

THE U.S.'S GLOBAL WAR ON TERROR: CAN THE U.S. SIMULTANEOUSLY FIGHT TERROR AND SAFEGUARD DEMOCRACY? THE CASE OF THE PHILIPPINES

Zani Naudé and Hussein Solomon*

1. INTRODUCTION

Scholars commonly agree that terrorism, fundamentalism and fanaticism today pose the gravest threat both to the system of states as a whole, and to groups and individuals within the state.¹ The actions of these groups are not always confined to a specific state, and even where it appears to be, the possibility exists that the group will extend its actions beyond the borders of the state and destabilise the region in the process. Groups have a global reach, consequently states will have to cooperate to counter this threat. The challenge to the international community in this context is to find a way to employ counter-terrorist strategies without undermining the sovereignty of individual states.

This article will discuss the counter-terrorist cooperation between two states, the Philippines and the United States of America (U.S.), within the boundaries of the Philippines, and assess the impact that cooperation will have on Philippine democracy.

2. THEORETICAL FRAMEWORK

2.1 Democracies and terrorism

Democratic states are not immune to terrorism, on the contrary, the nature of democracy makes it easier for terrorist groups to operate. Democracy ensures certain freedoms and rights to all citizens and terrorist groups often use these rights against the state. The right of free speech and free media can be used by terrorists

* Both authors are members of the Department of Political Sciences, University of Pretoria, South Africa. Professor Solomon is also Director of the Centre for International Political Studies (CiPS) at the University of Pretoria.

¹ JP Larsson, **Understanding religious violence, thinking outside the box on terrorism** (Burlington, Ashgate Publishing Company, 2004), p. 13.

to defame democratic leaders and institutions and in some cases to incite violence. The freedom of movement means that terrorists can easily move around the country and in and out of the country. Terrorist actions can also force a democratic government to introduce emergency measures that will force government to "suspend democracy in order to defend it".²

The strength of democratic governments however lies in the fact that they can take legitimate action against terrorists. In a democratic society political participation and opposition take place within the scope of the law based on constitutional principles. The majority of the citizens within society supports these constitutional principles and considers a government based on these principles as legitimate. Government's legitimacy enables government to act with the consent and support of society against any external or domestic threats without the fear of civil upheaval resulting in political instability. However, terrorist actions are often aimed at forcing democratic governments to adopt anti-terrorism strategies that contradict democracy, and in the process government will lose its constitutional legitimacy.³

Terrorism is a weapon of psychological warfare.⁴ Therefore, terrorists do not rate their success or failure by traditional military means, but rather in terms of the psychological or propaganda impact. Terrorist groups who have secessionist ideals will aim to undermine and contradict democratic values and principles through various strategies. A common strategy employed by terrorists is to attempt to undermine the political will, confidence and morale of democratic governments and their citizens so that the government would become more susceptible to political and social collapse. Another strategy is to attempt to push the government from democracy to authoritarianism, thus denying constitutionalism, dropping the restraints and checks on power, and ultimately forcing the government to become a paramilitary or police state, basically a mirror image of the terrorism that the government is supposed to defeat.⁵

Therefore, when a democratic government adopts an anti-terrorism strategy, the government should not only take the military and physical implications into consideration, but also the possible political and socio-psychological implications. Terrorism thrives and trades on the mistakes that democratic governments make and therefore the mistakes of government can undermine democracy. It is the

² P Wilkinson, **Terrorism and the liberal state** (London, MacMillan Press, 1977) pp. 80-92.

³ P Wilkinson, **Terrorism versus democracy, the liberal state response** (Frank Cash Publishers, United States, 2001), p. 23.

⁴ P Wilkinson and A Stewart, **Contemporary research on terrorism** (Great Britain, Aberdeen University Press, 1989), p. 8.

⁵ Wilkinson, **Contemporary research on terrorism**, pp. 453-66.

responsibility of the government to ensure that all anti-terrorist policies support democracy.⁶

When assessing the impact that an anti-terrorist strategy will have on democracy, one has to assess the strategy in relation to the unique context that it will be employed in. Three categories of variables should be considered: 1) the nature of the terrorist movement concerned, 2) the condition of the target state or community, and 3) the influence of the international environment.⁷

This article will not analyse the nature of the terrorist movements. Instead the relationship between the Philippine state and the international actor, the U.S., pursuing an anti-terrorist strategy, will be assessed to determine the impact that this will have on the Philippine democracy.

The impact of Philippine-U.S. cooperation on Philippine democracy will be assessed, using the 'Democracy Assessment by International IDEA'⁸ framework. The IDEA framework enables one to assess democracy to the people themselves.⁹ In the context of this article it is important to assess how democracy is experienced by people and not only whether or not democratic institutions exist. Terrorist strategies are not only aimed at destroying institutions, but destroying the support for democracies. If as a result of anti-terrorist strategies and terrorist tactics democracy no longer benefits society, society will withdraw its support for democracy, the government will lose legitimacy and terrorists will succeed in their goal.

2.2 Conceptualisation

Terrorism and democracy are both contested concepts and in the policy documents of the U.S. and the Philippines no indication is given of what exactly is meant by these terms. It is usually assumed that the U.S. refers to liberal democracy when referring to democracy. According to Heywood liberal democracy is "a form of democracy which incorporates both limited government and a system of regular and competitive elections".¹⁰ Various authors, notably Zakaria,¹¹ have criticised the emphasis of the U.S. on liberal democracy, because it is argued that liberal democracy attaches too much value to regular elections and in the process conceals

⁶ Wilkinson, **Terrorism and the liberal state**, , p. 81.

⁷ **Ibid.**, p. 82.

⁸ About International IDEA, available at <http://www.idea.int/institute/inst-intro.html>.

⁹ CS Thijn, "Assessing democracy in Southeast Asia: Towards regional grassroots empowerment", available at <http://www.csis.org/papers/wps051>.

¹⁰ A Heywood, **Politics** (London, MacMillan Press, 1998), p. 407.

¹¹ F Zakaria, **Foreign affairs, the rise of illiberal democracy**, November/December 1997.

the true nature of democracy. Therefore, this article will not assess the Philippines in terms of being a liberal democracy, or any other type of democracy, but rather the nature of the Philippine democracy and how it benefits the Filipino people.

