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# The Philippines: Background and U.S. Relations

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## The Philippines: Background and U.S. Relations

The United States and the Republic of the Philippines have a deep relationship that includes a bilateral security alliance, extensive military cooperation, close people-to-people ties, and many shared strategic and economic interests. The Philippines, situated east of the South China Sea and south of Taiwan, has long played an important role in U.S. Asia policy as a close security and counterterrorism partner. The Philippines is a democratic state where popular support for the bilateral relationship and the alliance is strong.

Ferdinand Marcos Jr. assumed the office of President on June 30, 2022, having won more than 31 million out of 55 million votes cast in national elections held in May. Marcos is the son of Ferdinand Marcos Sr., who ruled the country from 1965 until he was ousted by the 1986 People Power Revolution. Sara Duterte-Carpio, daughter of former President Rodrigo Duterte, won the Vice-Presidency. The Philippine constitution limits both the President and Vice-President, who are elected on separate tickets, to one six-year term.

The Philippines is the largest country recipient of U.S. military assistance in the East Asia-Pacific region, including Foreign Military Financing and assistance under the Department of Defense's Indo-Pacific Maritime Security Initiative. U.S. military personnel and the Armed Forces of the Philippines (AFP) hold regular bilateral military exercises and maritime patrols, collaborate on counterterrorism efforts, and conduct joint humanitarian activities. The U.S.-Philippines Enhanced Defense Cooperation Agreement, signed in 2014, allows for the increased rotational presence of U.S. military forces, ships, and aircraft in the Philippines. Despite some policies and stances of former President Duterte that strained U.S.-Philippine relations, U.S. and Philippine diplomatic and military officials attempted to maintain most security and other forms of cooperation. During their August 2022 meeting in Manila, U.S. Secretary of State Antony Blinken and President Marcos both pledged to strengthen the military alliance.

The Philippines has long battled Muslim armed separatist and terrorist groups in the south of the country. ISIS-East Asia (ISIS-EA), a loose collection of groups that have pledged allegiance to the Islamic State, has around 300-500 mostly Filipino and some foreign fighters who have carried out sporadic attacks in Mindanao and Sulu. The U.S. military has provided advisory and intelligence gathering support to the AFP in counterterrorism operations.

Former President Duterte's "War on Drugs" resulted in thousands of extrajudicial killings. Estimates of deaths from the anti-illegal drug campaign range from Philippine government figures of roughly 6,000 to counts by human rights organizations of up to 30,000. According to human rights groups, virtually all of the killings, which were carried out by police and armed vigilantes, occurred without due process, and the vast majority of victims were unarmed, poor, low-level offenders. In response, the U.S. government has suspended counternarcotics assistance to the Philippine National Police since 2016. Marcos administration officials have stated that the government will continue the drug war, though it will target large illegal drug operators rather than petty offenders and focus on drug rehabilitation.

The Philippines and the People's Republic of China (PRC) have long-standing disputes over waters and land features in the South China Sea. In 2016, a tribunal convened under the Permanent Court of Arbitration in The Hague concluded that China's "Nine Dash Line" territorial claims have no legal basis under the United Nations Convention on the Law of the Sea (UNCLOS). Since 2019, flotillas of PRC vessels have regularly massed around Philippine-occupied land features, and in 2019, a PRC vessel sank a Philippine fishing boat in disputed waters. The Duterte government did not focus on the tribunal ruling in its diplomatic efforts with China to address the territorial disputes. The Marcos administration has suggested that it will use the UNCLOS ruling to assert Philippine rights, while also seeking better relations with China.

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## Overview

The United States and the Republic of the Philippines have maintained a deep relationship that includes a bilateral security alliance, extensive military cooperation, close people-to-people ties, and many shared strategic and economic interests.<sup>1</sup> U.S. past administration of the Philippines as a colonial territory (1898-1946) also has shaped the relationship, by both forging bonds, on the one hand, and, among some Filipinos,<sup>2</sup> creating a wariness of drawing too close to the United States, on the other. Filipino-Americans constitute the third-largest Asian-American group in the United States, numbering over 4.2 million people, and comprise the most numerous foreign-born group in the U.S. Armed Forces.<sup>3</sup>

The Philippines has long played an important role in U.S. Asia policy, and it figures prominently in the Biden Administration's Indo-Pacific strategy as one of five regional treaty allies.<sup>4</sup> The Philippines has been a treaty ally since 1951 and a major non-NATO ally since 2003. It is the largest recipient of U.S. military assistance, equipment, and training in the region. The country holds strategic importance as a part of what some experts refer to as the "first island chain" in the Pacific,<sup>5</sup> and its maritime territorial disputes with People's Republic of China (PRC) are a potential flashpoint in the South China Sea. The Philippines also serves as an important U.S. counterterrorism partner in Southeast Asia. Since the 1986 "People Power" movement that deposed former authoritarian President Ferdinand Marcos Sr., the country has also been one of the region's most vibrant democracies, although corruption and serious human rights problems continue to fester.<sup>6</sup> Despite some policies and stances of former President Rodrigo Duterte (2016-2022) that strained U.S.-Philippine relations, U.S. and Philippine diplomatic and military officials attempted to maintain most security and other forms of cooperation.<sup>7</sup>

### Colonial History

The Philippines was unified and colonized by Spain in 1542. Filipinos waged a rebellion against Spain in 1896, but their independence movement was not recognized by the United States, which acquired the territory from Spain in 1898 following the Spanish-American War. U.S. forces then battled Filipino resistance fighters until they were largely subdued in 1902. The Philippines became independent in 1946.

<sup>1</sup> This report does not cover congressional issues related to WWII Filipino veterans who fought under U.S. military command during World War II.

<sup>2</sup> "Filipino" (male), "Filipina" (female), and "Filipinos" (plural, all genders) refer to citizens of the Philippines.

<sup>3</sup> Abby Budiman, "Filipinos in the U.S. Fact Sheet," Pew Research Center, April 29, 2021.

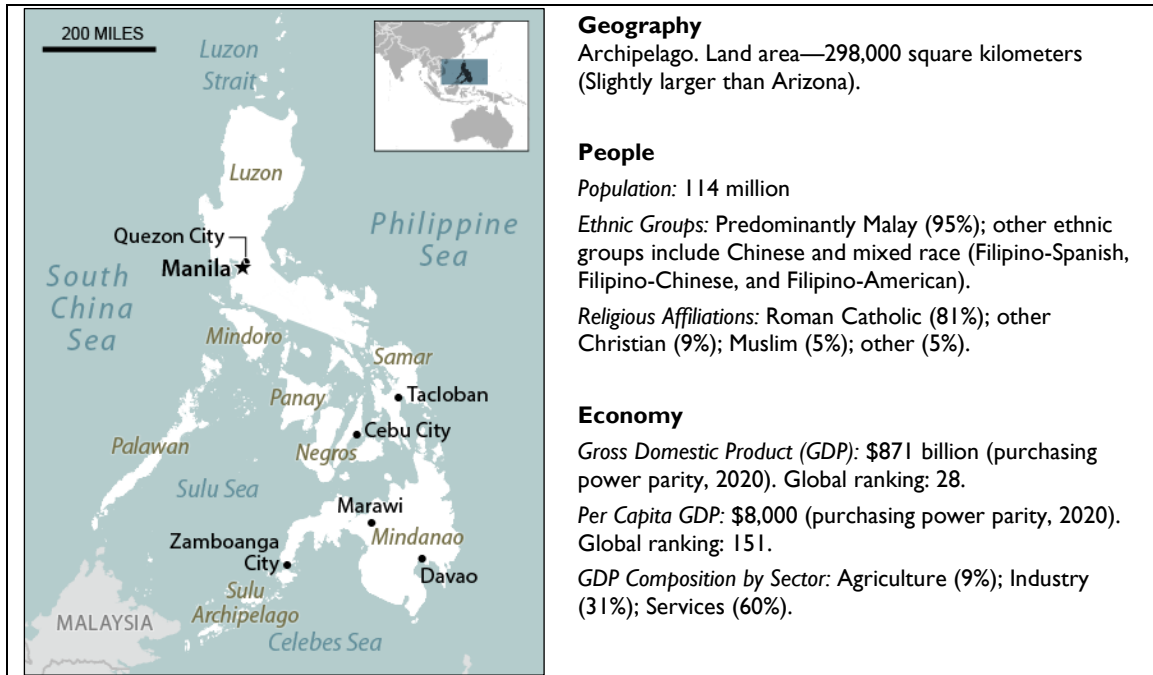
<sup>4</sup> The White House, "Indo-Pacific Strategy of the United States," February 2022; Antony Blinken, "A Free and Open Indo-Pacific," Jakarta, Indonesia, December 14, 2021; Department of State, "A Free and Open Indo-Pacific: Advancing a Shared Vision," November 4, 2019.

