American Aid and Human Rights in the Philippines

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U.S. Acquiescence and Military Human Rights Abuses in the Philippines.

The streets of Catmaran, a small town in Northern Samar province in the Philippines, seem wide compared to those of the capital, Manila. There is almost no traffic. Instead of dense rows of aluminum-roofed shacks, rough concrete houses, and stalls with plastic signs for soda and cell phone companies, green farms and bahay kubo, traditional thatch houses on stilts, border the roads. At first glance, the beaches look idyllic.

Although Catmaran appears tranquil, this impression is deceptive. "When you look at it, it looks so peaceful," says a professor at a local university, "but you do not realize that there is violence." Indeed, despite initial appearances, signs that not all is well quickly appear. The province has few outside visitors. Its beautiful beaches are empty. The local airport lies next to a Philippine military camp, and checkpoints surround Catmaran on land. Philippine army trucks transport stone-faced soldiers carrying M-16 rifles.

In reality, life in Samar is punctuated by violence. Samar is one of the sites of a decades-old conflict between the Communist New People's Army and the government that continues to claim the lives of soldiers and civilians. Since

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the 1970s, the New People's Army has waged an armed rebellion, characterized by the brutal and corrupt administration of President Ferdinand Marcos, throughout the Philippines. Even after Marcos's fall and the return to democracy under Corazon Aquino in 1986, the rebellion has continued, interrupted by occasional ceasefires. Efforts by the military and government-sanctioned paramilitary groups, despite the use of brutal force, have not brought an end to the conflict.

I currently work in Samar on behalf of the Philippine office of the Asia Foundation, an American non-governmental organization (NGO), because the province is one of several in the Philippines where civilians were allegedly murdered by government troops in incidents far from the battlefield. Since 2001, government troops have been tagged in the killings or disappearances of persons associated with the country's political left. In Samar, these victims have included priests, professors, and journalists. In most cases, justice remains elusive.

When I came to work for the Asia Foundation in 2011, I was a Filipino expatriate fresh out of U.S. law school. I took pride in being part of a U.S. effort to address human rights in the Philippines. My time in law school, where I was surrounded by passionate Americans hoping to be civil rights and poverty lawyers, had reshaped my perception of the United States. If I had never left the Philippines, I would have probably thought differently. There, a common nationalist line is that the United States, which held the Philippines as a territory for fifty years, cannot be trusted. I have now come to believe that the United States is well intentioned.

I continue to believe in the good intentions of the United States, but my time in the Philippines has also led me to conclude that U.S. priorities have also had a profound negative impact on which human rights obligations the Philippine government has taken seriously. Since 9/11, the United States has combined increased foreign aid and military financing to the Philippines with a lack of serious penalties for the Philippine government's failure to improve its record on military abuses. Regrettably, the Philippine government's inaction has stymied efforts to end extrajudicial killings and enforced disappearances. The United States has acquiesced to these human rights failures.

This is not to say that the United States has been silent. Ambassadors have repeatedly called on the Philippine government to end killings and disappearances. As an intern with the Asia Foundation's Law and Human Rights Unit, I participated in the American response to this issue: a USAID-funded program intended to promote human rights both by encouraging the government to prosecute the perpetrators and by improving the ability of grassroots organizations to take independent action. Yet, I have learned the unfortunate reality that, even under the new president, Benigno Aquino III, these efforts have had only a modest impact. Not only have prosecutions stalled, but the killings have continued.

One conclusion to draw from this is that the United States cannot do anything to stop the killings and disappearances. Right now, this is the prevailing

view. Ending military human rights abuses is set to disappear from the U.S. agenda for the Philippines. This is the wrong decision. If the United States truly wants the Philippines to hold to account those responsible for military abuses, it must tell the Philippine government that failure to act will have consequences. The United States holds significant leverage as the Philippines's principal military partner and one of its main sources of foreign aid. There is reason to believe that greater penalties for human rights abuses will push the government to take action.

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A Frustrated Human Rights Movement. *Isang bala ka lang* (you are just one bullet): this is how one nun in the city of Davao described the kind of threats that Philippine advocates for human rights face. The Philippines does not lack brave advocates. Little effective oversight of the military, however, means even those who make sacrifices for human rights in the Philippines can stir up only so much trouble before they run the risk of becoming victims themselves.

I went to Northern Samar early in my time with the Foundation to observe a workshop run by a local group consisting of representatives from the Roman Catholic Church, local schools, and the government—including the military. A Philippine partner had set up these task forces in several provinces. They were intended to be assistance centers for victims of human rights violations and their families. When I arrived, the questions I had in mind about the project were mainly about numbers. How many victims had sought help from the task force? What kind of help did they get? Had any cases moved forward? I was optimistic. The participation of the military and the government in a group designed to address human rights issues seemed like a hopeful sign.