Similarly, terrorism poses a definitional problem and authors love stating "one man's terrorist is another man's patriot". For the purpose of this article terrorism can be briefly defined as follows: "Terrorism is inherently and inevitably a means of struggle involving indiscriminate and arbitrary violence against the innocent."¹² A more extensive definition would be: "Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violence-based communication processes between terrorist organisations, victims, and main targets are used to manipulate the main target (audience), turning it into a target of terror, a target of demand, or a target of attention, depending on whether intimidation, coercion or propaganda is primarily used."¹³

It is, however, important to keep in mind that the U.S. defined the Abu Sayyaf group as terrorist to serve their own purposes and that the Philippine government and the U.S. disagree on which groups operating in the Philippines are terrorist. Both the U.S. and the Philippines agree that the Abu Sayyaf group is a terrorist group, therefore this article will refer to Abu Sayyaf as a terrorist group. All other groups will be referred to as secessionist groups although they might fit the terrorism definition.

3. THE CENTRALITY OF DEMOCRACY IN THE WAR ON TERROR

During his 2000 presidential campaign George W. Bush emphasised that he favoured "great-power realism over idealistic notions such as nation-building or democracy".¹⁴ The events of September 11th and subsequent explanations of the events however pushed democracy back onto the U.S.'s foreign policy agenda. In his speeches following September 11th Bush stressed that terrorists had attacked the U.S. because the U.S. supports and embodies freedom. As a result the ideas of

¹² Wilkinson. **Terrorism versus democracy**, p. 87.

¹³ C Morris, "Exposing the exposé", available at <http://www.sicmuse.com/weblog/archives/00737.htm>.

¹⁴ T Carothers, "Promoting democracy and fighting terror", **Foreign Affairs**, January/February 2003, p. 84.

freedom, democracy and terrorism became entangled in the minds of people and in the policies that the U.S. adopted in support of the War on Terror.¹⁵

The most influential policy document in the War on Terror has been the National Security¹⁶ strategy adopted in September 2002. In this document the U.S. declared that terrorism is an international threat that endangers the freedom of the citizens and states of the world. Therefore, the U.S. commits itself to protecting its citizens and allies from the threats of terrorism through political, economic and military means and to establish a world order that supports freedom. The establishment of the Millennium Challenge Account¹⁷ further supported these goals by promising foreign aid to countries that are working towards bettering the lives of their citizens in a democratic context.

The link that the U.S. insinuates between democracy, freedom and terror poses a number of theoretical problems in the context of the War on Terror. Firstly, the U.S. proposes that the spread of democracy will ensure a peaceful world. These ideas are a reflection of the 'democratic peace theory'¹⁸ proposed by international relations scholars. According to the democratic peace theory, democracies never go to war with each other.¹⁹ One of the explanations frequently given for this phenomenon is the idea that democracy acts as a commonality that ensures similar goals and democracies will cooperate to ensure these goals. However, democracies have not been consistent in their support for the War on Terror goals of the U.S. Furthermore, the U.S. cooperated with non-democratic countries like Pakistan and Uzbekistan²⁰ in order to ensure its policy goals. This implies that even between democracies very different goals and security ideas exist, and sometimes non-democratic countries ensure security when democratic countries cannot or will not.

Secondly, by using freedom and democracy interchangeably as a cure for terrorism the U.S. creates a theoretical confusion. Not all democracies are free and not all free and democratic countries are without terrorist groups. One of the analytical tools used to assess 'freedom' in a country is the Freedom House Indicators²¹ that rate the rights and freedoms enjoyed by individuals and not the performance of the

¹⁵ **Ibid.**, p. 85.

¹⁶ **National Security Strategy of the United States of America**, September 2002.

¹⁷ P Debrionasky, "Promoting democracy in the 21st century: an essential tool against terrorism", speech delivered to the Baltimore Council of Foreign Affairs, 9 February 2004, available at <http://japan.usembassy.gov/e/p/tp-20040212-23.html>.

¹⁸ J Harper, "The dream of democratic peace: Americans are not asleep", **Foreign Affairs**, May/June 1997.

¹⁹ M Brown, **Debating the democratic peace, an international security reader** (England, MIT Press, 1996), p. ix.

²⁰ Carothers, p. 86.

²¹ About Freedom House, available at <http://www.freedomhouse.org/>.

government or the political conditions in a country. As a result a country, like the Philippines, which is considered to be free can still have active terrorist groups.²² Furthermore, the U.S. nowhere defines what exactly is meant by democracy or which criteria should be used to assess it. This means that the U.S. values states with established democracies just as highly as states with illiberal democracies.

The third problem is also a definitional problem. The U.S. fails to offer a definition of what exactly constitutes terrorism, but does state that terrorism endangers freedom. This has enabled many countries to label domestic enemies as terrorist and thus to implement 'legitimate' measures against these groups.²³ The final problem is that democracy itself can act as an enabling environment for terror. The freedoms and civil liberties enjoyed within a democracy can be used to disguise acts of terror.

However, it is not the theoretical dimension that is undermining the U.S.'s argument in favour of democracy, but the actions that the U.S. are employing in the War on Terror. Despite its economic and military strength the U.S. cannot fight the global War on Terror alone. This has forced the U.S. to ensure the cooperation and assistance of ally countries. Ally countries joined the War on Terror out of self-interest and not out of conviction and often this support was a result of some kind of political exchange. Also, in searching for partners in the War on Terror, the U.S. was indiscriminate in its choice of allies. This meant that the U.S. formed alliances with non-democratic countries to ensure democracy in Afghanistan and Iraq.²⁴ The U.S. also stated that it would not force its allies to adopt political reform programmes, because "you cannot ask a country for help and then pressure them into change".²⁵

The domestic policies adopted by the U.S. to fight the War on Terror have also impacted on the quality of democracy in the U.S. Civil liberties are increasingly undermined by the actions of security personnel fighting terror. In recent months the rights of immigrants have been abused, closed deportation hearings were held and U.S. citizens have been classified as enemy combatants.²⁶

The final criticism is the core of this paper. The U.S. cannot successfully fight terror in democratic countries, because U.S. anti-terrorism strategies ignore the true nature of democracy. The U.S. only distinguishes between enemies and allies and not between democracies and non-democracies. Consequently, the U.S. has neglected to ensure a framework for fighting terrorism in a democratic society. In

²² IDEA, About <http://www.idea.int/institute/inst-intro.html>.

²³ Carothers, p. 87.

²⁴ Carothers, pp. 85-91.

²⁵ Debrionasky.

²⁶ Carothers, p. 93.

its War on Terror policies the U.S. recognises democracy as a force that can influence international relations, but overlooks that democracy is first and foremost a regime type that influences domestic politics. Democracies are not universal, but are a reflection of a certain historical process. This means that democracies have certain strengths, weaknesses and limitations that have been entrenched over time. Ignoring this undermines any political effort in a democratic country.

