


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
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SENATE
P.S.R. No. 77

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE COMMITTEE ON FOREIGN RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, TO DETERMINE WHETHER THE PRESENCE OF AMERICAN TROOPS IN INDANAN, SULU CONSTITUTE UNLAWFUL COMBAT OPERATIONS

WHEREAS, the Constitution, Article 2, Section 7 provides that: “The State shall pursue and 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 Constitution, Article 2, Section 2 further provides that: “The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations”;

WHEREAS, the RP-US Visiting Forces Agreement, Article 2 provides that: “It is the duty of the United States personnel to respect the laws of the Republic of the Philippines and to abstain from any activity inconsistent with the spirit of this agreement, and, in particular, from any political activity in the Philippines. The Government of the United States shall take all measures within its authority to ensure that this is done”;

WHEREAS, under the Terms of Reference for RP-US Exercise Balikatan 02-1, “US Exercise participants shall not engage in combat operations, without prejudice to their right to self-defense”;

WHEREAS, according to the 15 August 2007 issue of the *Philippine Daily Inquirer*, heavily armed US Special Forces were allegedly seen leading a military convoy last 14 August 2007, in Indanan, Sulu, where the Armed Forces of the Philippines (AFP) are fighting insurgents;

WHEREAS, the American troops allegedly headed a convoy of military trucks ferrying Filipino Marines to a base in Jolo; the Filipino Marines are part of a military contingent pursuing Abu Sayyaf members;

WHEREAS, according to the same news report, US Embassy spokesperson Lee McClenny allegedly told the AFP that the Americans were mostly from the Special Forces and “are not involved in any combat roles”; McClenny reportedly clarified, however, that the American troops would “fire back if fired upon”;

WHEREAS, McClenny reportedly said that the role of the US troops “is to advise and assist the Philippine military. This is the main focus of our antiterror campaign”;

WHEREAS, National Security Adviser Norberto Gonzales reportedly told members of the media earlier this week that the US, British, and Australian military maintained “intelligence” units in southern Philippines, where local Muslim rebels are accused of providing training facilities to foreign al-Qaida-linked militants;

WHEREAS, States enjoy fundamental rights, which include the rights of existence, self-defense, territorial supremacy, independence, equality, diplomatic intercourse immunity, and respect; “these rights are basic, inherent, and essential to a State as a member of the international community”;

WHEREAS, under international law, States are duty-bound to conduct international relations in accordance with international law and to refrain from intervention;

WHEREAS, intervention is defined as “dictatorial interference by a State in the affairs of another State for the purpose of maintaining or altering the actual condition of things. Intervention may or may not involve the use of force”;

WHEREAS, the presence of American troops in Sulu, where Philippine troops are fighting insurgents, should be investigated in order to determine the extent of their participation in the activities of the AFP in the area;

WHEREAS, US military presence in southern Philippines must be in accordance with the Constitutional policies of national sovereignty, territorial integrity, national interest, and the right to self-determination; it must comply with the provisions of the Visiting Forces Agreement, the Terms of Reference for RP-US Exercise Balikatan 02-1, and generally accepted principles of international law;

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the Committee on Foreign Relations, particularly the Legislative Oversight on the Visiting Forces Agreement, to conduct an inquiry, in aid of legislation, on the alleged presence of American troops in Indanan, Sulu, and to determine whether there has been a violation of the law prohibiting American forces from engaging in combat operations in Philippine territory.

Adopted,


MIRIAM DEFENSOR SANTIAGO

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