As I spoke to the workshop's organizers, I realized that the numbers were actually poor. The military participated, but that did not mean people stopped fearing it. Even worse, human rights violations continued in the province. When we arrived, we were told that the military had allegedly responded to the rebels' use of landmines earlier in the year by using farmers as human shields while they searched for those responsible. The incident remained an allegation because no one had been there to document it. Armed gunmen had recently shot one of the province's most prominent human rights advocates, a Catholic priest who had organized local law students and brought them into the interior of the province to document

human rights abuse cases.[1]

In the face of conditions like these, the courage of human rights advocates in the Philippines is inspiring. In Northern Samar, a group of Catholic nuns had become leaders in the effort to encourage an end to the violence. In Davao, I met another brave nun who thought a sample affidavit in which a man complained of being threatened multiple times by armed men was tame. Elsewhere in the Philippines, USAID-funded programs have enabled these advocates. For example, U.S. foreign aid for human rights has improved the forensic capacity of Philippine doctors and community health practitioners working with the country's Commission on Human Rights. Foreign aid has also funded the work of journalists—another at-risk group—to keep track of and investigate cases of extrajudicial killings, enforced disappearances, and torture around the country.

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Despite these encouraging examples, the general lack of progress remains undeniable. In the province of Pampanga, north of Manila, I met the son of a female captain of a *barangay*, the smallest Philippine administrative unit, who had been gunned down by submachine guns while leaving a council meeting. He told us that his mother had been in her sixties when she died.[2] She had been targeted, it seems, because of leftist political affiliations from long ago, making her characteristic of many of the victims of the government's anti-Communist campaign. Her killer had been identified as an enlisted soldier. The same soldier had been tagged as the killer in several other incidents in the province. All the incidents had taken place during the tenure of the same general, Jovito Palparan, who had also commanded in Northern Samar when extrajudicial killings were at their worst there. Palparan is now a member of Congress and is not facing any official investigations.[3]

Human rights advocates are frustrated. They had hoped for change with President Aquino when he came to power in 2010. Aquino is, after all, the son of President Corazon Aquino, a democracy icon whose role in the People Power Revolution of 1986 was a source of pride for Filipinos everywhere. At first glance, the younger Aquino seemed like a promising contrast to his predecessor, Gloria Macapagal-Arroyo, who had revived the government's all-out war against rebel groups in the latter half of her presidency. Despite positive expectations, the younger Aquino delivered little of what he promised.[4] The government has not dismantled government-sanctioned paramilitary groups.[5] A promise to prosecute perpetrators of extrajudicial killings has not led to convictions. Not one person responsible for an extrajudicial killing that took place during the new president's term has

been convicted.[6] The new administration of President Aquino, Filipinos widely believe, lacks a real agenda of its own and has largely maintained the status quo.

Insufficient Criticism. Impunity for extrajudicial killings has not gone unnoticed by human rights groups and governments. Human Rights Watch regularly releases reports whose accounts of the failures of the justice system have become discouragingly repetitive.[7] The UN's Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions issued a scathing report that suggested the military was in "a state of denial" about its involvement in human rights abuses.[8] Government involvement has been shown in documents issued to military personnel involved in killings and in testimony from victims. A military informant has spoken out about orders he received from a senior officer to shoot civilians and disguise it as a New People's Army execution.[9]

Although the United States has contributed to programs to address human rights abuses in the Philippines, this is insufficient. It does nothing of substance in the Philippines when it comes to the most serious human rights abuses, namely the extrajudicial killings of Filipino civilians by the government and the military. Official U.S. criticism of the Philippine government is not strong. State Department reports have mitigated the blame for human rights violations by the government by suggesting that the blame was to be shared with rebel groups.[10] In 2007, when the killings were at their height, a State Department representative lauded the record of President Arroyo.[11] The state of the Philippines, he said, was a "positive picture" marred by the "[o]ne negative factor" of extrajudicial killings. The State Department emphasized that the Philippines was an American partner against "al-Qaeda-linked terrorists."[12]

That much was true. Under President Arroyo, the Philippines joined President Bush's coalition of the willing, earning favor and foreign aid from Washington. In 2003, President Bush addressed the Philippine Congress, declaring the Philippines's history under American rule a model for Iraq. Bush did not mention that the U.S. acquisition of the Philippines provoked intense controversy in the United States and led to a prolonged armed conflict against those Filipinos who sought immediate independence. His speech saw the world in black and white: good guys against bad guys—those fighting "terror" and those who "support terror." The Philippines, said Bush, was on the U.S. side and would receive assistance. He made no mention of human rights or the military's need to respect them.[13]

The Bush administration revived U.S. military aid to the Philippines, which had waned in the 1990s when the Philippine Senate refused to extend leases for U.S. military bases. During the Bush administration, the Philippines hosted U.S. military advisors who participated in the hunt for the *Jema'ah Islamiyah*-linked *Abu Sayyaf* group.[14] With U.S. help, the Philippine army finally scored victories against *Abu Sayyaf*. At home, President Bush referred to the Philippines as one of the sites of the global "War on Terror," which the United States and its allies would

win.[15] The prominence of this military partnership led to little criticism of the Philippine military's human rights record.