4. COOPERATING AGAINST TERROR

In the wake of September 11th President Bush committed the U.S. to a War on Terror that would see the U.S. "hunt down and punish those responsible"²⁷ for the attacks. In the first speech before the U.S. Congress after the attacks Bush formally announced that the al-Qaeda terrorist group was responsible for the 9/11 attacks. Bush declared that the U.S. would hunt al-Qaeda members across the world and would take actions against any state supporting al-Qaeda members and operations. Bush however did not limit the War on Terror to the annihilation of al-Qaeda. In the same speech Bush proclaimed that the U.S.'s "War on Terror begins with al-Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated."²⁸ This speech effectively committed the U.S. to a global War on Terror.

In the context of the War on Terror the enemy was identified as any group that attacks civilians and poses a threat to regional or international stability. The U.S. committed itself to not only fight these terrorist through traditional military means, but with every weapon in the U.S. arsenal, including pushing for democratic reforms to ensure open and free societies and ensuring economic growth.²⁹ The U.S. further pointed out that whenever possible it would cooperate with other countries and organisations to fight terror. The U.S. has always valued cooperation in ensuring successful anti-terrorism operations.³⁰ The War on Terror however enforced cooperation when the U.S. proclaimed that countries are either with the U.S. or against it in the War on Terror.³¹ The countries that cooperated with the U.S. could depend on its economic support and assistance in fighting domestic terror.

The Philippines were one of the first countries to publicly support the U.S.'s War on Terror. The Philippines and the U.S. have historical ties: the Philippines were a

²⁷ S Berger, "Foreign policy for a democratic president", *Foreign Affairs*, May/June 2004, p. 51.

²⁸ **Ibid.**

²⁹ **National Security Strategy of the United States of America**, September 2002.

³⁰ A Spaeth, 2002, "Rumble in the jungle", available at <http://www.time.com/time/asia/news/magazine/0,9754,212723,00.html>.

³¹ Berger, p. 50.

U.S. colony from 1898-1946 and in 1951 the U.S. and the Philippines signed the Mutual Defence Treaty that allowed the U.S. military bases in the Philippines until 1991.³² On both sides the decision to cooperate was however not based on historical sentiments, but was a strategic decision based on the respective country's national interest. The U.S.'s interest was two-fold: Firstly, the U.S. feared that the rebel activities on the southern islands of the Philippines could become a training ground for rebels in South-east Asia.³³ Secondly, the U.S. had reason to believe that one of the secessionist groups, Abu Sayyaf, had ties with the al-Qaeda terrorist network.³⁴ From the onset the Philippines indicated that they expect military arms in return for cooperating with the U.S. It was assumed that the arms would be used to strengthen the Philippine Armed Forces against domestic groups. A report by the Cato Institute³⁵ however pointed out that the possibility exists that the Philippines want to strengthen their army so that they can defend their interest in the Spratley Islands by force.

The cooperation between the U.S. and the Philippines in the War on Terror became official after the Philippine Senate had ratified the Visiting Forces Agreement (VFA).³⁶ This agreement stipulated the terms and conditions of joint operations between the U.S. and the Philippines on Philippine soil. Two joint military exercises were carried out under the banner of the War on Terror. The first, Operation Balikatan 02-1, was a joint-military operation against the Abu Sayyaf and the second, Operation Balikatan 02-2, was purely a training exercise.³⁷

The U.S. Peace Institute also became unofficially involved in the peace negotiations between the Philippine government and the Moro Islamic Liberation Front (MILF). The Institute aimed to assist the peace process through the provision of mediation expertise. The U.S. State Department also promised \$30 million in economic and social support to the Philippines upon the signing of a peace agreement. The Institute further indicated that it would instigate various peace-building programmes in the post-agreement phase.³⁸

³² P Ackerman and JA Duvall, **A force more powerful: A century of non-violent conflict** (New York, St. Martin's Press, 2000), pp. 371-2, 376.

³³ CFR Terrorism, 2001, Philippines, available at <http://www.cfrterrorism.org/havens/philippines2.html>.

³⁴ Wikipedia, Operation Enduring Freedom: Philippines, available at http://en.wikipedia.org/wiki/War_on_Terrorism:Philippines.

³⁵ D Bandow, Cato Institute, **Instability in the Philippines, a case study for U.S. disengagement, foreign policy briefing No. 64 of 2001**.

³⁶ DFA Philippines, questions frequently asked on the RP-US Visiting Forces Agreement, available at <http://www.dfa.gov.ph/vfa/index.htm>.

³⁷ Council on Foreign Relations, Philippines, available at <http://www.cfrterrorism.org/havens/philippines.html>.

³⁸ United States Peace Institute, December 2003 Vol. X. No. 1, available at <http://www.usip.org/peacewatch/2003/12/phil2.html>.

The U.S. support operations in the Philippines became known as the U.S.'s second front in the War on Terror,³⁹ the first front being the operations in Afghanistan. The second front differed significantly from the first one. The former saw the U.S. assisting the Philippine government in fighting a terrorist group that operates mainly in the confines of the Philippines. The Philippines are considered a democracy by the U.S. government and therefore anti-terrorist actions did not focus on government reform, but only on fighting the terrorist groups. However, in the VFA the U.S. claimed that joint operations would "benefit local communities", ensure "the long-term benefit of maintaining peaceful regional environment and security", and "ensure the stability of the country, which is vital to the welfare of individual Filipino's".⁴⁰ In its National Security Strategy the U.S. indicated that the goals of peace, stability and freedom benefiting individuals are associated with democracy.⁴¹ This raises the question that when faced with waging anti-terrorist operations in democratic countries, can the U.S. simultaneously fight terror and safeguard democracy?

5. ASSESSING DEMOCRACY IN THE PHILIPPINES

The Philippines had a turbulent past. In 1521 the lands of modern day Philippines were claimed by Spain who ruled over the Philippines until 1898. In 1898 when Spain went to war with the U.S., it was faced with defeat and the Spanish government decided to sell the Philippines to the U.S. Under the Treaty of Paris of 1898 the U.S. bought the Philippines from Spain for \$20 million dollar. The U.S. ruled draconically over the Philippines until 1935 when Woodrow Wilson became the president of the U.S. Under Wilson's leadership political institutions were developed that would ensure the establishment of a free and democratic Filipino government.⁴² After the 1946 elections in the Philippines the U.S. withdrew its sovereignty over the Filipino people. Democracy persisted in the Philippines until 1972 when the then leader, Ferdinand Marcos, declared martial law and continuously dictated the Philippines until 1986. In 1986 years of non-violent protest against the Marcos regime paid off as democracy was restored in the Philippines. Consecutive democratic elections were held and today the Philippines are considered to be a democracy.⁴³ After the 2004 Philippine elections the Press Secretary

³⁹ C Dalphino, "The war on terror in Southeast Asia" published in the **San Diego Tribune**, December 19, 2001, available at <http://www.brookings.edu/views/op-ed/dalpino/20011219.htm>.
⁴⁰ VFA, Full text of the Visting Forces Agreement between U.S. and R.P. available at <http://www.chanrobles.com/vistingforcesagreement1.htm>.