<sup>5</sup> The so-called first island chain includes southern Japan, Taiwan, and the Philippines, enclosing the sea areas closest to China. The second island chain also starts in Japan, but extends further out into the Pacific, enclosing the Philippine Sea that separates the Philippines from Guam. In discussions of China's military capabilities and foreign policy goals for the Western Pacific, some security and foreign policy experts refer to the first and second island chains as areas that China is perceived as wanting to influence or eventually dominate, and conversely as geographic features that the United States and its allies and partners potentially can use to counter or contain Chinese military actions. See, for example, Andrew S. Erickson and Joel Wuthnow, "Why Islands Still Matter in Asia: The Enduring Significance of the Pacific 'Island Chains,'" *The National Interest*, February 6, 2016.

<sup>6</sup> Department of State, *2021 Country Reports on Human Rights Practices: Philippines*, April 12, 2022

<sup>7</sup> Richard Javad Heydarian, "US Outlasts Duterte's Failing Dalliance with China," *Asia Times*, May 19, 2021.

**Figure 1. Philippines at a Glance**



**Source:** Map created by CRS using data from the U.S. State Department, Global Admin, and ESRI. Fact information from Central Intelligence Agency, *The World Factbook*, 2022.

## Congressional Interests

Congress has shown interest in the Philippines in several key policy areas over which it has provided oversight, policy direction, and funding. It has also occasionally placed restrictions on foreign assistance in order to pressure the Philippine government to improve human rights conditions.

## Strategic Interests

The Philippines holds strategic importance for the United States as part of what some experts refer to as the “first island chain” in the Pacific, as it is located less than 800 miles south of Taiwan and 900 miles southeast of China’s Hainan province, an island with a major naval base.<sup>8</sup> U.S. Indo-Pacific Command (INDOPACOM) reportedly aims to broaden the U.S. force posture in East Asia, deploying and rotating military assets to Southeast Asia and the southern Pacific. Experts contend that the Philippines could play a key role in a contingency with China in the region.<sup>9</sup> The National Defense Authorization Act (NDAA) for 2022 calls on the Secretary of Defense to strengthen U.S. ties with security partners in the Indo-Pacific region, including with

<sup>8</sup> Damen Cook, “China’s Most Important South China Sea Military Base,” *The Diplomat*, March 9, 2017.

<sup>9</sup> Todd Lopez, “For Contingencies in Indo-Pacom, Army Will Serve as ‘Linchpin’ for Joint Force,” *DOD News*, December 1, 2021; Michael J. Green and Gregory B. Poling, “The U.S. Alliance with the Philippines,” Center for Strategic and International Studies,” December 3, 2020.

U.S. allies the Philippines and Thailand, and increases funding for the Pacific Deterrence Initiative, which involves the Philippines, Japan, and other allies.<sup>10</sup>

## **Regional Counterterrorism Efforts**

The Philippines, which is home to not only indigenous extremist groups but also at times to foreign terrorist fighters,<sup>11</sup> has “enjoyed close counterterrorism cooperation with the United States,” according to the State Department.<sup>12</sup> The Philippines was designated a major non-NATO ally in 2003 as part of the George W. Bush Administration’s Global War on Terror.<sup>13</sup> U.S.-Philippine counterterrorism efforts have included the Joint Special Operations Task Force–Philippines (2002-2014) and Operation Pacific Eagle–Philippines (2017-2020). In 2019, the two countries signed an agreement to establish a new regional counterterrorism facility in the Philippines.<sup>14</sup>

## **South China Sea Disputes**

The United States has aimed to partner with the Philippines in carrying out strategies to counter Chinese military assertiveness in the South China Sea and to build “support for rules-based approaches to the maritime domain, including in the South China Sea and the East China Sea.”<sup>15</sup> The Philippines is the only country with territorial disputes with China that has challenged China’s maritime territorial claims under the United Nations Convention on the Law of the Sea (UNCLOS).<sup>16</sup> Through the Department of Defense’s Indo-Pacific Maritime Security Initiative (MSI),<sup>17</sup> which Congress extended in 2021,<sup>18</sup> the United States has sought to improve the ability of the Philippines, Vietnam, and other Southeast and South Asian countries to maintain maritime domain awareness and patrol their Exclusive Economic Zones (EEZs).

## **Human Rights Concerns**

The Philippines long has attracted congressional concern related to its human rights violations, particularly extra-judicial killings. At various times during the past decade and a half, Congress

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<sup>10</sup> The National Defense Authorization Act, 2022 (P.L. 117-81, Sections 1242 and 1252). Benjamin Rimland and Patrick Buchan, “Getting the Pacific Deterrence Initiative Right,” *The Diplomat*, May 2, 2020.

<sup>11</sup> Foreign fighters mostly have come from other countries in Southeast Asia. Thomas M. Sanderson and Maxwell B. Markusen, “A Call to Battle in the Philippines: Investigating Foreign Fighters in Marawi,” Center for Strategic and International Studies, October 31, 2017.

<sup>12</sup> Department of State, *Country Reports on Terrorism 2020: Philippines*, December 16, 2021. See also Ashley L. Rhoades and Todd C. Helmus, “Countering Violent Extremism in the Philippines,” RAND, 2020.

<sup>13</sup> Designation of the Philippines as a Major Non-NATO Ally, Presidential Determination No. 2004-02 of October 6, 2003, 68 *Federal Register* 59855. For further information, see Department of State, “Major Non-NATO Ally Status,” fact sheet, January 20, 2021.

<sup>14</sup> U.S. Embassy in the Philippines, “New Regional Counterterrorism Training Center to Boost U.S.-Philippine and Regional Cooperation,” October 11, 2019.

<sup>15</sup> The White House, “Indo-Pacific Strategy of the United States.”

<sup>16</sup> Some Members of Congress have sponsored legislation calling on the U.S. Senate to ratify UNLCOS. See H.Res. 361 and S.Res. 220. There is debate about the effectiveness of signing onto the agreement in furthering U.S. interests in the South China Sea. William Gallo, “Why Hasn’t the US Signed the Law of the Sea Treaty,” *Voice of America*, June 6, 2016.

<sup>17</sup> Formerly the South China Sea Initiative. See the National Defense Authorization Act for FY2016 (P.L. 114-92, Section 1263).

