

THIRTEETH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
P. S. R. No. 201

RECEIVED BY: _____ *G*

Introduced by Senator Miriam Defensor Santiago

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE 1951 RP-US
MUTUAL DEFENSE TREATY SHOULD BE REVIEWED IN THE CONTEXT OF
GLOBALIZATION, AND OF THE CHANGED AND CHANGING CIRCUMSTANCES
THAT IMPINGE ON THE TREATY

WHEREAS, the Constitution, Article II, Section 7, provides that: "The Philippines shall pursue an independent foreign policy. In its relations with other states the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination";

WHEREAS, the Mutual Defense Treaty between the Republic of the Philippines and the United States (here referred to as the "Treaty") was signed in Washington, D. C., on 30 August 1951; and was concurred in by the Philippine Senate on 12 May 1952;

WHEREAS, the Philippine instrument of ratification was signed by the President on 27 August 1952, the Treaty entering into force on the same date; thus the Treaty is now 53 years old, and has been operating for over half a century;

WHEREAS, the Treaty provides in part:

ARTICLE I. The parties undertake as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relation from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

ARTICLE II. In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack.

ARTICLE III. The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty and whenever in the opinion of either of them the territorial integrity, political independence or security of either of the Parties is threatened by external armed attack in the Pacific.

ARTICLE IV. Each Party recognizes that an armed attack in the Pacific area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional process.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE V. For purposes of ARTICLE IV, an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific Ocean, its armed forces, public vessels or aircraft in the Pacific.

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ARTICLE VIII. This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

WHEREAS, the agreement between the government of the Republic of the Philippines and the Government of the United States of America regarding the Treatment of United States Armed Forces Visiting the Philippines (here referred to as "VFA") signed in Manila on 10 February 1998, in its Preamble, reaffirms the obligations of the Philippines and the United States under the Treaty;

WHEREAS, in the VFA, Article I, it appears that the phrase "the activities approved by the Philippine Government," which must be interpreted in the light of the provisions of the Treaty, can only apply to activities in which the parties "declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area," as provided for in the VFA, Article V;

WHEREAS, since the end of the Cold War, new threats to the international peace and security, particularly international terrorism, have emerged; consequently, the Philippines, like other countries in the Asia-Pacific, is confronted with the challenges posed by international terrorism;

WHEREAS, on the international level, in the wake of the 9/11 terrorist attack on the United States, the United Nations Security Council adopted Resolutions 1371 and 1566, which, *inter alia*, condemn terrorism as one of the most heinous threats to international peace and security;

WHEREAS, the United Nations General Assembly (UNGA) Resolution 49/60, adopted on 17 February 1995, defines terrorism by providing as follows:

Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.

WHEREAS, on the regional level, the members of the Association of Southeast Asian Nations (here referred to as "ASEAN") adopted a Declaration on Terrorism at the 8th ASEAN Summit, held at Phnom Penh on 3 November 2002, stating their resolve to intensify their efforts, "collectively and individually, to prevent, counter and suppress the activities of terrorist groups in the region";

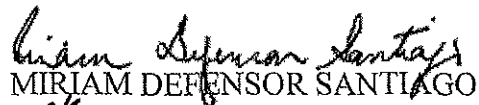
WHEREAS, although the Treaty does not provide for joint RP-US combat training exercises as part of the war against international terrorism, the Treaty serves as the basis for the combat training exercises under the VFA;

WHEREAS, it appears necessary and beneficial to both parties to review and renegotiate the Treaty to clarify the strategic military relationship between the Philippines and the United States, particularly the definition of certain concepts, such as "external armed attack," and "the war against international terrorism."

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to express the sense of the Senate that it is opportune to review the RP-US Mutual Defense Treaty in the light of globalization, and of the changed and changing circumstances that impinge on the Treaty.

WHEREFORE, be it further resolved, as it is hereby resolved by the Philippine Senate, to express the sense of the Senate that a request for review of the Treaty should be conveyed by the Department of Foreign Affairs to the Embassy of the United States to the Philippines, preferably at the next meeting of the Philippines-United States Mutual Defense Board (MDB).

Adopted,


MIRIAM DEFENSOR SANTIAGO
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