⁴¹ **National Security Strategy of the United States of America**, September 2002.

⁴² Wikipedia, History of the Philippines, available at http://en.wikipedia.org/wiki/History_of_the_Philippines.

⁴³ Ackerman and Duvall, pp. 376-82.

of the White House in a press statement praised the Philippines by saying that "the Philippines have demonstrated the strength of their democracy".⁴⁴

The following section will provide an assessment of the quality of democracy in the Philippines based on the IDEA framework.⁴⁵ Assessments are divided into two sections, 'domestic' and 'cooperation'. 'Domestic' will provide a brief description of the nature of Philippine democracy as a result of domestic forces. 'Cooperation' will assess how cooperation between the U.S. and the Philippines has impacted on democracy.

5.1 Citizenship, law and rights

5.1.1 Nationhood and citizenship

Domestic: The 1987 Constitution awards universal citizenship to all Filipinos.⁴⁶ However, not all Filipinos identify with the Republic of the Philippines. Since the 1970s insurgency groups have been demanding the establishment of an independent state in the south of the Philippines. Secessionist ideals can be divided into two categories: 1) groups aiming to ensure a communist state, and 2) groups wanting to establish a Muslim state.⁴⁷ A peace agreement signed in 1996 granted autonomy to the Muslim regions, but various secessionist groups refused to relinquish their independence ideals and violence continued. Clashes between various secessionist groups and between secessionist groups and the Filipino military resulted in loss of life on both sides and in the displacement of cultural and indigenous minorities.⁴⁸

Cooperation: Cooperation between the U.S. and the Philippines has fueled the secessionist ideals of groups like the CCP. The Philippine government and the MILF are once again involved in peace negotiations, but the U.S. is not actively supporting the negotiations.

5.1.2 The rule of law and access to justice

Domestic: The rule of law in the Philippines is generally weak and the judiciary, although independent, does not function effectively. The legal system is renowned

⁴⁴ "The White House, U.S. congratulates Philippines on successful presidential vote, June 24, 2004", available at <http://japan.usembassy.gov/e/p/tp-20040628-20.html>.

⁴⁵ About International IDEA, available at <http://www.idea.int/institute/inst-intro.html>.

⁴⁶ Amnesty International, 2004, "The Philippines", available at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/philippines.htm>.

⁴⁷ BBC, "Guide to the Philippine conflict", available at <http://news.bbc.co.uk/2/hi/asia-pacific/1695576.stm>.

⁴⁸ P Abinales, "Great Decisions 2004 Author Interview Series, The Philippines, April 7, 2004", available at http://www.fpa.org/topics_info2414/topics_info_show.htm?doc_id=220461.

for benefiting wealthy and influential offenders, while less affluent offenders are treated ruthlessly and generally spend a very long time awaiting trial. Corrupt officials head prisons and prison conditions are harsh with limited sanitary facilities. Female inmates are often the victims of rape by prison guards and members of the police. Police personnel are regularly accused of illegal killings and of torturing suspects.⁴⁹ In a recent report the Filipino Human Rights Commission⁵⁰ concluded that the police are indeed the "worst human rights offender" in the Philippines. The Philippine government reacted to this report by expanding human rights training programmes for police and military officers.

Cooperation: The U.S. military stated that the cooperation between the U.S. military and the Filipino military would expose the Filipino military to military practices based on human rights.⁵¹ However, upon the signing of the Visiting Forces Agreement the human rights record of both the U.S. and the Filipino military were questioned.

The Military Bases Agreement between the U.S. and the Philippines until 1991 contained a clause that awarded extraterritorial rights to U.S. servicemen.⁵² This clause was often used to exonerate U.S. servicemen accused of raping and killing Filipino nationals. Article V of the Visiting Forces Agreement awards similar rights to U.S. nationals. According to this article the Philippine government abdicates their jurisdiction over American nationals that come to the Philippines under the banner of the VFA and any request by the Philippine government to prosecute an American national can be refused. Various civil society groups criticised this provision claiming that it is not in line with the Filipino constitution and it is not in the best interest of Filipino nationals.

5.1.3 Civil and political rights

Domestic: The constitution secures the rights of cultural minorities and indigenous groups and allow for religious freedom. The dominant religion in the Philippines is Roman Catholicism, except in the southern provinces where Islam is the dominant religion. Muslims in the Philippines are generally referred to as 'Moros', the Spanish term for believers of Islam. Moros and indigenous minorities were subjected to discriminatory practices under American rule and under the Marcos

⁴⁹ Amnesty International, 2004, "The Philippines", available at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/philippines.htm>.

⁵⁰ Philippines Commission on Human Rights, available at <http://www.codewan.com.ph/hrnow>.

⁵¹ B Decker, "A fair fight in the Philippines", published in the *New York Times*, March 2003, available at <http://www.pacom.mil/articles/articles2003/031020story1.shtml>.

⁵² F Nemenzo, "What's wrong with the Visiting Forces Agreement", paper delivered at the National Defence College of the Philippines, available at <http://www.philsol.nl/A99a/VFA-Nemenzo-1.htm>.

regime. Discrimination is no longer formally institutionalised, but informal discriminatory practices persist and members of indigenous communities still have limited access to some basic government services.⁵³

Cooperation: During the discussions on the adoption of the VFA President Arroyo publicly declared "protectors of terrorists, allies of murderers and Abu Sayyaf lovers, you are not a Filipino if you are against peace. You love the terrorist more than your own soldiers."⁵⁴ This indicated that the Philippine government was adopting the same 'us vs. them' approach as the U.S. politicians from within the ruling People's Power Coalition and various opposition politicians criticised this approach and warned that it could have serious implications for domestic politics in the Philippines.

Also, the cooperation between the U.S. and the Philippines allows the U.S. to identify the number one 'enemy' in the Philippines. The U.S. identified Abu Sayyaf as a potential international terrorist threat and consequently the VFA was directed at neutralising the Abu Sayyaf. However, Philippine interests and U.S. interests are not the same. Singling out one secessionist group, gives a certain status to that secessionist group and this can infuriate the violent actions of other secessionist groups in the Philippines. Furthermore, identifying a group as an enemy of the state denies that group a cluster of political rights, and the line gets blurred between members of the group supporting certain ideals and members of the group that commit violent crimes.⁵⁵

5.1.4 Economic and Social Rights

Domestic: According to the constitution economic and social rights are guaranteed equally to all Filipinos. Years of discriminatory practices against the Moros and indigenous communities resulted in inequality among social groups in the Philippines.⁵⁶ The Moros regularly accuse the central government of deepening these inequalities by only adopting development projects that will benefit majority-Christian areas. According to a survey conducted by the Asian Development

⁵³ Amnesty International, 2004, "The Philippines", available at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/philippines.htm>.