<sup>18</sup> The NDAA, 2022 (P.L. 117-81, Section 1241) extended the MSI through 2027.

has restricted military and other security assistance to the Philippines in order to encourage improvements in human rights practices of the Philippine military, police, and government. The Asia Reassurance Initiative Act of 2018 (ARIA, P.L. 115-409) supports a multipronged U.S. strategy for advancing a “Free and Open Indo-Pacific,” including the promotion of human rights in the Indo-Pacific region. ARIA and foreign assistance appropriations legislation restrict counternarcotics assistance to the Philippine National Police (PNP) due to human rights violations related to former President Duterte’s antidrug campaign.<sup>19</sup>

## Philippine Politics

The Economist Intelligence Unit (EIU) ranks the Philippines 54<sup>th</sup> out of 167 countries in terms of its level of democracy, placing it in the “flawed democracy” category. Although the EIU gives the Philippines relatively high scores on electoral process and pluralism, political participation, and civil liberties, the country receives relatively low scores on the functioning of government and political culture.<sup>20</sup> The Department of State reported that the 2013 and 2019 midterm elections and the 2016 national elections were “generally free and fair,” although there were reports of vote-buying and some incidents of violence.<sup>21</sup> An international group of election monitors found that the 2022 national elections were marred by instances of vote-buying, intimidation, disinformation, and violence.<sup>22</sup>

Philippine citizens generally can exercise political and civil rights with few restrictions, openly criticize national leaders, and enjoy academic freedom and religious liberties. The country has a robust civil society and a lively press. Some aspects of Philippine politics, however, long have undermined democratic institutions and government effectiveness and led to human rights abuses. These include the existence of corruption; concentrations of power among socioeconomic elites and local clans; the lack of democratic control over the security forces; and a weak judicial system and culture of impunity.<sup>23</sup> Some analysts point to the Philippines as an example of growing authoritarian or illiberal tendencies in countries that still practice electoral democracy. Such trends include the increasing use of police and military in all levels of governance; suppression of opposition figures, the judiciary, and media; and disinformation campaigns that have lessened the public’s ability to influence decisionmaking.<sup>24</sup>

During the democratic era that began in 1986, the legislative branch and Supreme Court have not served as strong checks on presidential power. Political parties and groupings tend to be fluid and shifting, driven more by individual personalities, interests, and loyalties than by unifying

<sup>19</sup> See the Consolidated Appropriations Act, FY2022 (P.L. 117-103, Section 7043(g)).

<sup>20</sup> Economist Intelligence Unit, “Democracy Index 2021,” February 10, 2022. By comparison, the United States ranks 26<sup>th</sup>, also in the “flawed democracy” category, and Indonesia ranks 52<sup>nd</sup>.

<sup>21</sup> Department of State, *2020 Country Reports on Human Rights Practices: Philippines*, March 30, 2021; Department of State, *2016 Country Reports on Human Rights Practices: Philippines*, May 3, 2017.

<sup>22</sup> Sebastian Strangio, “Philippine Election Marred by Violence, Vote-Buying: Monitoring Mission,” *The Diplomat*, May 20, 2022; International Observers Mission, “Interim Report of the Philippine Elections 2022,” May 19, 2022.

<sup>23</sup> Nicole Curato, “Democratic Expressions Amidst Fragile Institutions: Possibilities for Reform in Duterte’s Philippines,” *Brookings*, January 22, 2021; David G. Timberman, “Philippines Politics Under Duterte: A Midterm Assessment,” *Carnegie Endowment for International Peace*, January 10, 2019; Christia Marie Ramos, “‘Culture of Impunity’ Made Filipinos Afraid of Voicing Criticism vs. Admin—Pangilinan,” *Philippine Daily Inquirer*, March 19, 2021.

<sup>24</sup> Nicole Curato, “Democratic Expressions Amidst Fragile Institutions: Possibilities for Reform in Duterte’s Philippines,” *Brookings Institution*, January 22, 2021; Sheila Coronel, “This Is How Philippine Democracy Dies,” *The Atlantic*, June 16, 2020.



ideologies, policy platforms, and goals.<sup>25</sup> Some experts argue that the Supreme Court has become less independent over the course of the past three administrations.<sup>26</sup> The court generally did not attempt to restrain the actions of former President Duterte, who appointed 12 of the Supreme Court's 15 Justices.<sup>27</sup>

## 2022 National Elections

Ferdinand “Bongbong” Marcos Jr. assumed the presidency on June 30, 2022, having won more than 31 million out of 55 million votes cast (59%) in nationwide elections held in May. Marcos is the son of Ferdinand Marcos Sr., who ruled the country from 1965 until he was ousted by the 1986 People Power Revolution, and who formally imposed martial law on the Philippines between 1972 and 1981.<sup>28</sup> Sara Duterte-Carpio, daughter of Rodrigo Duterte, won the Vice-Presidency. The Philippine constitution limits both the president and vice-president, who are elected on separate tickets, to one six-year term.

For many democracy advocates, Marcos Jr.'s election, after six years of democratic backsliding and human rights abuses under Duterte, raised questions about the state of human rights and democracy in the Philippines.<sup>29</sup> Although Marcos earned a clear electoral victory, some analysts expressed concern about the use of social media and other information outlets to misrepresent or downplay his family's role in human rights abuses and corruption during his father's 21 years as president.<sup>30</sup> Other observers perceived Marcos's win as a continuation of populist and illiberal politics that began with Duterte, who remained popular throughout his term despite his violent antidrug campaign and some controversial foreign policy stances.<sup>31</sup> Former Vice-President Leni Robredo, who had criticized Duterte's human rights record and cooperative approach towards China, was the second place finisher in the 2022 presidential race, garnering 28% of the vote.<sup>32</sup> Although Marcos has not yet introduced specific policy proposals or suggested major shifts in policy from his predecessor, he may focus initially on reviving the country's economy, which is recovering from a downturn largely related to the Coronavirus Disease 2019 (COVID-19)

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<sup>25</sup> Paul D. Kenny, “Why Is There No Political Polarization in the Philippines?” Carnegie Endowment for International Peace, August 18, 2020.

<sup>26</sup> Edcel John A. Ibarra, “The Philippine Supreme Court Under Duterte: Reshaped, Unwilling to Annul, and Unable to Restrain,” *Social Science Research Council*. November 10, 2020.

<sup>27</sup> Philippine Supreme Court Justices are required to retire at 70 years of age. “Duterte Appoints New Supreme Court Justice,” *BusinessWorld*, November 16, 2021; David G. Timberman, “Philippines Politics Under Duterte: A Midterm Assessment.”

<sup>28</sup> Mark John Sanchez, “The People Power Revolution, Philippines 1986,” at [https://origins.osu.edu/milestones/people-power-revolution-philippines-1986?language\\_content\\_entity=en](https://origins.osu.edu/milestones/people-power-revolution-philippines-1986?language_content_entity=en).

<sup>29</sup> Jim Gomez, “Activists Ask Top Court to Void Marcos Jr's Presidential Win,” *ABC News*, May 17, 2022; Andrea Chloe Wong, “The Philippines' Democratic ‘Backsliding’ in the Time of Duterte,” *International Policy Digest*, September 12, 2020.

<sup>30</sup> Sheila Coronel, “The Triumph of Marcos Dynasty: Disinformation Is a Warning to the U.S.,” *The New Yorker*, May 17, 2022.

<sup>31</sup> Zacarian Sarao, “Duterte Has Drawn High Ratings from 2016 to 2022—Pulse Asia,” *Philippine Daily Inquirer*, June 29, 2022; Rebecca Ratcliffe, “Philippines Election Result Is a Win for Dynasty Politics,” *The Guardian*, May 26, 2022.