In the last decade, U.S. foreign aid to the Philippines increased significantly. Hovering between 130 and 140 million dollars a year, it makes up a large chunk of U.S. foreign aid to East Asia.[16] A large percentage of that amount is foreign military financing for the Philippine military—worth between fifteen and thirty million dollars a year.[17] Now, aid to the Philippines may increase substantially if the Philippines receives an added 400 million dollars over five years through its compact with the Millennium Challenge Corporation, a federal agency promoting economic growth and poverty reduction.

Meanwhile, the sole penalty for the continuation of extrajudicial killings that the Philippines faces is the threatened withholding of two to three million dollars in military financing, unless the Secretary of State reports that the Philippines is making genuine efforts to address human rights violations by the military. This penalty was applied in 2008, when two million dollars were withheld.[18] That penalty is only a small fraction of U.S. aid and is not enough to compel change. The penalty is so small that many human rights advocates in the Philippines are not even aware of it.

By contrast, when it comes to human trafficking, U.S. pressure on the Philippines is great. Had the State Department not upgraded the Philippines from the list of "Tier 2 Watch List" countries that were not making headway in efforts to end human trafficking, the Philippines could have forfeited its Millennium Challenge Corporation grant and other U.S. aid.[19] Hence, as for human trafficking, the Philippines had much to lose. The government responded: an inter-agency task force led by the vice-president was created. Prosecutions and convictions increased and are now widely publicized. At his second state of the nation address, President Aquino showed a photograph of himself with Secretary Hillary Clinton and boasted of having met the State Department's standards.[20] Where the United States has applied sufficient pressure, the Philippine government has acted, and with greater effort and attention than it has done where American pressure is absent—as is the case with military human rights abuses.

The Need for Action from the Top. Human rights NGOs like the Asia Foundation have made only a modest impact on extrajudicial killings and enforced disappearances. Perhaps it is because the results have been too hard to quantify that promoting human rights is now set to vanish from USAID's agenda for the Philippines. Programs like those of the Foundation may have increased awareness of human rights issues and increased the capacity of civil society to respond to them, but they have not been able to end the abuses on their own. Frustrating outcomes like this might suggest that American foreign aid to help promote human rights is ineffective and even dangerous. Foreign aid might just provide cover to the Philippine government so that it can claim to protect human rights without doing so in practice.

To think that the United States can do nothing and therefore might as well

do nothing is the wrong conclusion. The Aquino administration's commitment to ending military abuses is already wavering. If it is rewarded with aid despite its human rights record, what little incentive it has to stop military abuses will be weakened even more. The Philippines does, however, have a record of responding to U.S. pressure—as it has done with respect to human trafficking—when this pressure comes with consequences. Aid programs, like those administered by the Asia Foundation, can take measures to stop military abuses. They can help journalists, lawyers, and community groups. What aid programs have not been able to do is apply pressure to the top of the government hierarchy and force a transformation in its attitudes and policy.

The United States should not give up on human rights in the Philippines until it has done everything it can. Although progress has been slow, this is not because Philippine human rights advocates, churches, and civil society groups have not taken advantage of what help the United States and others have provided. At every workshop and program funded by USAID that I attended, I was told by participants how much "we really need this." Americans can take pride in the help that they have given, but they should express their disappointment with the Philippine government's failure to act. By telling the Philippine government that it must stop the killings or forfeit a larger chunk of its aid from the United States, the United States can force the Aquino administration to require the armed forces to genuinely address human rights violations by its members.

Common Ground. As an expatriate, I did not spend much of my young adult life in the Philippines. When I went to law school in the United States, I was impressed with the dedication and passion of my American classmates for their deeply felt political and social beliefs. My time in the Philippines has showed me that many Filipinos are just as passionate about promoting just causes and improving the future of their country. In Catmaran, a Catholic nun expressed faith, in spite of everything that has happened in Samar, in the basic goodwill of Filipinos. She could think of nowhere else, she said, that could ever be her home. The United States can help Filipino human rights advocates. And it does not have to do that much. The United States does not need to teach Filipinos to care about human rights. Filipinos already do. Filipinos need only U.S. help to sustain them.

NOTES

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