event of "unforeseen circumstances or exigencies" --- perhaps a polite euphemism for war.

The draft does not require that the "unforeseen circumstances" be a war in which Philippine interests are at stake, only that "the recipient may have need of Logistics Support, Supplies and Services."

The editorial's emphasis on the role of the Philippine military in servicing the U.S. military -- even as the latter made war to further U.S. interests -- points to a possibility that ACSA might affect Philippine sovereignty in some ways even more negatively

than did the U.S. bases. These bases were more or less self-contained military facilities, controlled by the U.S. They were a U.S. source of services and supplies to U.S. military forces in peace or war. As ACSA seems to have it, the U.S. military without the bases under its control would depend much more on the Philippine military for services and supplies. This suggests an even closer relationship between the Philippine military and the U.S. military, one that could further undermine an independent role on the part of the Philippine military, one that could drag the Philippine nation even deeper into a war not of its own choosing.

The editorial called attention to "some lower level military staff" who "are supporting an ACSA as a quid pro quo for more military equipment, or U.S. military aid." This, wrote the *Times*, "would swiftly bring us back to the days of the bases -- selling our sovereignty for a mess of pottage." (With this difference, it should otherwise be noted: due to budget constraints, the post-Cold War U.S. Congress is much less inclined to give foreign aid of any sort.)

The prime warning from the *Times* about ACSA and U.S. wars of intervention evidently impressed leaders of the Philippine House of Representatives, drawing them onto the line of opposition already occupied by the Senate leadership. Speaker Jose de Venecia expressed concern that ACSA could involve the Philippines in a war unwittingly. Majority leader Rodolfo Albano echoed Venecia's concern and drew attention to a resolution filed two days earlier by Representative Bonifacio Gillego, chair of the House Committee on civil, political and human rights. Gillego's resolution expressed the opposition of the House to ACSA because of its unconstitutionality. Albano spoke favorably of the resolution's adoption by the House.²⁷ In addition to these leaders, a member of the House with a well-known name, Ferdinand Marcos, Jr., son of the late martial law ruler, was also on record against ACSA.

On the same day as the *Manila Times* editorial, Senator Anna Dominique Coseteng, who had been an active opponent of the bases, warned of another adverse effect ACSA might have. Citing the difficulties the opposition presented to the proponents of this new proposal, she warned of U.S. poll-mongering in 1995 in support of candidates who favored ACSA. She called ACSA "a means for the Americans to lord it over the Philippines again."²⁸

How They Used the Meeting of the Mutual Defense Board

In the weeks before the December meeting of the Mutual Defense Board the proponents of ACSA had seen difficulties and setbacks, as Senator Cosentino suggested. These did not seem to deter its main backer -- the Pentagon. This huge bureaucracy was intent as ever on keeping the United States a military superpower, a global policeman. And for this, huge military budgets were not the only necessity. Equally important was the capability of global military intervention with forward deployment in key locations by means of bases or access agreements. Perhaps the Pentagon was buoyed up by the situation in the United States where both major parties gave it full support. After the Republican victory in the November Congressional elections Clinton called for a \$25 billion increase in military spending over six years, while the Republicans wanted \$60 billion. This despite the fact that Clinton was carrying on peace negotiations with North Korea, setting aside, for the moment at least, previous projections of that country as a major regional enemy. If the editorials in the *New York Times* were any indication, Clinton's Korean policy had the support of important members of the corporate elite, who were busy profiting from the flourishing markets of Asia, a process that tension and war on the Korean peninsula would tend to disrupt. Whether war or peace in Korea, the Pentagon wanted military supremacy in the Pacific, and that meant ACSA in the Philippines.

In the Philippines, however, conditions appeared to be rather different, despite efforts of the Ramos Administration. In the past three years President Ramos has packed the Philippine government with active and retired military officers, even as the U.S. military imposed access on the Philippines. There can be no doubt that the continued militarization of the Philippine government has strengthened the official hold of U.S. access policy on that country. In addition Malacanang has entered into agreements for joint military exercises with such neighboring states as Malaysia and Singapore, and these can only have served to encourage public acceptance of the close Philippine-U.S. military engagement ACSA entails. War scares over the Spratly Islands have also had the effect of promoting the military emphasis in Philippine government policy associated with ACSA. In spite of all this, it has seemed evident that overt political support for ACSA has been largely confined to

high officials in the Philippine government and military. Arrayed against these have been a vocal opposition in the Philippine Congress and press, and a volatile popular resistance.

