

**EXTRAJUDICIAL KILLINGS IN THE PHILIPPINES
STRATEGIES TO END THE VIOLENCE**

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Statement

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I appreciate the opportunity to participate in this hearing on the tragic extrajudicial killings in the Philippines. Having lived in the Philippines for six years and now working to facilitate the peace process in Mindanao between the government and the Moro Islamic Liberation Front (MILF), I am well aware of the many political, economic and social issues underlying these violent acts.

The Philippine Facilitation Project of the Institute of Peace is an excellent model for active U.S. engagement in conflict situations. At the request of the State Department, the Institute has been working for nearly four years to end conflict between the central government in Manila and the Islamic Moro people of Mindanao. The centuries long conflict has made the southern Philippines one of the most violent areas of the country. The Institute is actively exploring with negotiators from the Philippine government and the MILF alternatives for resolving the long conflict. As an independent, non-partisan federal institution, the USIP is able to promote U.S. interests unofficially. Our work gives us insights into the causes of violence in society, not only in Mindanao but nationwide. That said, my remarks represent my opinion based upon my experience and do not necessarily reflect the views of the United States Institute of Peace, which does not advocate specific policy positions.

Root Causes of Violence

I believe there are two underlying causes of the violence. First, weak political and social institutions, particularly a corrupt and ineffective justice system, prompt citizens to resolve conflicts on their own. When one cannot obtain justice through the police or courts, alternative means are found. This can be through direct personal action, drawing upon family or clan support, or arranging for criminal or revolutionary organizations to settle matters.

In Philippine society, family is primary. Nearly any action can be justified if it is to support the family. Kinship ties extend well beyond the nuclear family, into clans and tribal or community groups. Identities often are based on familial or, being an island nation, geographical relationships rather than broader nationalism. In Mindanao, much of the violence is caused by clan conflicts, known as “rido,” which can continue for generations. Absent access to, or confidence in, justice through legal mechanisms and institutions, the aggrieved party often takes direct action against the perceived offender to obtain satisfaction.

The fractious nature of society leads to weak political institutions. Elite families who hold political and economic power in much of the country often seek to maintain their power in any way possible. Elections tend to be corrupt, candidates running against incumbents are often the targets of harassment if not violence, and voters are threatened with retribution for opposition to power holders. Prime targets also for threats and violence, including killings, are media or civil society investigators into political and economic corruption.

The second underlying cause of violence is the legacy of the Marco dictatorship. Martial law politicized the institutions of government and violence against anyone perceived to be opposed to government policies was tolerated if not authorized. Soldiers, police, judges and prosecutors became perpetrators of violent actions against broad segments of the population. Extralegal arrest, detention, incarceration, disappearances and killings (known as salvaging) were condoned and used to advance the regime’s power and reduce political opposition.

Many of those who opposed the Marcos regime responded in similar fashion. Lacking legal or safe alternatives, many allied themselves with revolutionary organizations for protection and influence. These included the National Democratic Front (NDF) of the Communist Party of the Philippines (CPP) and, in Muslim areas, the Moro National Liberation Front and subsequently the Moro Islamic Liberation Front. While many if not most of those who affiliated with the NDF during martial law years were not communist, the NDF provided the only available support network against Marcos. Marcos’ militarized response to the historical struggle of the Moros against Manila’s

colonial policies enhanced the appeal of those who advocated armed violence to counter military and militia pogroms against Muslim civilians. The violence of the Marcos regime abetted the communist insurgency and Moro decisions that safety was possible only through independence from the Philippines rather than by working within the political system.