⁵⁴ G Leupp, "The Philippines: 'Second Front' in the US's global war on terror", available at <http://www.counterpunch.org/leupp2.html>.

⁵⁵ U.S. State Department, "Philippines 'New People's Army' redesignated as a terrorist group", available at <http://japan.usembassy.gov/e/p/tp-20040811-11.html>.

⁵⁶ Amnesty International, 2004, "The Philippines", available at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/philippines.htm>.

Bank⁵⁷ Muslim-majority areas are indeed still lacking behind Christian-majority areas on all development indicators.

Cooperation: A facilitator at the Silsilah Institute⁵⁸ that promotes dialogue between Christians and Muslims in the region stated that historically the treatment of Muslims have not been fair and government actions under the guises of the VFA are further dividing groups. The U.S. initiated that aid should be handed out to regions in which U.S.-Philippine operations are performed.⁵⁹ This aid however only ensures short-term relief and the aim of these aid operations are to ensure a feeling of goodwill towards the U.S. and Filipino militaries, not to redress the social and economic problems of the region. Furthermore, economic aid promised to the Philippines as part of the Millennium Challenge Account, has not realised. The U.S. stated that it would not give aid to the Philippines until the Philippines could ensure a peace agreement between the Philippine government and secessionist groups in the South.⁶⁰

5.2 Representative and accountable government

5.2.1 Free and fair elections

Domestic: Popular elections are the main mechanism for the transfer of power in the Philippines and elections are usually marked by a high voter turnout. All democratic elections were marked by some degree of election fraud, but despite this, election outcomes are usually accepted by the majority of society. Violence usually accompanies Filipino elections and in 2001 a hundred Filipinos died in incidents of violence related to the national elections.⁶¹ During the run-up to the 2004 elections a hundred people died in violence related to the elections; polling day, however, was regarded as peaceful.⁶²

Cooperation: The cooperation between the U.S. and the Philippines did not impact on the freeness and fairness of elections. It is however interesting to note that pre-

⁵⁷ Asia Development Bank, "The Philippines", available at <http://www.adb.org/Philippines/default.asp>.

⁵⁸ B Cayoncat-Macaraya, "Battling rebels in the Philippines", available at <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2003/07/06/MN274481.DTL&type=printable>.

⁵⁹ Decker, "A fair fight in the Philippines", published in the *New York Times*, March 2003, available at <http://www.pacom.mil/articles/articles2003/031020story1.shtml>.

⁶⁰ A Wayne, "Reforms needed to sustain growth", available at <http://japan.usembassy.gov/e/p/tp-20040901-10.html>.

⁶¹ Amnesty International, 2004, "The Philippines", available at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/philippines.htm>.

⁶² *The Economist*, "Democracy as showbiz", published July 1, 2004, available at http://www.economist.com/displayStory.cfm?story_id=2876966.

election polls indicated that the Filipino people rated the need for job creation and getting rid of corruption higher than fighting terrorism.⁶³

5.2.2 The role of political parties

Domestic: Popular representation in the House of Representatives is ensured through a party list system. Representation is further enhanced by special legislation that requires 20% of the Lower House to be comprised of representatives from parties with marginalised constituents. Political parties in the Philippines are generally considered to be weak and lacking internal democratic structures.⁶⁴ Most political parties are composed of élites and their dynasties and accordingly only act in their own interest.⁶⁵ There is currently a bill before Congress that aims to strengthen political parties.

Cooperation: Political parties were put under pressure by Operation Balikatan, with tensions arising over whether or not to support the U.S. and the policies of the Philippine government. Society is increasingly demanding that opposition parties offer alternatives to policies employed by government so that political choices are not just limited to the government approach or the terrorist alternative. Tensions also arose within the ruling party. When the Vice-President, Teofista Guingona, publicly criticised the Arroyo administration's policies and pointed out possible consequences of Philippine involvement in Iraq, he was accused of being a communist lover. This raised questions over the levels of tolerance within the ruling party.⁶⁶

5.2.3 Government effectiveness and accountability

Domestic: The constitution obliges government to act in an accountable and transparent manner. Related laws and codes of ethics supplement these constitutional requisites. A lack of independence and resources are limiting the effectiveness of democratic institutions and watchdog bodies like the Civil Service Commission, the Office of the Ombudsman and the Anti-graft Court.⁶⁷

⁶³ **The Economist**, "Vote winning", published April 1, 2004, available at http://www.economist.com/displayStory.cfm?story_id=2562340.

⁶⁴ CS Thijn, "Assessing democracy in Southeast Asia: Towards regional grassroots empowerment", available at <http://www.csis.org/papers/wps051>.

⁶⁵ **The Economist**, "Democracy as showbiz", published July 1, 2004, available at http://www.economist.com/displayStory.cfm?story_id=2876966.

⁶⁶ **Daily Inquirer**, "U.S. military presence in the Philippines", available at <http://www.philsol.nl/news/02/USMinda06-jul02.htm>.

⁶⁷ CS Thijn, "Assessing democracy in Southeast Asia: Towards regional grassroots empowerment", available at <http://www.csis.org/papers/wps051>.

Cooperation: The VFA has curbed the influence that the Filipino people and the Senate have over decisions relating to military operations. According to the VFA the Philippine government should give its consent for every decision made under the banner of the VFA. Disagreement, however, arose over which state department should assume responsibility for this task. After much deliberation it was decided that the Mutual Defence Board, a U.S.-Philippine conference committee, should assume responsibility. The Filipino people and the Senate have no influence over the Mutual Defence Board.⁶⁸

5.2.4 Minimising corruption

Domestic: Corruption and cronyism are common features of the Philippine government and a culture of impunity towards corruption exists. The extent of corruption in the Philippines were reflected in a Transparency International Survey⁶⁹ that rated the Philippines as the third most corrupt country in Asia, and the eleventh most corrupt country in the world.

Cooperation: The Balikatan Operations increased incidents of corruption in the Philippine military to the detriment of the operations. The chief of the Philippine armed forces in a recent speech pointed out that there are incidents of graft and corruption at all levels of the Filipino military. In many instances Filipino military officers were implicated in ransom agreements, allowed Abu Sayyaf members to evade capture in return for payoffs and U.S. weapons were sold to secessionist groups. Raids on MILF bases turned up caches of arms with Philippine military markings on it, American M-16s were found in the possession of Abu Sayyaf members and other American arms including assault rifles, grenade launchers, and other arms were used against the Philippine troops. This means that a significant amount of U.S. military aid is indirectly benefiting secessionist groups.⁷⁰

5.2.5 Civil-military relations

Domestic: Another principle enshrined in the constitution is the principle of civilian supremacy. National security and defence policy is subject to civilian oversight and scrutiny, while a civilian appointed by the President heads the Department of National Defence. In addition the military is also accountable to

⁶⁸ F Nemenzo, "What's wrong with the Visiting Forces Agreement", paper delivered at the National Defence College of the Philippines, available at <http://www.philsol.nl/A99a/VFA-Nemenzo-1.htm>.