<sup>32</sup> Howard Johnson and Jonathan Head, “Leni Robredo: The Woman Leading the Philippines' ‘Pink Revolution,’” *BBC News*, May 7, 2022; Mara Cepeda, “Robredo Blasts Duterte for ‘Favoring’ China, Throwing Away Sovereignty,” *Rappler*, May 9, 2021.

pandemic.<sup>33</sup> Some analysts expect Marcos to be a more reliable supporter of the U.S.-Philippines alliance than Duterte, while also seeking better relations with China.<sup>34</sup>

## U.S.-Philippine Relations

In contrast to his predecessor, President Benigno Aquino III (2010-2016), who steered the Philippines strategically towards the United States, former President Duterte sought to strengthen ties with China, which he viewed as a potentially large source of foreign investment.<sup>35</sup> Duterte's goal of garnering major infrastructure investment from Beijing, however, was largely unsuccessful, and the two countries made no significant progress toward resolving territorial disputes or engaging in joint oil exploration in the South China Sea.<sup>36</sup> In some respects, the U.S.-Philippines relationship hit a low point in February 2020, when the Duterte government notified the United States of its intent to terminate the Philippines-U.S. Visiting Forces Agreement (VFA), which serves as the legal foundation for bilateral military cooperation in the Philippines' territory. As tensions between the Philippines and China over disputed territory in the South China Sea continued to fester, however, the Duterte government sought closer security cooperation with the United States.<sup>37</sup> In July 2021, the Philippines renewed its adherence to the VFA. (See "Visiting Forces Agreement," below.)

In November 2021, the United States and the Philippines held the ninth Bilateral Strategic Dialogue. The two sides pledged to engage in cooperative efforts in various areas including responding to the COVID-19 pandemic, upholding the "rules-based maritime order" in the South China Sea, strengthening interoperability of the U.S. and Philippine armed forces, and fostering respect for human rights.<sup>38</sup> In July 2022, U.S. Secretary of State Antony Blinken, in a call with newly appointed Philippine Foreign Affairs Secretary Enrique Manalo, emphasized "the increasing significance of the U.S.-Philippine bilateral alliance to security and prosperity in the Indo-Pacific region and around the world."<sup>39</sup> During Blinken's August 2022 visit to Manila, President Marcos emphasized the importance of the bilateral alliance given recent international developments such as the Russian invasion of Ukraine and tensions between China and Taiwan.<sup>40</sup>

Among Filipinos, popular support for the U.S.-Philippines relationship is strong. According to a July 2022 survey conducted by Pulse Asia, 89% of Filipinos had a "great deal" or "fair amount"

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<sup>33</sup> Ambassador Jose Romualdez, US-Philippines Society, September 7, 2022; Japhet Quitzon and William Alan Reinsch, "What Does the Incoming Marcos Administration Mean for the Philippines Economy and International Trade?" Center for Strategic and International Studies, May 24, 2022.

<sup>34</sup> "What Does the Incoming Marcos Administration Mean for the Philippines Economy and International Trade?" Center for Strategic and International Studies.

<sup>35</sup> Derek Grossman, "Duterte's Dalliance with China Is Over," The RAND Blog, November 2, 2021.

<sup>36</sup> Derek Grossman, "Duterte's Dalliance with China Is Over," The RAND Blog; Myrna M. Velasco, "No 'Legal Deal' Yet with China on Joint Oil Exploration at WPS—DOE," *Manila Bulletin*, September 6, 2021.

<sup>37</sup> "US-Philippines Alliance Back on Track as Duterte's China Charm Offensive Crumbles," *South China Morning Post*, October 23, 2021.

<sup>38</sup> Department of State, "9<sup>th</sup> U.S.-Philippines Bilateral Strategic Dialogue," media note, November 16, 2021.

<sup>39</sup> U.S. Department of State, "Secretary Blinken's Call with Philippine Secretary of Foreign Affairs Manalo," readout, July 9, 2022.

<sup>40</sup> Sofia Tomacruz, "Marcos Meets Blinken, Says PH-US Ties Crucial Amid Taiwan Tension," *Rappler*, August 6, 2022.

of trust in the United States compared to Japan (78%) and China (33%). Filipinos placed the least amount of trust in China out of 10 countries (67% had “not too much trust” or “no trust”).<sup>41</sup>

## U.S. Foreign Assistance

U.S. assistance to the Philippines totaled an estimated \$155.2 million in FY2022.<sup>42</sup> U.S. aid includes U.S. Agency for International Development (USAID) and Department of State-funded development and security assistance. (See **Table 1.**) Development assistance includes programs aimed at promoting inclusive socio-economic development, the rule of law, and human rights, and improving family health, basic education, and environmental management.<sup>43</sup> In addition, USAID committed \$63.6 million for humanitarian and recovery efforts in Marawi, a city destroyed during a battle between government forces and Filipino and foreign Islamist insurgents in 2017.<sup>44</sup>

**Table 1. Department of State Assistance to the Philippines, FY2017-FY2021**

Current \$ in thousands

Account	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
Development Assistance	51,889	70,000	70,000	70,000	70,000	70,350
Foreign Military Financing (FMF)	40,000	40,000	40,000	40,000	40,000	20,000
Global Health Programs–USAID	33,000	28,500	26,000	27,500	30,000	43,000
Global Health Programs–State	—	—	—	5,305	—	7,442
International Military Education and Training (IMET)	1,981	2,000	1,900	2,147	2,000	1,922
International Narcotics Control and Law Enforcement (INCLE)	7,000	6,500	7,000	7,000	7,000	7,000
Non-proliferation, Anti-terrorism, De-mining and Related Programs	6,090	5,800	5,800	5,940	5,940	5,500
<b>TOTAL</b>	<b>139,960</b>	<b>152,906</b>	<b>150,700</b>	<b>157,892</b>	<b>154,940</b>	<b>155,214</b>

**Source:** State and USAID Congressional Budget Justification for Foreign Operations and other budget documents.

**Note:** FY2022 numbers are estimated. FMF and IMET are implemented by the Defense Department through the Defense Security Cooperation Agency (DSCA). The U.S. government has suspended INCLE assistance to the PNP for counternarcotics activities, while assistance for other activities continues.

As of May 2022, USAID had provided \$29.2 million in humanitarian assistance to help communities affected by Typhoon Odette.<sup>45</sup> Also known as Rai, the cyclone struck the Visayas region in central Philippines and parts of Mindanao island beginning on December 16, 2021.

<sup>41</sup> “Pulse Survey: Filipinos Trust US the Most; China, Russia the Least,” *Philippines Star*, July 29, 2022.

<sup>42</sup> Department of State budget documents.

<sup>43</sup> Department of State, *Congressional Budget Justification, Foreign Operations, Appendix 2, FY2022*.

<sup>44</sup> USAID, “Marawi Assistance,” July 8, 2021.

<sup>45</sup> USAID, “U.S. Provides Additional PHP400 Million in Aid to Support Typhoon Odette Recovery Efforts,” May 23, 2022; USAID, “U.S. Assistance for Typhoon Odette Tops PHP1 Billion with New Major Announcement,” January 5, 2022.