Current Situation in the Philippines

I believe the present rash of violence and killings is the result of political instability and weakness. President Arroyo has expressed her determination to address and resolve the killings. She established the Independent Commission to Address Media and Activist Killings, headed by former Supreme Court Associate Justice Jose Melo. She also welcomed the investigation of Professor Philip Alston, the Special Rapporteur of the UN Human Rights Council. However, I question her capability to take the necessary steps to end the killings. She has been politically weak since her controversial election in 2004, depending upon support from military and provincial leaders to counter impeachment measures by her opponents in Congress. She has promoted military officers who support her and placed retired military and police officers in high-level civilian offices. Her challenge to the Armed Forces of the Philippines (AFP) to eliminate the decades old communist New Peoples Army (NPA) insurgency within two years has given the AFP a green light to take any action it wishes against the NPA and their allies. Faced with a persistent low-level NPA insurgency, the military resorts to stretching counterinsurgency strategies to branding leftist organizations as enemies of the state that can be intimidated or eliminated by any means.

The communist insurgency is a serious threat to the Philippine government and democracy. The world's last remaining Maoist insurgency, the NDF, uses violence and abuses democratic privileges to advance its power. As a legal political movement, NDF leaders are elected to Congress where they continue to oppose the administration and seek to block or destabilize government policies. During election campaigns, the NDF uses kidnappings, "revolutionary" taxes, threats and violence to support its candidates and harass opponents. The Party's political goals are to weaken the government, gain power through coalitions and eventually replace the democratic system with an ideological communist dictatorship.

One of the legacies of the Marcos regime is the continued alienation of many civil society elements from the government and especially the military. NGOs, religious bodies, academics, small farmers, and indigenous peoples remain suspicious of government officials and military personnel because of the oppression and violence used against them during martial law. Many

government officials, particularly in the armed forces and police, reciprocate the mistrust, seeing a communist hand behind civil society protests against administration policies and actions. Powerful elites influence local police or military commanders to use force against farmers' complaints over land grabs or workers' demonstrations over working conditions. Murders of activist farmers and labor leaders in rural provinces are covered up. Journalists investigating the crimes become targets. Similarly, prosecutors and judges are intimidated. Tragically, the result is further alienation from and resistance to the government.

The killings have become a major issue within the Philippines, yet there is little public outrage despite the release of the Melo Commission report and the initial criticisms of the Special Rapporteur of the UN Human Rights Council. Public perceptions are influenced by military and official attributions that most of the killings are internal CPP-NPA purges. Most civil society reaction has been from leftist oriented NGOs rather than mainstream organizations, further limiting public concern.

Short-Term Prospects in the Philippines

While we all hope the killings will stop immediately, I am not optimistic in the short run. I am confident, however, that through conscientious efforts by Philippine political and civil society leaders, as well as international partners such as the United States, this cycle of violence can be halted.

My pessimism over short-term remedial action by the government is based upon the following:

- It is election time again. Campaigning for national elections on May 14 is well underway. Little if any serious effort will be exerted to investigate killings of political significance. In fact, as contesting parties struggle to win by any means, there will likely be an upsurge of campaign related violence.
- Candidates from left-wing political parties will be particular targets. National Security Advisor Norberto Gonzales stated on March 8 that such candidates must not be allowed to win seats in the Congress. The Gonzales view that party-list candidates "are under the direct influence of the communist party" gives a potential hunting license to military and local officials who agree with him.

- The new anti terrorism law, which President Arroyo signed on March 6 gives new "legal teeth" to the government's war on terrorism. The Arroyo administration describes the law, titled the "Human Security Act of 2007," as being "very concerned on human rights." Many observers fear the law may increase unfettered military operations against opponents deemed to be terrorists. National Security Advisor Gonzales has already stated that the NPA will be labeled a terrorist organization when the new law is promulgated. Legal leftist organizations and elected individuals may be designated.

- The new Defense Secretary, Hermogenes Ebdane, Jr., is a retired police officer. He succeeds a civilian. Senior Department of National Defense officials are now mostly former military officers rather than civilians. Secretary Ebdane likely will promote military perceptions of security threats. UN Rapporteur Alston stated "the AFP is in a state of almost total denial...of its need to respond effectively and authentically to the...killings...attributed to them."