⁶⁹ Transparency International, Philippines: "Donors predicate aid on corruption clean-up", published in the TI newsletter, 2000, available at <http://www.transparency.org/newsletters/2000.3/reports.html#phili1>.

⁷⁰ B Decker, "A fair fight in the Philippines", published in the New York Times, March 2003, available at <http://www.pacom.mil/articles/articles2003/031020story1.shtml>.

democratic institutions like the Ombudsman and the Commission for Human Rights. Despite the legal provisions effective civilian control over the military does not exist.⁷¹

Cooperation: The cooperation between the U.S. and the Philippines to a certain extent indicated that the Philippines are still dependent on U.S. assistance when it comes to security matters.⁷² Also, in July 2003 a mutiny in the military indicated the weak civilian control over the military and the ability of the military to cause political destabilisation. On July 27th a group of 296 junior military officials seized a shopping mall and demanded that President Arroyo steps down as the Filipino president. The mutiny was more a manifestation of the internal problems of the military than a threat to national security.⁷³ The mutineers claimed that their actions were a response to the high levels of corruption present among senior military officials and to the poor salaries and working conditions of junior personnel. The mutineers accused senior officers of selling ammunition and arms to communist and Muslim separatists thereby endangering the lives of junior officers. Also, they claimed that senior officials instigated two bomb attacks in Davao with the purpose of persuading the U.S. to give more aid to the Philippine army to fight terror.

5.3 Civil society and popular participation

5.3.1 The media

Domestic: Press freedom is enshrined in the Philippine constitution and the private press and other media agencies are essentially outspoken.⁷⁴ However, news reports are usually aimed at sensationalism and a lack of strict journalistic ethics and investigative reporting exist. According to the Center for Media Freedom and Responsibility⁷⁵ 17 Filipino journalists were killed since 1998. In 2003 seven Filipino journalists were killed in work related incidents, but so far nobody has been brought to justice for the murders.

⁷¹ CS Thijn, "Assessing democracy in Southeast Asia: Towards regional grassroots empowerment", available at <http://www.csis.org/papers/wps051>.

⁷² F Nemenzo, "What's wrong with the Visiting Forces Agreement", paper delivered at the National Defence College of the Philippines, available at <http://www.philsol.nl/A99a/VFA-Nemenzo-1.htm>.

⁷³ **The Economist**, "In search of a conspiracy", published July 31, 2004, available at http://www.economist.com/world/asia/displayStory.cfm?story_id=1957690.

⁷⁴ Amnesty International, 2004, "The Philippines", available at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/philippines.htm>.

⁷⁵ Center for Media Freedom and Responsibility, "Philippine Journalism Review", January 2004, available at <http://www.cmfr.com.ph/>.

Cooperation: Cooperation between the U.S. and the Philippines did not impact on press freedom. The media, however, failed to provide objective assessments of events related to the cooperation.⁷⁶

5.3.2 Political participation

Domestic: The Philippines has a very vibrant civil society, and citizens are free to organise protests, rallies and other demonstrations. Trade unions are independent, but strict labour laws constrain the actions of unions.⁷⁷

Cooperation: The cooperation between the U.S. and the Philippines is influencing the way in which the actions of civil society groups are perceived. President Arroyo refers to groups who support her stance on the U.S. as civil society groups, while groups who oppose her view are often ignored. This has serious implications for the autonomy, legitimacy and effectiveness of civil society groups. Also, the efforts of secessionist groups to influence public opinion and participation are denounced as propaganda seeking. After the Communist Party of the Philippines and the National Democratic Front had mobilised public opinion against the VFA, the Filipino government denounced these actions as the tactics of a scared group.⁷⁸

5.3.3 Decentralisation

Domestic: The constitution provides for the autonomy of Local Government, but the supervision of Local Government continues to be in the hands of Central Government and the amount of internal revenue allocated to Local Government is never fully made available. Local Governments and rural municipalities are extremely poor.⁷⁹

Cooperation: U.S.-Philippine cooperation had no impact on decentralisation in the Philippines.

⁷⁶ Center for Media Freedom and Responsibility, "Media missed an opportunity to make a difference", available at <http://www.cmfr.com.ph/>.

⁷⁷ Amnesty International, 2004, "The Philippines", available at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/philippines.htm>.

⁷⁸ J Sison, "US imperialism and its Philippine puppet state are terrorist and not the revolutionary forces of the Filipino people", available at <http://www.mindanews.com/2004/02/24vcs-ndf.html>.

⁷⁹ CS Thijn, "Assessing democracy in Southeast Asia: Towards regional grassroots empowerment", available at <http://www.csis.org/papers/wps051>.

5.4 Democracy beyond the state

Domestic: The Philippines were still in good relations with Iraq when it decided to go to war with Iraq in support of the U.S.

Cooperation: The cooperation between the U.S. and the Philippines resulted in an interdependent foreign policy and the Philippines sent troops to Iraq in support of the U.S.'s efforts in Iraq.⁸⁰ This cooperation however came to an abrupt end after the Islamic Army of Iraq had kidnapped a Filipino national and kidnappers demanded the withdrawal of Philippine troops from Iraq. President Arroyo gave in to domestic pressure to withdraw all fifty-one Philippine troops from Iraq. The U.S. and the allies of the U.S. criticised Arroyo's decision stating that her actions would affect the fate of other forces in Iraq and domestic politics in the Philippines.⁸¹

In a speech delivered shortly after the withdrawal of Philippine troops from Iraq, Arroyo however stated that she "cannot apologise for being the protector of her people".⁸² More than eight million Filipinos work overseas and the Philippine economy is dependent on the remittances sent home by these expatriates. Arroyo argued that by protecting Filipino nationals abroad, she is acting in the best economic interest of the Philippines. Arroyo's decision "was seen as a victory for the working class in a country often dominated by political élites".⁸³

6. THE DEMOCRATIC IMPLICATIONS OF COOPERATION

Firstly, the involvement of the U.S. in the Philippines is intensifying the weaknesses already present in the Philippine democracy.

The U.S. is right when it argues that democracy can offer a number of benefits to citizens that other forms of government cannot. However, only in an ideal democracy will citizens enjoy all the benefits that democracy has to offer. Democracies develop over time and it is possible for a country to be considered democratic even though certain democratic institutions do not function effectively. In the Philippines high levels of corruption among state officials, cronyism among politicians and a lack of accountable government mar democratic institutions.