It was symptomatic of this situation that ACSA was mentioned "only in passing" at the December 16 meeting of the Mutual Defense Board. "Sources said members of the MDB agreed not to discuss it until the controversy over the proposed accord passes."²⁹

Deprived by the opposition of their planned agenda, the proponents of ACSA used the occasion of the Board meeting to press their case in familiar terms. The highest U.S. military official in the Pacific, the head of the U.S. Pacific Command, Admiral Richard C. Macke, came forward to tell a post-meeting press conference that the U.S. had "absolutely no intentions to stockpile weapons here through ACSA."³⁰ With these words the Admiral gave support to those who were active in the Philippines for ACSA. An important argument these last used on its behalf was to stress the point that indeed ACSA was not prepositioning, leaving the inference of its acceptability as what President Ramos called "the lesser issue."³¹ It was in the same minimizing fashion that Admiral Larson had recommended access in its first form in 1992, presenting it as a matter of no great significance, only ship visits, etc. In fact the policy of the U.S. government with respect to Philippine access resembled what has been called "the salami tactic" when other great powers have encroached on the sovereignty of smaller nations: just a slice here, just a slice there, until, before you know it, the whole sausage is gone.

Against this background the comment that "ACSA could be the prelude to prepositioning" made by certain military officials to the *Manila Times*, seems especially acute.³² As Defense Secretary de Villa explained, there are three stages of access: port visits, supplies and services, and prepositioning. The Pentagon and its Philippine friends have set the first two in place. Why not -- after a decent interval -- the third? However that may be, it must not be forgotten that, even without prepositioning, ACSA accomplishes what is uniquely important for the U.S. military in relation to the Philippines: its restoration as a base for intervention.

Joining Admiral Macke in the use of the Mutual Defense Board meeting as a podium was Defense Secretary de Villa, who tried once again to demonstrate the "routine" nature of ACSA by

echoing Negroponte's argument that ACSA was similar to agreements the U.S. had with other countries. De Villa, in turn, said ACSA was similar to Philippine agreements for defense cooperation with Singapore, Malaysia, France, and South Korea.³³ As with Negroponte's effort, this was a comparison to hide a difference. None of the countries de Villa mentioned was a military superpower; none had used the Philippines as a springboard for military intervention in Asia five times in the past century; and none showed every intention of doing so again, should it serve its interests.

After the meeting General de Villa's revisions of the draft of ACSA were also brought forward to bolster the case. Defense officials said more revisions had been needed to make sure "we are not dragged into a war in the Mideast."³⁴ Evidently the Philippine defense department felt called upon to express this new concern after the stir caused by the publication of ACSA's text and the *Manila Times* editorial.

De Villa had originally emphasized the need to make sure the text carried no suggestions of stockpiling or automatic access. Reporters for the *Manila Times* having studied the revisions aimed at stockpiling said they did indeed make the matter of U.S. storage, under ACSA's terms, somewhat more difficult. Automatic access was the concession Ramos was reported to have made to Clinton in 1993 to strengthen the access policy for the U.S. Riddling the text of any suggestion of automatic grants (or stockpiling) would have the effect of seeming to scale back ACSA and so to mollify nationalist sentiment. De Villa's revision of automatic grants was as follows: where the original draft had said that "each party agrees to satisfy requests from the other party for Logistics Support, Supplies and Services," the revised version replaced "to satisfy" with "to favorably consider." A ranking defense official, summing up the matter of revisions and their effect, said ACSA remained "conceptually the same."³⁵ Judging from the revision of automatic grants, this is easy to believe.

Gathering Elements of a Constitutional Crisis.

Altogether it was a strange and anomalous situation that obtained in December after the meeting of the Mutual Defense Board. Top military officials of both the Philippines and the United

States had put off signing ACSA until the Board's next meeting in March 1995. There were indications, however, that provisions of the agreement were already in operation whether it had been signed or not. Certainly the remarks of Presidents Ramos and Clinton at their Manila press conference had intimated that, as far as they were concerned, ACSA was an accomplished fact. At a press conference on November 25 commemorating the second anniversary of the U.S. troop pullout from the Philippines, Satur Ocampo, former spokesperson for the National Democratic Front, condemned ACSA and offered the following judgement: "In truth the plan is already laid down."³⁶

It may seem unusual that an agreement was evidently being put into effect before it had been signed and ratified by top officials of the Philippine and U.S. military, who were, formally at least, the contracting parties. But this peculiarity was only the shadow of a much more acute and significant abnormality. In reality, as opponents of ACSA had warned again and again, the Philippine nation was facing a profound constitutional crisis.

The 1987 constitution had given the Philippine Senate the power to determine whether U.S. bases should be permitted and that body had voted "no." Despite this, President Ramos, with ACSA, had made an executive agreement allowing the U.S. military to replicate the decisive functions of the bases, but under another name and in another form, and this agreement was now apparently in operation.

