US military basing deal sets legal framework for neocolonial rule in the Philippines

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The US basing deal signed during US President Barack Obama's recent visit to the Philippines, and now surreptitiously published in the "Historical Papers" section of the Philippine government's web site, marks a reactionary political milestone in the Philippines and Asia.

The official presentation of the Enhanced Defense Cooperation Agreement (EDCA) as allowing temporary, "increased rotational presence" of US forces in the Philippines, is a political fraud. Behind the backs of the American and the Philippine working class, Washington and Manila have agreed upon a neocolonial document creating the legal framework for the indefinite occupation by the US military of the Philippines, a former US colony, unchecked by Philippine law.

It makes clear that the US "pivot to Asia," aimed at isolating China, is bound up with a broader drive by the imperialist powers to recolonize the oppressed countries of Asia.

Under the EDCA, Washington receives exclusive access to bases, referred to as "agreed locations," throughout the Philippines. The list of "agreed locations," which the document does not even bother to specify, can also be added to at the request of the US military. The "agreed locations" are to be exclusively accessed by US forces and contractors.

The administration of Philippine President Benigno Aquino has already announced that Subic Naval Base will be included among the "agreed locations."

The agreement is technically valid for ten years, but "shall continue in force automatically" unless terminated by one of the Parties. To terminate the agreement, Manila is obliged to submit a written termination notice to the United States one year prior to the renewal of the agreement.

The EDCA attempts to maintain the legal fiction of Philippine sovereignty over its territory by giving the Philippine Defense Department a single "authorized representative" who has access to the US bases. Even this individual, however, must first seek Washington's permission to access the location, which the deal stipulates shall be provided in accordance with US "security requirements." In practice, there is not a shred of Philippine control over territory occupied by the United States.

Effectively, moreover, the US military is being given free rein throughout the country. The EDCA states that, in addition to the "agreed locations," US forces have access to "public land and facilities (including roads, ports, and airfields), including those owned or controlled by local government." There is no space or facility within the Philippines exempted from this clause.

The agreement authorizes the deployment of unlimited numbers of US military and civilian personnel and US military contractors to the Philippines. Once there, they are authorized to conduct "training, transit, support, and related activities; refueling of aircraft; bunkering of vessels; temporary maintenance of vehicles, vessels and aircraft; temporary accommodation of personnel; communications; prepositioning of equipment, supplies and materiel; deploying of forces and materiel; and any other such activities as the Parties may agree."

Any US war materiel in the country is for the "exclusive use of United States forces," which shall be provided with "unimpeded access to Agreed Locations."

These terms provide a legal framework for Washington to use the Philippines as a staging area for war against China, or whatever other target is selected by US imperialism. During the Vietnam War, Washington used its bases in the Philippines to launch bombing raids targeting North Vietnam and Cambodia.

In both its form and its content, the EDCA is a politically criminal document. It was released on an obscure web site amid a virtual media blackout in the

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United States and in the Philippines. Both in Washington and in Manila, officials are acutely aware of the deep opposition in the working class to the imposition of US neocolonial rule in yet another country, after Afghanistan and Iraq.

With the complicity of the corrupt ruling elite in Manila, which is discarding any attempt to maintain its national sovereignty, US imperialism is pressing ahead.

The agreement is being imposed in blatant violation of the Philippine constitution, which bans the presence of any foreign troops or bases in the country without the approval of a treaty by a two-thirds majority in the Senate. The Philippine legislature, which is not party to the agreement, has been left with no legal recourse to contest it.

The EDCA does an end run around the Philippine constitution, advancing the transparently fraudulent claim that it is not in fact a "basing treaty," but only an agreement on temporary basing of forces between the US and Philippine militaries.

The agreement exempts US forces from oversight under Philippine or international law—a measure recalling US policy in occupied countries like Iraq, or imperialist extraterritoriality clauses on colonial countries of 19th-century Asia. Instead, US forces and contractors will "operate under US law, regulations and policies."

The EDCA stipulates that US forces "are authorized to exercise all rights and authorities within the Agreed locations that are necessary for operational control and defense including taking appropriate measures to protect US forces and US contractors." The United States will police its own bases, with Filipinos deemed a threat to US forces, contractors, or to "the security of official US information" treated as the Pentagon sees fit.

This was historically the root of the greatest public hostility to the former US bases in the country. Over fifty Filipinos were shot on the bases by US soldiers in the latter half of the 1960s alone. All cases were tried by US court martial, with US soldiers let off with at most an official wrist-slap.

Article XI of the EDCA states, "Disputes and other matters subject to consultation shall not be referred to any national or international court, tribunal or other similar body, or to any third party for settlement."

This article precludes the review of the EDCA by either the Philippine judiciary or legislature. Should a US serviceman shoot or rape a Filipino, or run over a child with his car—events which have repeatedly occurred around US military bases in Asia—he will be subject to US law and jurisdiction. Any disputes over the extraterritorial jurisdiction of the United States within the Philippines, or any other aspect of the agreement, may not be reviewed by the Philippine judiciary.

The United States is to pay no rent whatsoever for its Philippine bases. The document even arrogantly specifies that if Washington chooses to vacate a particular base, it can exact from Manila "compensation for improvements" it has made.

Washington is also guaranteed access to "water, electricity, and other public utilities" at the same rate paid by the Philippine government. All taxes and fees exacted on these utilities, which all Filipinos are obliged to pay, will be paid for the US military by the Philippine government.

The agreement also cedes to the United States the use of the radio spectrum within the country "free of charge." In the past, Washington used the radio spectrum in the Philippines for its internal telecommunications needs, as well as for the broadcasting of US propaganda.

In one of the few restrictions imposed on US forces, the agreement stipulates that, as dictated by the Philippine constitution, Washington may not "preposition" any nuclear weapons in the country.

Declassified documents from the period of the US occupation of Subic naval base and Clark Airbase have shown that in the past Washington illegally stored nuclear weapons in the Philippines. What is more, Washington routinely refuses to comment on which of its ships carry nuclear weapons. Given the limits imposed by the EDCA on the inspections that can be conducted by the Philippine "authorized representative," this clause is toothless.

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