Odette's destruction affected nearly 5 million people, and the Philippine government reported over 400 deaths and 580,000 people displaced due to the super typhoon.<sup>46</sup>

The Philippines is a "priority recipient" in East Asia for security assistance and the largest recipient of U.S. Foreign Military Financing (FMF) in the region. FMF primarily has supported maritime security, disaster response, military professionalization, and the procurement of equipment for counterterrorism operations.<sup>47</sup> Antiterrorism programs provide training and equipment grants for the Philippine National Police.<sup>48</sup> The Philippines also receives counterterrorism support through the Department of State East Asia and Pacific Regional program and the Counterterrorism Partnerships Fund.<sup>49</sup>

### COVID-19 in the Philippines

The World Health Organization reported approximately 3.86 million COVID-19 cases and over 61,500 deaths in the Philippines as of August 2022.<sup>50</sup> Over 70% of the population is fully vaccinated, according to the Philippine government and other sources.<sup>51</sup> The U.S. government provided approximately \$38 million in pandemic-related assistance and 32 million vaccines through the COVID-19 Vaccines Global Access (COVAX) program as of March 2022.<sup>52</sup>

Since 2016, due to human rights concerns, the U.S. government has suspended International Narcotics Control and Law Enforcement (INCLE) assistance to PNP units for counternarcotics activities, although it has increased assistance for maritime law enforcement, drug demand reduction programs, and transnational interdiction efforts.<sup>53</sup> Other legislative measures mandate reporting on Philippine security forces related to human rights violations.<sup>54</sup>

The Millennium Challenge Corporation (MCC) rewards countries that have demonstrated good governance, investment in health and education, and sound economic policies. In 2010, the MCC approved a five-year, \$507 million compact with the Philippine government. The agreement aimed to help modernize the Bureau of Internal Revenue to increase revenue collection and reduce tax evasion; expand a community-driven, poverty-reduction program; and promote

<sup>46</sup> Jeannette I. Andrade, "Odette Leaves P 24.5-Billion Damage; Death Toll Hits 407," *Philippine Daily Inquirer*, January 3, 2022; United Nations Office for the Coordination of Humanitarian Affairs, "Philippines: Super Typhoon Rai (Odette): Situation Report No. 1," December 30, 2021.

<sup>47</sup> FMF equipment includes communications items, night vision devices, unmanned aerial systems, vehicles, precision guided munitions, and related integration work. Department of Defense Office of Inspector General, "Operation Pacific Eagle-Philippines: Lead Inspector General Report to the United States Congress, July 1, 2020-September 30, 2020," November 10, 2020.

<sup>48</sup> The Department of State provides antiterrorism assistance through the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account.

<sup>49</sup> Department of State, *Congressional Budget Justification, Foreign Operations, Appendix 2, FY2022*.

<sup>50</sup> Zacarian Sarao, "Low Vaccination, Booster Turnout May Lead to Over 19,000 Daily COVID Cases by August—DOH," *Philippine Daily Inquirer*, July 26, 2022; World Health Organization, "Philippines Situation," at <https://covid19.who.int/region/wpro/country/ph>.

<sup>51</sup> Reuters, "COVID-19 Tracker," July 15, 2022; Ma. Teresa Montemayor, "Over 70% of Target Population Vaccinated vs. Covid-19," *Philippine News Agency*, March 7, 2022.

<sup>52</sup> U.S. Department of State, "U.S. Relations with the Philippines," fact sheet, March 3, 2022.

<sup>53</sup> INCLE assistance is provided through the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL). U.S. Embassy in the Philippines, "U.S. Strengthens Drug Demand Reduction Programs in the Philippines Through Support for Outreach and Drop-In Centers," November 27, 2020. See P.L. 115-409 (ARIA) and the Consolidated Appropriations Act, FY2022 (P.L. 117-103).

<sup>54</sup> Consolidated Appropriations Act, FY2022 (P.L. 117-103).

economic growth through investment in infrastructure.<sup>55</sup> The MCC awarded the Philippines a second compact in 2015, but indicated in 2016 that it would reevaluate its decision in light of human rights concerns. In December 2017, the Philippine government withdrew from the process, stating that it wanted to focus resources on rebuilding Marawi rather than committing money for the counterpart funding required with MCC projects. The Duterte government denied that the decision to withdraw from the program was made in response to human rights criticism.<sup>56</sup>

## U.S.-Philippines Defense Ties

The U.S.-Philippines defense relationship is deeply rooted in a history of shared security interests and priorities that dates back to the 1951 Mutual Defense Treaty and has continuously evolved to address new and developing threats. Since 2015, the Philippines has received over \$1 billion in U.S. military assistance, making it the largest recipient of U.S. military equipment and training in the Indo-Pacific.<sup>57</sup> U.S. security cooperation activities in the Philippines have included counterterrorism assistance, maritime domain awareness, joint military exercises, and transfers of U.S. military equipment. Security cooperation programs also have enhanced the capacity of the Philippine Armed Forces (AFP) to provide humanitarian assistance and to engage in disaster response operations. The Philippines was designated a major non-NATO ally in 2003, which allows the country certain defense trade and security cooperation privileges.<sup>58</sup>

## Security Cooperation

As a security partner in the Pacific, the Philippines has received military assistance through the Defense Security Cooperation Agency's (DSCA) Section 333 Building Partner Capacity program and the Indo-Pacific Maritime Security Initiative.<sup>59</sup> Section 333 activities have focused on the development and enhancement of critical AFP capabilities including intelligence, maritime and border security operations, counterterrorism, and counter-improvised explosive device.<sup>60</sup> Equipment deliveries under Section 333 have included precision guided munitions and tactical equipment. MSI activities in the Philippines have aimed to improve the AFP's maritime ISR

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<sup>55</sup> Millennium Challenge Corporation, "Philippines Compact: Closed Compact Report," April 2018.

<sup>56</sup> Jenny Lei Ravelo, "Philippines Withdraws from MCC, Citing Marawi Crisis as a Priority," *Devex*, December 19, 2017; Jenny Lei Ravelo, "Second MCC Philippine Compact Under Review Due to Rule of Law, Human Rights Concerns," *Devex*, December 16, 2016; Millennium Challenge Corporation, "Philippines Selected for Second Compact," at <https://www.mcc.gov/news-and-events/video/video-052516-philippines-second-compact>.

<sup>57</sup> U.S. Embassy in the Philippines, "U.S. Military Delivers Advanced Unmanned Aerial System to Philippine Air Force," press release, October 14, 2021; U.S. Embassy in the Philippines, "U.S. Delivers Php48.5 Million in Weapons and Munitions to AFP," press release, July 8, 2021.

<sup>58</sup> Designation of the Philippines as a Major Non-NATO Ally, Presidential Determination No. 2004-02 of October 6, 2003, 68 *Federal Register* 59855. For further information, see Department of State, "Major Non-NATO Ally Status," fact sheet, January 20, 2021.

<sup>59</sup> Section 333 Building Partner Capacity is authorized under Title 10, U.S.C. §333. The Indo-Pacific Maritime Security Initiative (MSI) was authorized by Section 1263 of the National Defense Authorization Act for FY2016 (P.L. 114-92, as amended by P.L. 114-328 and P.L. 115-232 and P.L. 116-92).