No reasonable person could doubt that the Philippine Senate's duly constitutional ban had been essentially intended to eliminate the functions the U.S. bases performed for the U.S. military, not merely the name and form under which they were carried out. The understanding that ACSA did indeed reproduce the bases in a way that access in its earlier form did not make many more people than before aware of the constitutional violations inherent in the access policy as it applied to the Philippines. The prospect of prepositioning that had been thrust before Philippine eyes added to this number.

Restoring the integrity of the Philippine constitution was becoming a matter of concern to many Filipinos. In essence these constitutional violations were caused by the intrusions of the U.S. military. But it was ACSA that, in the very first instance, opened

the door to the U.S. military and its intrusions. To redeem the integrity of the Philippine constitution, clearly it was necessary to do away with ACSA. But how was this to be done? As the Mutual Defense Board was holding its meeting on December 16, a leading opposition group gave answer: abrogate the Mutual Defense Treaty.

Abrogation of the Mutual Defense Treaty: A Way Out?

Access policy in the Philippines had been connected with the Mutual Defense Treaty from the very beginning. Out of the November 1992 meeting of the Mutual Defense Board that established this policy came not only Admiral Larson with his projection of U.S. ship visits, aircraft transits, and small unit exercises, but also a press release explaining the background of the new development. Noting the "cooperation arrangements" that were to replace the bases, this release said "the MDI (Mutual Defense Treaty) and the MDB (Mutual Defense Board) are expected... to provide an effective framework and forum for coordinating military-to-military activities between the two allies."

The bases had been established in 1947 and soon took their place as important installations in carrying out U.S. Cold War policies in Asia. It was on the groundwork of the bases that the Mutual Defense Treaty was established in 1951. Now with the bases gone, the relationship was reversed, and the Mutual Defense Treaty was serving as a foundation for the re-establishment of the U.S. military presence in the Philippines.

In the current discussion of ACSA, it had been Ambassador Negroponte who had re-affirmed the key role of the Mutual Defense Treaty. He did this in the spring of 1994 when he denied ex-Mayor Gordon's suggestion that the U.S. was about to send warships to Subic again for repairs and supplies. What was really happening, said the Ambassador, was the occasional visit to a Philippine port of a U.S. warship, sanctioned by the Mutual Defense Treaty.³⁷

Taking the opposite point of view Senator Wigberto Tanada denounced the ship visits announced by Gordon as unconstitutional and joined Representative Bonifacio Gillego to rebu Negroponte and call for the abrogation of the Mutual Defense Treaty, which Representative Gillego said "Was no longer in keeping with the desire of the people of the Asia-Pacific region to work out a

demilitarized and denuclearized region."³⁸ (Before making these statements Senator Tanada and Representative Gillego had both attended an international conference held in Manila on peace and disarmament in post-Cold War Asia.)

Then in November, after Negroponte's announcement with its acknowledgement of ship visits for repair and re-fueling, the spring protests of Tanada and Gillego were verified, and their call for Treaty abrogation taken up by others.

An editorial in the *Philippine Daily Inquirer* of November 23 questioned the validity of the Mutual Defense Treaty, making the Philippines "the only Southeast Asian nation that has a residual mutual defense treaty with the US." In addition argued the editorial, "The treaty is serving as the vehicle in which new security schemes are being processed and percolated." As if to prove the editorial's point the publication of its text two days later made clear ACSA's dependence on the Mutual Defense Treaty. In its opening sentence the draft asserted: "This agreement is executed in pursuance of the spirit and intent of the Mutual Defense Treaty."

In the *Manila Times* of November 29, a retired Philippine Navy Captain, Danilo Vizmanos, military consultant to the Nuclear Free Philippines Coalition, also identified the Mutual Defense Treaty as "the convenient instrument used by US and RP military authorities in restoring the U.S. presence in the Philippines," but he carried the argument one step further, elevating the Treaty to a place in the primary focus of those opposing ACSA. "The central issue at bar," he wrote, "is not only the ACSA, it is the continuing existence of the anachronistic and indefensible RP - US Mutual Defense Treaty."

By the time of the Mutual Defense Board meeting the Nuclear Free Philippines Coalition had come to an important conclusion about these matters and drove the point home in a statement published by the *Manila Chronicle* on December 17:

The Nuclear Free Philippines Coalition called yesterday for the abrogation of the 43-year-old Mutual Defense Treaty with the US to prevent once and for all any attempt by the United States to stockpile lethal weapons within Philippine territory. University of the Philippine's Prof. Roland

Simbulan, chairman of the coalition, said with the treaty in place, the US can always resurrect proposals to station troops and install equipment in the Philippines.

Proponents of constitutional restitution and opponents of ACSA had often advocated submitting ACSA to the Senate as a treaty, there to vote it down. This, as Professor Simbulan saw it, would serve only as a temporary remedy; nullification of the Mutual Defense Treaty would be permanent.

