



Written by [Alex Newman](#) on September 2, 2009

Filipinos want US soldiers out

Calls to renegotiate a treaty that allows U.S. troops to operate in the Philippines — or to expel the forces altogether — are growing as criticism and allegations of U.S. involvement in combat operations continue to mount.

About 600 elite American soldiers are currently stationed in the country under the Visiting Forces Agreement (VFA) that has been in force since 1999. The treaty allows U.S. troops to train and advise the Filipino military in its counterinsurgency operations in the south, but forbids them from participating in combat roles except for self-defense.



Despite vehement denials from most U.S. officials, reports of alleged American involvement in the fighting have been surfacing since 2002. And following an alleged admission of fighting and its purported legality by Col. David Maxwell, the commander of the Joint Special Operations Task Force of the Philippines, along with a declaration by U.S. defense officials that they will seek to keep the contingent there indefinitely, a Filipino senator is leading the movement to find a solution.

“If the U.S. wants to use Philippine territory in its alleged war on terror, they will have to negotiate a treaty with the Philippines,” said Senator Miriam Defensor-Santiago, the head of the nation’s Senate panel on foreign relations and the co-chair of the VFA’s legislative oversight committee. “In the meantime, in my humble view, the presence of U.S. troops in Mindanao, and even worse, their participation in combat operations, are illegal.”

Santiago said the current treaty and U.S. operations violate the constitution and that American forces have overstayed their welcome. She led a hearing on the relationship with the U.S. last week that heard testimony from protest groups, the defense secretary, and various experts, some of whom thought the treaty should be maintained.

A former Navy lieutenant testified that U.S. troops were indeed engaging the southern rebels in combat, according to a *Morning Star* article entitled “Filipinos want US out of Mindanao.” But some officials still support the pact and its “benefits.” “For the moment, we are for the stay of the Visiting Forces Agreement,” said executive secretary and former general Eduardo Ermita after the session. “It provides proper security balance and stability in the Philippines.”

But in a radio interview over the weekend, Senator Santiago said that “Life will go on” without the pact and that she is sponsoring a resolution: If the nation’s former colonial ruler refuses to renegotiate the VFA, it should be scrapped entirely so that American troops can be given six-months’ notice to get out.

“I think it will pass because it’s not calling for the outright termination of the VFA but a renegotiation,” Santiago explained. “If they don’t want to renegotiate, we don’t have a choice but to terminate it.”

She has found a number of high-profile allies in her quest, including the left-wing Banyan group led by the former Senate president Jovito Salonga, which filed a motion with the country’s Supreme Court last



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week challenging the U.S. role under the VFA.

The chair of the Senate's defense committee and co-chair of the legislative oversight committee for the VFA said there had been "a lot of non-transparency" and that certain provisions of the agreement were "insulting" — like a clause that allows U.S. military commanders to make "unilateral" decisions if Filipino troops are not able or willing to fight. He asked the undersecretary of the presidential VFA commission if the offensive provisions were still in force — which the undersecretary did not know — and explained that if they were, "I am going to vote against the Visiting Forces Agreement."

Senator Loren Legarda has called for an investigation and is a strong supporter of scrapping the treaty, which she opposed when it was first proposed. "We have more than enough able personnel from the AFP and the PNP to take care of ensuring our internal security," she said, referring to the country's military and police forces.

Members of the Philippines' House of Representatives have organized a probe of their own into the pact, with many members offering harsh criticism of the U.S. presence. There are questions about "whether their presence here over the last seven years and in the coming years was constitutional," said representative Satur Ocampo.

Another representative, Walden Bello, blasted the alleged construction of new U.S. bases that were supposed to have been outlawed in 1991. "Let's call a spade a spade, let's not pretend anymore that there is no U.S. basing in the country. The U.S. bases are definitely back." Others went further, with a resolution (1335) filed in the House claiming that the continued U.S. presence "has resulted [in] the proliferation of prostitution and violence against women and children."

The chief legal counsel for the president has urged the chief executive to review the VFA and potential legal violations that have been highlighted. But a spokesperson for the president said the government was open to an evaluation before any consideration of junking the agreement altogether. "It is still prudent for us to review first and study it very carefully," she said, noting that the concerns and allegations from the hearing should undergo the "proper process."

American officials have vigorously defended the U.S. mission, however, with U.S. Defense Secretary Robert Gates quoted in the *New York Times* saying that the military support "has been instrumental in killing and capturing leaders of militant groups and anti-government organizations." The U.S. embassy in the Philippines continues to deny American involvement in combat operations.

But without an official congressional declaration of war, U.S. forces should not be in the Philippines to begin with — especially in light of the hostile sentiment that seems to pervade the country about it and the fact that the United States is borrowing astronomical amounts of money. Hundreds of millions of dollars are being squandered while American soldiers' lives are being put at risk.

The treaty can be broken by either side and requires only six-months' notice. It is past time for the U.S. government to obey the Supreme Law of the Land and for all American troops stationed in the Philippines — and in all the other countries in which the U.S. military finds itself — to finally come home to their families. Non-negotiable notice of American withdrawal should be given immediately.

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