<sup>60</sup> Data from [ForeignAssistance.gov](https://www.foreignassistance.gov), November 7, 2021; U.S. Embassy in the Philippines, "U.S. Military Security Assistance in the Philippines," press release, at [U.S. Military Security Assistance in the Philippines REV29 \(usembassy.gov\)](https://www.usembassy.gov). Note: DOD security cooperation program details are not made publicly available in a consistent or comprehensive manner; such activities provided in this report are not meant to be an exhaustive list.

capabilities and support the Philippines' participation in multilateral engagements and other trainings, such as visit, board, search and seizure.<sup>61</sup>

The Philippines participates in U.S. defense institution capacity-building programs that have included defense strategy courses and policy workshops that aim to improve security sector governance, resource management, and legal capacity building.<sup>62</sup> In addition, the Philippines is partnered with the Guam and Hawaii National Guards through the State Partnership Program, which is a unique civil-military program that the National Guard says aims to cultivate personal relationships through a series of tailored engagements.<sup>63</sup>

U.S.-Philippines bilateral exercises aim to strengthen interoperability through subject matter exchanges and training events. In 2015-2020, the United States and the Philippines engaged in 1,321 bilateral military exercises.<sup>64</sup> Both sides curtailed security cooperation in 2020-2021 due to the uncertainty over possible termination of the VFA and to the COVID-19 pandemic. In 2022, approximately 3,800 AFP and 5,100 U.S. soldiers participated in Balikatan ("Shoulder-to-Shoulder"), the premier annual bilateral exercise, across Luzon, the largest Philippine island. The 2022 exercise, described as the "largest ever" by military officials, focused on improving interoperability and joint defense capabilities and engaged in humanitarian and civic assistance projects.<sup>65</sup>

Other notable exercises include Maritime Training Activity "Sama Sama" ("Together"), which was held in October 2021, and Kamandag ("Cooperation of Warriors of the Sea"), which was conducted in September 2021.<sup>66</sup> Exercises also have included the Philippine Navy, which participated in the first joint sail through the South China Sea in 2019 with the United States, Japan, and India.<sup>67</sup> In addition, between April and June of 2021, the U.S. 5<sup>th</sup> Security Force Assistance Brigade conducted their first bilateral training events with various Philippine Army units.<sup>68</sup>

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<sup>61</sup> Data from ForeignAssistance.gov, November 7, 2021; U.S. Embassy in the Philippines, "U.S. Military Security Assistance in the Philippines."

<sup>62</sup> Institutional capacity-building activities are conducted through the Daniel K. Inouye Asia-Pacific Center for Security Studies, Defense Institute of International Legal Studies, and the DSCA's Institute for Security Governance. Data from ForeignAssistance.gov, November 7, 2021; U.S. Embassy in the Philippines, "U.S. Military Security Assistance in the Philippines." See also, DSCA, Institutional Capacity Building, accessed November 15, 2021, at <https://www.dsca.mil/institutional-capacity-building>.

<sup>63</sup> For more information, see State Partnership Program, U.S. National Guard, at <https://www.nationalguard.mil/Leadership/Joint-Staff/J-5/International-Affairs-Division/State-Partnership-Program/>. See also, U.S. National Guard, "Guam, Hawaii Share COVID Best Practices with the Philippines," press release, December 10, 2020; Hawaii Air National Guard, "HIANG Brings High Level Air Defense Expertise to Philippine Engagement," press release, August 29, 2018.

<sup>64</sup> U.S. Embassy in the Philippines, "U.S. Military Security Assistance in the Philippines."

<sup>65</sup> "Largest-Ever PH-US Balikatan Exercise to Being Next Week," *CNN Philippines*, March 22, 2022.

<sup>66</sup> U.S. Indo-Pacific Command, "Philippine-U.S. Exercise MTA Sama Sama Kicks-off with Japan, France," press release, October 12, 2021; Seth Robson, "Kamandag Drills Kick Off in the Philippines with a Focus on Shore-Based Weapons," *Stars and Stripes*, September 30, 2021.

<sup>67</sup> Ankit Panda, "US, India, Japan, Philippine Navies Demonstrate Joint Presence in South China Sea," *The Diplomat*, May 11, 2019.

<sup>68</sup> U.S. Indo-Pacific Command, "U.S. Army 5<sup>th</sup> Security Force Assistance Brigade and Philippine Army Conduct Bilateral Training in Nueva Ecija," press release, April 28, 2021.

## Counterterrorism Efforts

The U.S. military and the AFP have conducted bilateral counterterrorism operations since at least 2001. In 2017, following the reassertion of control over Marawi by Philippine military forces—with assistance from U.S. special operations forces (SOF) advisors—the Department of Defense (DOD) and Indo-Pacific Command (INDOPACOM) initiated Operation Pacific Eagle-Philippines (OPE-P) to help the AFP overcome counterterrorism capability gaps identified by U.S. advisors during operations in Marawi.<sup>69</sup> U.S. SOF also provided logistical support, intelligence sharing, and operational planning, including the integration of airborne intelligence, surveillance, and reconnaissance (ISR) for intelligence gathering.<sup>70</sup> In 2020, the last year of OPE-P efforts, DOD committed \$85.4 million for OPE-P, in which approximately 200 U.S. military personnel served in advisory roles.<sup>71</sup>

Although the OPE-P overseas contingency operation designation has been removed, INDOPACOM continues both security cooperation under DOD authorities as well as “advise and assist” operations with Philippine security forces. Whereas OPE-P primarily focused on counterterrorism operations, “by, with, and through” Philippine partners, the scope of continued bilateral security cooperation programs in the Philippines is to be “significantly larger than the relatively narrow counterterrorism effort.”<sup>72</sup> (See “Islamic State of Iraq and Syria (ISIS)-East Asia,” below.)

## U.S. Defense Equipment Transfers

In addition to receiving military equipment through the U.S. FMF program, the Philippines is eligible to purchase U.S. defense articles at discounted rates through the Excess Defense Articles grant program.<sup>73</sup> In some cases, the Philippines supplements U.S. grant assistance with its national funds. In 2020 and 2021, the State Department notified Congress of six potential Foreign Military Sales (FMS) cases for the Philippines with a combined total over \$4.5 billion. These items included missiles, F-16 aircraft, missiles, light military boats and attack helicopters.<sup>74</sup> Some Members of Congress opposed the proposed FMS cases and other military assistance for human

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<sup>69</sup> DOD Inspector General, *DoD Efforts to Train, Advise, Assist, and Equip the Armed Forces of the Republic of the Philippines*, DODIG-2019-048, January 31, 2019, at <https://media.defense.gov/2019/Feb/04/2002085730/-1/-1/1/DODIG-2019-048.PDF>; Roy Ramos, “Duterte Thanks Nations for Helping to Liberate Marawi,” *Anadolu Agency*, October 25, 2017.

<sup>70</sup> *Ibid.*

<sup>71</sup> By comparison, funding for OPE-P was \$108 million in 2019 and \$100 million in 2018. Lead Inspector General (IG) reporting responsibilities terminated at the end of FY2020 since none of the appropriated funding for OPE-P was associated with an Overseas Contingency Operation (OCO). See the 12<sup>th</sup> and final quarterly IG report for OPE-P: Department of Defense Office of Inspector General, “Operation Pacific Eagle-Philippines: Lead Inspector General Report to the United States Congress, July 1, 2020-September 30, 2020.”

<sup>72</sup> *Ibid.*

<sup>73</sup> U.S. Indo-Pacific Command, “U.S. Military Delivers Php183 Million in New Weapons and Equipment to AFP,” press release, June 22, 2021. See also, U.S. Embassy in the Philippines, “U.S. Military Delivers Advanced Unmanned Aerial System to Philippine Air Force”; U.S. Embassy in the Philippines, “U.S. Delivers Php48.5 Million in Weapons and Munitions to AFP.”