Senator Wigberto Tanada and Representative Bonifacio Gillego had called for the abrogation of the Mutual Defense Treaty because it was no longer in keeping with conditions in post-Cold War Asia. A statement, widely quoted in the Philippine press, made by Malaysian Prime Minister Mohammed Mahathir in rejection of the Pentagon's proposal for repositioning, suggests why many Filipinos may believe this to be the case: "We don't feel there is a need for such a base in Southeast Asia, because we don't feel threatened by China or Japan. There is no tension in our region, no enemies, no fear... why should we create it?"³⁹

In such circumstances Filipinos who want to see their country's constitution and sovereignty restored may feel free to go ahead on the course suggested by the Nuclear Free Philippines Coalition, conscious that it can be followed to the end with no harm to their nation, but with solid benefit instead.

As far as the other signatory is concerned, the elimination of the Philippine-U.S. Mutual Defense Treaty would bring discomfort only to a very small minority in the United States -- the arms manufacturers and high military officials whose profits and careers depend on massive military budgets, and who for this reason work to keep the interventionist attitudes, structures, and military dispositions of the Cold War in place.

A move against the Mutual Defense Treaty on the part of the Philippine people would be consonant with the needs and desires of the great majority of the people of the United States. For them the huge military budgets held over from the Cold War stand in the way of the satisfaction of their needs for jobs and housing, for health care and education.

Indeed the abolition of the Mutual Defense Treaty would tend

to do away with the most negative --the military-- feature of the "special relationship," while it would tend to strengthen its most positive aspect: the friendship between the peoples of the Philippines and the United States.

There appear to be grounds for the opponents of ACSA to face the future with some confidence. It would be difficult to say the same of ACSA's supporters. Their policy evidently is to sit tight and wait "until the controversy over the proposed accord passes." Past experience, however, casts doubt on whether what they look forward to will come about. In the two years and more the U.S. has imposed its access policy on the Philippines the trend has been the opposite, the resistance has grown rather than diminished. A more realistic outlook is suggested by an editorial, "Re-inventing the bases," in the *Philippine Daily Inquirer* of November 23:

As far as the Philippines is concerned, any arrangement that re-instates the bases in Philippine waters or on land in whatever euphemism they are labelled is unacceptable. What should be clear to the US is that among America's Cold War allies, it is only the Philippines that decided to end the bases and that anti-bases sentiment still runs deeply and strongly.

Footnotes.

- 1) *Daily Globe*, 7 November, '94.
- 2) Philip Shannon, *New York Times*, 6 November, '92.
- 3) Stephen Roskamm Shalom, *The United States and the Philippines*, ISHI, Philadelphia, 1981, p. 60.
- 4) *Philippine Daily Inquirer*, 12 November, '94.
- 5) *Standard*, 17 November, '94.
- 6) *Manila Times*, 11 November, '94.
- 7) Lt. Paul D. Wisniewski, "Dueling Prepp," *Armed Forces Journal International*, September '94, p. 22.
- 8) Wm. Branigan, *Washington Post*, 23 November, '94.
- 9) *Manila Bulletin*, 6 November, '94.
- 10) *Malaya*, 9 November, '94.
- 11) *Today*, 10 November, '94.
- 12) *Philippine Star*, 12 November, '94.
- 13) *Philippine Star*, 12 November, '94.
- 14) *Manila Times*, 12 November, '94.
- 15) *Manila Chronicle*, 12 November, '94.
- 16) *Philippine Daily Inquirer*, 12 November, '94.
- 17) *Today*, 15 November, '94.
- 18) *Philippine Daily Inquirer*, 12 November, '94.
- 19) *Today*, 13 November, '94; *Boston Sunday Globe*, 13 November, '94.
- 20) *Today*, 11 November, '94.
- 21) *Malaya*, 14 November, '94.
- 22) *Philippine Star*, 13 November, '94.
- 23) *Today*, 13 November, '94.
- 24) *Philippine Star*, 22 November, '94.
- 25) Walter La Feber, *Inevitable Revolution*, W. W. Norton & Company, New York, 1993, pp. 310-311.
- 26) *Philippine Star*, 4 May, '94.
- 27) *Manila Times*, 26 November, '94.
- 28) *Today*, 26 November, '94.
- 29) *Manila Times*, 17 December, '94.
- 30) *Philippine Daily Inquirer*, 17 December, '94.
- 31) Transcript of Ramos-Clinton press conference, 13 November, '94.
- 32) *Manila Times*, 25 November, '94.
- 33) *Philippine Daily Inquirer*, 17 December, '94.
- 34) *Manila Times*, 17 December, '94.
- 35) *Manila Times*, 17 December, '94.
- 36) *Philippine Daily Inquirer*, 25 November, '94.
- 37) *Today*, 4 May, '94.
- 38) *Today*, 4 May, '94.
- 39) *Malaya*, 10 November, '94.

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