⁸⁰ CNN, "Philippine troops out of Iraq", CNN report on 19 July 2004, available at <http://www.cnn.com/2004/WORLD/meast/07/19/iraq.philippines/index.html>.

⁸¹ CNN, "Allies slam Philippine move", CNN report on 15 July 2004, available at <http://www.cnn.com/2004/WORLD/meast/07/15/philippines.hostage0930/index.html>.

⁸² CNN, "Arroyo defends Iraq pull out, 'People first' said president", CNN report on 26 July 2004, available at <http://www.cnn.com/2004/WORLD/asiapcf/07/26/philippines.arroyo/index.html>.

⁸³ Ibid.

The cooperation between the U.S. and the Philippines intensified these weaknesses and individual citizens are paying the price. Corruption in the armed forces has reached new heights. The corruption in the military is reducing the strength of the military, while the sale of weapons to secessionist groups is strengthening these groups. This is impacting on the ability of the military to effectively fight terror and in the process protect civilians. Furthermore, the military mutiny indicated the discontent of military officials and the potential that this discontent has to result in political instability.

In a country where citizens have limited influence over government decisions, the VFA further alienated government from the people. Decisions relating to cooperation were taken by the Filipino élites and therefore reflect the interest of the élite. The establishment of the Mutual Defence Board further restricted the influence that civilians had over decisions relating to cooperation. After the kidnapping of a Filipino national the Philippine government indeed gave in to public demands, but this action was heavily criticised by the U.S. government and influenced the relationship between the U.S. and the Philippines.⁸⁴

In this context the central problem of cooperation is the short-term nature of anti-terrorist efforts. The short-term cooperation between the U.S. and the Philippines is impacting on the quality of democracy in the Philippines and no policies were put in place to counter this in the long run.

Secondly, accepting military aid from the U.S. increased the perception that the Philippine government rates national security higher than civilian concerns.

Between 1994 and 2003 the Philippines spent about 1,2% of its Gross National Product (GNP) on defence. In comparison to other Asian countries this is very low. After the signing of the VFA the Philippines indicated that the military aid received from the U.S. would enable the Philippine government to modernise the armed forces without the Filipino people footing the bill.⁸⁵

The Philippines have suffered an economic crisis since 1997 and a recent report by the National Anti-Poverty Commission⁸⁶ stated that if government persists with current social policies, the poor will suffer more than they are already suffering. There is a serious need for economic reform and reprioritisation of national spending. In this context various groups are arguing that the Philippine government

⁸⁴ See discussions under 5.2.3; 5.2.4; and 5.2.5.

⁸⁵ An assessment of factors influencing defence spending in the Philippines, available at http://www.atlasusa.org/pdf/esid_2004_crc.pdf.

⁸⁶ A Wayne, "Reforms needed to sustain growth", available at <http://japan.usembassy.gov/e/p/tp-20040901-10.html>.

should cut its military spending and rather allocate the funds to social and economic sectors. The Philippine government are also criticised for accepting military aid from the U.S. at the expense of economic aid. Critiques argue that nowhere in the VFA did the U.S. commit itself to assisting in the modernisation of the Philippine armed forces. The U.S. provided the military aid suited to their cause and are now not obliged to further assist the Philippines economically.⁸⁷

Terrorist groups, notably the New People's Army (NPA), are taking advantage of this dissatisfaction with the Philippine government's military spending to further their cause. The NPA on their website accused the Philippine government of becoming the puppets of the U.S. who would act in a way that benefits the U.S. at the expense of their own people.⁸⁸

Thirdly, the violation of civil and political rights is deepening the existing divisions within society.

The use of the 'us vs. them' approach by a government within the boundaries of a state impacts on the citizenship of individuals and on the perceived citizenship of groups. In the Philippines where the 'them' group already has secessionist ideals, this can have serious implications for democracy.⁸⁹

Successive governments employed discriminatory practices against the Moros and other minority groups. These practices downgraded the Moros and other minority groups, while portraying the Christian majority as the superior group. This effectively divided the Philippine society along religious lines. The divisions within society resulted in the birth of secessionist ideals among the Moro people who wanted to establish a state that would ensure the recognition of the Moro culture and would benefit the Moro people. The dominant political groups among the Moro people proposing these ideals are the groups now portrayed as terrorist because of the actions used to further this cause.

The distance between government and the Moro people is still hindering the Philippines. By once again using the 'us vs. them' approach the Philippine government will increase this gap and consequently strengthen the support for secessionist groups. To many of the Moros living in the south the secessionist

⁸⁷ F Nemenzo, "What's wrong with the Visiting Forces Agreement", paper delivered at the National Defence College of the Philippines, available at <http://www.philsol.nl/A99a/VFA-Nemenzo-1.htm>.

⁸⁸ J Sison, "US Imperialism and its Philippine puppet state are terrorist and not the revolutionary forces of the Filipino people", available at <http://www.mindanews.com/2004/02/24vcs-ndf.html>.

⁸⁹ See discussion under 5.1.3.

groups represent their political ideals; by denouncing these groups, the government is denouncing the ideals of the people, and consequently the people themselves.

Since 1986 various initiatives have aimed to address the inequalities among social groups in the Philippines and tried to ensure nation-building. The official use of the 'us vs. them' approach by President Arroyo is undermining all these efforts and can return these images within the minds of society.⁹⁰

Fourthly, cooperation addresses the international dimension of terrorism, not the domestic dimension.

The U.S. cooperated with the Philippines to eradicate the Abu Sayyaf group, because the US feared that the Abu Sayyaf poses an international and regional threat. The U.S. further argued that the training and arms provided to the Philippine armed forces would empower them to fight domestic terrorism more effectively.⁹¹

However, terrorism in the Philippines is not a homogenous problem that can be addressed through military power alone. Terrorist activities in the Philippines take on many forms and terrorists use both violent and nonviolent political activities.⁹² Therefore, military power is not the panacea for domestic terrorism. The Philippine government would be better served by adopting an anti-terrorist strategy that takes into account the political, social and economic dimensions of domestic terrorism. The U.S. is not committed to supporting the Philippines in such an endeavour.

Except for the alleged eradication of the Abu Sayyaf⁹³ there are no indications that cooperation with the U.S. has ensured better domestic security. On the contrary, terrorist groups in the Philippines are interrelated and a threat to one is seen as a threat to all. U.S.-Philippine operations against the Abu Sayyaf increased the resistance from all other groups. The U.S. indicated that they would assist the Philippines in fighting these groups by sending U.S. troops to the Philippines to engage in combat with terrorist groups. The Philippine government declined the offer because the Philippine constitution forbids foreign troops to engage in combat on Philippine soil.