<sup>74</sup> Defense Security Cooperation Agency, Major Arms Sales: “Philippines—AIM-9X Sidewinder Block II Tactical Missiles,” June 24, 2021; “Philippines—AGM-84L-1 Harpoon Air Launched Block II Missiles,” June 24, 2021; “Philippines—F-16 Block 70/72 Aircraft,” June 24, 2021; “Philippines—Scout, Assault, and Light Support Boats with Armaments and Accessories,” July 30, 2020; “Philippines—AH-1Z Attack Helicopters and Related Equipment and Support,” April 30, 2020; “Philippines—AH-64E Apache Attack Helicopters and Related Equipment and Support,” April 30, 2020.

rights reasons, and sponsored legislation that would suspend security assistance to the Philippines.<sup>75</sup> (See “Selected Legislation,” below.) The Philippines also purchases U.S. defense articles and services through the Direct Commercial Sales (DCS) program.<sup>76</sup>

## Mutual Defense Treaty

Under the 1951 Mutual Defense Treaty (MDT), the United States and the Philippines are committed to help defend each other against external armed attack. Some analysts note that the MDT does not explicitly obligate the United States to defend maritime areas that are disputed by the Philippines and other nations, and U.S. officials have not confirmed whether the Treaty applies to disputed features in the South China Sea.<sup>77</sup> Article IV of the Treaty states: “Each Party recognizes 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 processes.” Article V refers to an armed attack on the “metropolitan territory of either of the Parties,” the “island territories under its jurisdiction in the Pacific Ocean,” or its “armed forces, public vessels, or aircraft in the Pacific.”<sup>78</sup>

Some analysts contend that U.S. assurances have been getting stronger, particularly regarding the defense of Philippine forces and military equipment in disputed areas. In March 2019, then-U.S. Secretary of State Mike Pompeo stated, “As the South China Sea is part of the Pacific, any armed attack on Philippine forces, aircraft or public vessels in the South China Sea would trigger mutual defense obligations under Article IV of our Mutual Defense Treaty.”<sup>79</sup> Similarly, Biden Administration officials have affirmed that the MDT applies to “any armed attack on the Philippine military.”<sup>80</sup> During their August 2022 meeting in Manila, Blinken and Marcos both pledged to strengthen the military alliance.<sup>81</sup>

## Visiting Forces Agreement

The Visiting Forces Agreement governs the legal status of U.S. military forces operating in the Philippines. It creates rules by which U.S. troops, vessels, and aircraft may enter the country and establishes criminal jurisdiction over U.S. military personnel.<sup>82</sup> The VFA has been in effect since 1999, eight years after the Philippines rejected a treaty that would have extended the U.S. lease of

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<sup>75</sup> Ed Adamczyk, “Philippines’ Human Rights Record an Issue in Pending \$2.6B Military Sale,” UPI, June 25, 2021.

<sup>76</sup> Details about proposed DCS are confidential; however, executive communications to the appropriate congressional committees are periodically published in the *Federal Register*. For example, see, Department of State, “Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses,” 84 *Federal Register*, November 27, 2019, at <https://www.federalregister.gov/d/2019-25491/p-427>.

<sup>77</sup> “Will the US Defend ‘A Few Rocks’ in Our Sea?” *Philippine Daily Inquirer*, May 6, 2014; Ricardo Saludo, “Big Holes in the Philippines-US Defense Treaty,” *Manila Times*, March 20, 2014; Julie M. Aurelio, “PH-US Defense Pact Doesn’t Apply in Spratlys Dispute, Says Ex-UP Law Dean,” *Philippine Daily Inquirer*, June 29, 2011.

<sup>78</sup> The MDT can be found at <http://www.chanrobles.com/mutualdefensetreaty.htm>.

<sup>79</sup> Mark Nevitt, “The US-Philippines Defense Treaty and the Pompeo Doctrine on South China Sea,” *Just Security*, March 11, 2019.

<sup>80</sup> Edward Wong, “In the Philippines, Blinken Vows to Strengthen Military Ties,” *New York Times*, August 6, 2022; Department of State, “Secretary Blinken’s Call with Philippine Secretary of Foreign Affairs Locsin,” readout, January 27, 2021.

<sup>81</sup> Edward Wong, “In the Philippines, Blinken Vows to Strengthen Military Ties.”

<sup>82</sup> John Schaus, “What Is the Philippines-United States Visiting Forces Agreement, and Why Does It Matter?” Center for Strategic and International Studies, February 12, 2020.



Clark Air Base and Subic Bay Naval Base, and ordered the withdrawal of all U.S. troops from the Philippines.

On February 10, 2020, the Government of the Philippines submitted to the U.S. Embassy in Manila a “notice of termination” of the Philippines-U.S. Visiting Forces Agreement.<sup>83</sup> Some analysts contended that former President Duterte may have initiated the termination as a response to U.S. actions barring entry into the United States of a political ally involved in human rights abuses; others believed that he intended to leverage the VFA to negotiate better terms in the bilateral security relationship or that the action was part of an effort to orient the Philippines strategically away from the United States.<sup>84</sup> Many in the Philippines, particularly in the defense and foreign policy establishments, however, opposed the move.<sup>85</sup> The Philippine government suspended the termination three times (for six months each), in June 2020, November 2020, and June 2021.<sup>86</sup> On July 30, 2021, former Philippine Secretary of National Defense Delfin Lorenzana announced that the Philippines had agreed to recommit to the VFA.<sup>87</sup>

## **U.S.-Philippines Enhanced Defense Cooperation Agreement**

In 2014, the U.S. and Philippine governments signed the U.S.-Philippines Enhanced Defense Cooperation Agreement (EDCA). The agreement allows for the increased rotational presence of U.S. military forces, ships, and aircraft in the Philippines and greater U.S. access to Philippine military bases, including the ability to store U.S. defense materials and equipment.<sup>88</sup> Under EDCA, U.S. military personnel in the Philippines are deployed on a rotational or non-permanent basis. Philippine bases, including U.S.-built facilities and improvements, are to be utilized rent-free by the Americans but owned by the Philippines.<sup>89</sup> In addition, EDCA “facilitate[s] humanitarian assistance and disaster relief in the Philippines and the region; improve[s] opportunities for bilateral training; and support[s] the long-term modernization of the [AFP] as it works to establish a minimum credible defense.”<sup>90</sup>

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<sup>83</sup> See Arellano Law Foundation, Philippines Law and Jurisprudence Databank, *Visiting Forces Agreement*, at [https://www.lawphil.net/international/treaties/vfa\\_1998.html](https://www.lawphil.net/international/treaties/vfa_1998.html).

<sup>84</sup> Renato Cruz De Castro, “Duterte Finally Admits to the Importance of the U.S. Alliance,” Asia Maritime Transparency Initiative, February 24, 2021; Christopher Woody, “A Major Ally’s Decision to Scrap an Important Military Deal with the US Raises the Stakes in Competition with China,” *Insider*, February 23, 2020.

<sup>85</sup> Richard Javad Heydari, “US Outlasts Duterte’s Failing Dalliance with China.”

<sup>86</sup> Sofia Tomacruz, “US Welcomes Philippines’ Decision to Suspend VFA Termination Again,” *Rappler*, June 15, 2021; “Philippines Again Suspends Scrapping of VFA Troop Pact with US, Amid South China Sea Tensions, Covid-19 Vaccine Donations,” *South China Morning Post*, June 14, 2021.

<sup>87</sup> Rene Acosta, “Philippines Reverses Course and Commits to U.S. Visiting Forces Agreement,” *USNI News*, July 30, 2021. Some Filipino groups and policymakers long have objected to what they perceive as favorable treatment that the VFA may allow for U.S. military personnel accused of committing crimes in the Philippines, compared to Philippine personnel arrested in the United States. See Philippines-U.S. Visiting Forces Agreement, Article V, Section 6. In August 2021, U.S. and Philippine officials reportedly agreed to a “technical side agreement” to the VFA that clarified procedures related to criminal jurisdiction, although details were not made available. Andrea Chloe Wong “Unresolved Issues with the VFA’s Return,” *Philippine Daily Inquirer*, September 12, 2021; Sofia Tomacruz, “VFA Side Agreement on Custody of Troops Now in Effect, Locsin Says,” *Rappler*, August 31, 2021; Andrea Chloe Wong, “Duterte’s Back-Down on US Forces in Philippines,” *The Interpreter*, Lowy Institute, August 24, 2021.