The killings and the state of democracy in the Philippines have implications for U.S. interests. Prolonged United States support for the Marcos regime in order to save our military bases alienated many in the Philippines. U.S. Ambassador Kenny has rightly expressed official U.S. concern over the extrajudicial killings. However, other U.S. interests -- counter terrorism cooperation and training opportunities the AFP provide U.S. forces -- may limit pressure on the Arroyo administration.

The U.S. Institute of Peace involvement in the Mindanao peace process provides insights into many of these issues. It is readily apparent that there are multiple, often uncoordinated, policymakers in the Arroyo administration with diverse agendas. The President has authorized her negotiators to propose a forward-looking self-determination package to the MILF. Yet, military officers in central Mindanao continue to support local political leaders who use their militia as private armies to contest MILF influence. The Arroyo administration avoids exercising national authority over local political and economic interests opposed to a peace agreement with the Moros so as to retain their support against administration opponents. It expends little effort to counter biased or incorrect media reports on Mindanao events.

Recommendations

The U.S. and other nations are not without influence to help end the violence of extrajudicial killings. The Philippines is sensitive to and dependent

on the goodwill and support of its neighbors and international donors. Some useful tools include:

- Donor nations and international financial institutions already have strong anti-corruption requirements for economic assistance. Linking assistance to forceful judicial reform and independent investigations of the killings would enhance the resolution of the cases.
- Philippine desires to qualify for the Millennium Challenge Corporation assistance gives the U.S. influence to demand rigorous action against the killings.
- The sizeable defense relationship the U.S. has with the Philippines provides a mechanism to encourage civilian control over the armed forces.
- Forceful public U.S. official support for human rights reforms and protections would counter some Filipino perceptions that U.S. concern over the killings is tempered by our efforts to counter terrorism.

Model for Success

The U.S. Institute of Peace has established a unique relationship with key players in the peace process in Mindanao. Working with minimal publicity, the Institute has made a significant contribution to the progress in the talks over the past four years. The Institute has worked closely with civil society to foster open debate to mitigate Filipino public prejudice and discrimination against the Moro minority. Engaging NGOs, church leaders, educators, and media representatives, the Institute seeks to change public perceptions of the conflict and the benefits a durable peace agreement would bring the nation. Similar programs focused on highlighting a need to end the extrajudicial killings and to bring perpetrators to justice could help strengthen judicial institutions and public demands for resolution of the killings.

The Institute's peace efforts supplement Embassy, USAID and the Pacific Command's counterterrorism and developmental programs and priorities. Working independently but cooperatively with these official U.S. agencies, the Institute addresses the political, religious, historical and social issues underlying the conflict. Parallel programs dealing with judicial reform, civilian control over security forces, and amelioration of the communist insurgency could begin to address the causes of the killings. Institute efforts to reduce intra-Moro clan and tribal conflict through support for dialogue and cooperation among the next generation of Moro leaders could be duplicated in other conflict situations, which now end in political killings.

Regrettably, the State Department's support for the Institute's facilitation project is ending just as the peace process is at a critical juncture. Once the negotiators reach agreement on outstanding issues, a politically contentious, long-term transition period to implement the agreement will require close monitoring and engagement. Granting the Moros self-determination will alter power relationships in Mindanao. The potential for extralegal violence is real. Continued Institute presence is critical to help both Muslim and Christian communities through this difficult period. Without renewed funding, however, the Institute's unique investment of trust and credibility with key players will be lost prematurely.

The coordinated approach U.S. agencies, the Institute of Peace, neighboring countries and international donors have used to advance the Mindanao peace process can be replicated to resolve the extrajudicial killings. U.S. interests would be served and the Philippines would benefit.

Thank you Madam Chairman. I welcome your questions and those of your colleagues.

The views expressed in this testimony are those of the author, not the U.S. Institute of Peace, which does not take positions on policy.