⁹⁰ United States Peace Institute, December 2003 Vol. X. No. 1, available at <http://www.usip.org/peacewatch/2003/12/phil2.html>.

⁹¹ See discussion under 5.2.5.

⁹² Wilkinson, "Terrorism versus democracy, p. 124.

⁹³ CNN, "Manilla captures senior Abu Sayyaf", CNN report on December 7, 2003, available at <http://www.cnn.com/2003/WORLD/asiapcf/southeast/12/07/philippines.abusayyaf/index.html>.

Finally, the U.S. is not actively supporting peace negotiations in the Philippines.

The U.S. chose a military approach to fight terror in the Philippines instead of the political and diplomatic approaches usually associated with democracy. One of the reasons for this decision can be that the U.S. fears that peace negotiations in the Philippines are an open-ended commitment. The 1996 peace agreement between the Philippine government and the MILF did not last and the US cannot be assured that new peace accords will be more successful. The U.S. reduced its role in the peace negotiations to that of technical support provided by the U.S. Peace Institute and the promise of \$30 million in aid upon the signing of a peace agreement. The U.S., however, retracted this offer for aid, because the peace negotiations were not progressing fast enough.⁹⁴

The irony is that the U.S. is willing to send troops to the Philippines to engage in active combat with the MILF, but the U.S. is not willing to support peace negotiations between the Philippine government and the MILF. Instead the key foreign actors in the negotiations are Malaysia and Libya,⁹⁵ two countries who are not renowned for their democratic practices.

7. FIGHTING TERROR AND SAFEGUARDING DEMOCRACY

The cooperation between the U.S. and the Philippines against terror is not safeguarding democracy in the Philippines. It appears that despite the intentions of the U.S. to use the various tools to its disposal, it has adopted a universal counter-terrorism strategy based on force. No universal counter-terrorism strategy can succeed in successfully addressing terrorism in a democratic country.⁹⁶ Each democracy has its own characteristics that influence and fuel the conflict between the democratic government and the terrorist group/s. Therefore any counter-terrorism strategy that also aims to safeguard democracy should be holistic and take into account "the nature and the severity of the threat, the political, social and economic context, the police and judicial system, existing [lack of] anti-terrorism legislation and the value of military forces fighting terrorism".⁹⁷

The latest peace talks between the Philippine government and the MILF creates an opportunity for the Philippine government to address terrorism in a democratic manner. The 1996 peace agreement between the Philippine government and the MILF granted autonomy to the predominantly Muslim regions in the south of the

⁹⁴ See discussion under 4.

⁹⁵ US Peace Institute, "Facilitating peace in the Philippines", available at <http://www.usip.org/peacewatch/2003/12/phil.html>.

⁹⁶ Wilkinson, "Terrorism and the liberal state", p. 120.

⁹⁷ *Ibid.*, p. 121.

Philippines.⁹⁸ According to the 1996 agreement a council, chaired by the leader of the MILF, would be established that would supervise the development of the fourteen provinces included in the agreement, and after three years plebiscite and regional autonomy would be awarded to these provinces. The agreement eventually faltered because the MILF would not give up the ideals of a fully independent state. The death of the MILF leader, Salamat Hashim, in 2003, opened up the space for renewed peace talks between the Philippine government and the MILF and once again autonomy is under discussion.

Declaring the southern region autonomous would give the region the right to govern its own affairs. Consequently it would give the people in the region a measure of state power and a way through which to preserve their culture. However, a sustainable autonomy cannot come about through rushed negotiations and forced decisions by only a few of the regional actors. The terms and conditions of autonomy should be established through an extended process of negotiations.

Currently, the MILF and the Philippine government are the main actors in the negotiations. This is problematic for two main reasons. Firstly, the MILF is not the only secessionist movement in the region. Any agreement that is reached with only the MILF will benefit mainly the MILF, and this will not lessen the secessionist ideals of other groups or their belief that freedom can only be obtained through violence. Other groups also need to be included, especially in discussions relating to the distribution of power. Secondly, people living in the southern region do not have much faith in systems of government. Successive Philippine governments denied Moros access to the political system and even after democracy the southern regions received few benefits from government. If autonomy also disempowers society, then society will not support and sustain it. The legitimacy of autonomy already needs to be established during the negotiation process by including civil society and secessionist groups.⁹⁹

Secessionist groups in the Philippines are renowned for their human rights abuses. It is important to already discuss the rights of individuals and groups during the negotiation process. Autonomy will alter the relationship between groups in the regions, strengthening some while weakening others, thereby creating new minorities. If the region is allowed to opt out of standard human right provisions there will be no way to protect these groups against victimisation.¹⁰⁰

⁹⁸ IDEA, "The structure of the state: Federalism vs. autonomy", available at http://www.idea.int/publications/democracy_and_deep_rooted_conflict/ebook_chapter4_2.html.

⁹⁹ **Ibid.**

¹⁰⁰ **Ibid.**

Measures should be put in place to ensure that decisions are implemented. Special political or administrative bodies consisting of various role-players can be established to oversee the implementation process. These bodies should ensure that both sides present their side of the bargain. It is especially important to ensure that the corruption and the lack of efficiency and accountability on the part of the Philippine government do not undermine the whole process. International supervision and conditionalities can also be used to ensure that both sides stick to the agreements. The U.S. started to play a role in this capacity, but distanced itself from the peace process because of its protracted nature.¹⁰¹

Finally, it would be beneficial if the inhabitants of the southern regions could give their consent to the final proposal in a referendum. This would act as an indication of society's stance on the final proposal. If the proposal is defeated, it will be important to strike a balance between the people and the leaders.

Irrespective of the outcome of the peace negotiations the Philippine government will have to introduce some democratic reforms to ensure that it can counter terrorism more effectively.

8. CONCLUSION

As part of their global War on Terror the U.S. cooperated with the Philippine government in a counter-terrorism operation in the Philippines. Despite the centrality of democracy in the War on Terror, the counter-terrorism cooperation between the U.S. and the Philippines could not adequately safeguard democracy.

The U.S. wrapped their security goals in the language of democracy without taking democracy into consideration. By doing this, the U.S. is reducing democracy to a strategy that can be employed to justify certain political outcomes not related to democracy. Maybe the U.S. still prefers great power realism to idealistic notions such as nation-building.

The Philippine democracy is suffering many weaknesses and limitations that are undermining effective counter-terrorism strategies. Any future counter-terrorism strategies should take this into account. Renewed talks between the MILF and the Philippine government are providing the Philippine government with an opportunity to do just this. Talks however should not be confined just to the MILF and the Philippine government, but should include all secessionist groups and various civil society groups.

¹⁰¹ **Ibid.**