<sup>88</sup> See Agreement Between the United States of America and the Philippines Signed at Quezon City, April 28, 2014, at <https://www.state.gov/wp-content/uploads/2019/02/14-625-Philippines-Defense-Cooperation.pdf>.

<sup>89</sup> Carl Thayer, “Analyzing the US-Philippines Enhanced Defense Cooperation Agreement,” *The Diplomat*, May 2, 2014.

<sup>90</sup> The White House, “United States-Philippines Bilateral Relations,” fact sheet, April 28, 2014.

In 2016, former President Duterte called for reassessing EDCA and reducing the number of U.S. troops and joint military exercises in the Philippines. The Philippines eventually allowed EDCA to proceed, but limited its mission and delayed facilities construction until 2018, when a humanitarian assistance and disaster relief storage facility was built at Basa Air Base.<sup>91</sup> Other projects were delayed in 2019, and the uncertainties over the VFA and COVID-19 restrictions further delayed EDCA's progress.<sup>92</sup> In October 2021, following the Philippines' recommitment to the VFA and other improvements in the bilateral relationship, the AFP announced that construction work related to EDCA would "intensify."<sup>93</sup>

## Philippines-China Relations

The Duterte government initially focused on finding ways to cooperate with China in the South China Sea, including through joint energy exploration that would shelve questions of sovereignty, and sought PRC development loans, investment, and assistance with large infrastructure projects in the Philippines. The two sides, however, did not come to agreement on how to resolve their territorial disputes or on joint resource exploration, and relations between the Philippines and China worsened during the second half of Duterte's term.<sup>94</sup> President Marcos has stated he wants to improve ties with China despite ongoing territorial disputes.<sup>95</sup>

Former President Duterte eagerly sought PRC financing for infrastructure projects throughout the country as part of his "Build, Build, Build" program.<sup>96</sup> In 2016, China pledged \$6 billion in official development assistance, \$3 billion in loans, and \$24 billion in investments to the Philippines.<sup>97</sup> However, only a small fraction of that financing and investment reportedly materialized.<sup>98</sup> The Marcos government and China reportedly have resumed negotiations that began in 2018 on PRC financing and construction assistance for three major railway projects.<sup>99</sup> Other proposed infrastructure projects with Chinese assistance include the Kaliwa Dam and Samal-Davao Bridge.<sup>100</sup>

PRC military assistance remains limited in terms of funding and scope, especially compared to U.S. and Australian military assistance.<sup>101</sup> Cooperation in sensitive areas, such as intelligence

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<sup>91</sup> "US, PH Officials Lead Groundbreaking of First Major EDCA Project," *Asian Journal*, April 19, 2018.

<sup>92</sup> Renato Cruz De Castro, "The Death of EDCA and Philippine-U.S. Security Relations," *Perspective*, ISEAS Yusof Ishak Institute, May 11, 2020.

<sup>93</sup> William Cheng, "Philippine-US EDCA Activities to 'Intensify': AFP Chief," *ABS-CBN News*, October 14, 2021.

<sup>94</sup> Derek Grossman, "Duterte's Dalliance with China Is Over," The RAND Blog; Myrna M. Velasco, "No 'Legal Deal' Yet with China on Joint Oil Exploration at WPS—DOE," *Manila Bulletin*, September 6, 2021.

<sup>95</sup> Ruth Abbey Gita-Carlos, "Pres. Marcos Wants to Elevate PH-China Bilateral Ties to 'Higher Level,'" *Palawan News*, July 1, 2022.

<sup>96</sup> "China's Infrastructure Investments in the Philippines," US-Philippines Society, August 2, 2018.

<sup>97</sup> China Pledges \$9B in Aid, Loans to Philippines: Finance Chief," *ABS-CBN*, November 2, 2016.

<sup>98</sup> Catalina Ricci S. Madarang, "China's Unmet Pledges to Philippines Seen as Reason for Duterte's Shift in Tone," *Interaksyon*, September 28, 2020.

<sup>99</sup> Prime Sarmiento, "China, the Philippines Reaffirm Ties," *China Daily*, August 22, 2022; Catherine S. Valente, "Renegotiate China Loan Deals—Marcos," *Manila Times*, July 17, 2022.

<sup>100</sup> "July Groundbreaking Targeted for Samal-Davao Bridge Project," *Business World*, June 21, 2022; Mayvelin U. Caraballo, "PH Secures P17-B Loan from China," *Manila Times*, June 15, 2022.

<sup>101</sup> Maria Siow, "Philippines' Move to Keep US Military Pact Reveals Shift in South China Sea Calculations," *South China Morning Post*, June 6, 2020.

sharing and joint drills, are in their early stages.<sup>102</sup> Territorial disputes and the lack of trust and familiarity between the two sides creates further obstacles to greater military cooperation.<sup>103</sup>

## **The Philippines' Maritime Disputes with China**

The Philippines and China have long-standing disputes over waters and land features in the South China Sea, which the Philippines calls the West Philippine Sea.<sup>104</sup> Tensions have risen since 2012, as China has enlarged and placed new military assets on several disputed features in the Spratly archipelago, and increasingly interfered with Philippine commercial and military activities in what the Philippines, citing UNCLOS, considers its Exclusive Economic Zone. DOD's 2021 report on PRC military and security developments stated that the PRC's Spratly Island outposts "allow China to maintain a more flexible and persistent military and paramilitary presence in the area," which "improves China's ability to detect and challenge activities by rival claimants or third parties and widens the range of response options available to China."<sup>105</sup>

The previous Aquino government sought arbitration under UNCLOS against aspects of China's maritime claims and behavior in the South China Sea. In 2016, an UNCLOS tribunal concluded that China's "Nine Dash Line" claims to areas overlapping the Philippines EEZ have no legal basis.<sup>106</sup> The tribunal also found that China violated its UNCLOS obligations by blocking Philippine access to Scarborough Shoal, interfering with Philippine oil and gas exploration at Reed Bank, and damaging the marine environment by reclaiming land. The United States has urged China, which declared the verdict "null and void," to abide by the ruling, and the Philippines to try to enforce it.<sup>107</sup> (See **Figure 2**.) Former President Duterte downplayed the UNCLOS ruling while engaging in bilateral discussions with China on resolving maritime disputes, without success.<sup>108</sup> By contrast, Philippine Foreign Affairs Secretary Manalo stated in July 2022 that the ruling and UNCLOS "are the twin anchors of the Philippines' policy and actions" on the South China Sea.<sup>109</sup>

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<sup>102</sup> "Chinese, Philippine Coast Guards Hold Joint Exercises to Achieve Interoperability at Sea," *China Military Online*, January 16, 2020; Philip Tubeza, "Lorenzana: Intelligence Sharing with China Can Be Done Immediately," *Philippine Daily Inquirer*, July 3, 2017.

<sup>103</sup> Prashanth Parameswaran, "The Truth About China's New Military Aid to the Philippines," *The Diplomat*, June 30, 2017.

<sup>104</sup> For further information, see CRS Report R42784, *U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress*, by Ronald O'Rourke, and CRS In Focus IF10607, *China Primer: South China Sea Disputes*, by Ben Dolven, Susan V. Lawrence, and Ronald O'Rourke.

<sup>105</sup> Department of Defense, "Military and Security Developments Involving the People's Republic of China: A Report to Congress Pursuant to the National Defense Authorization Act for 2000," November 3, 2021.

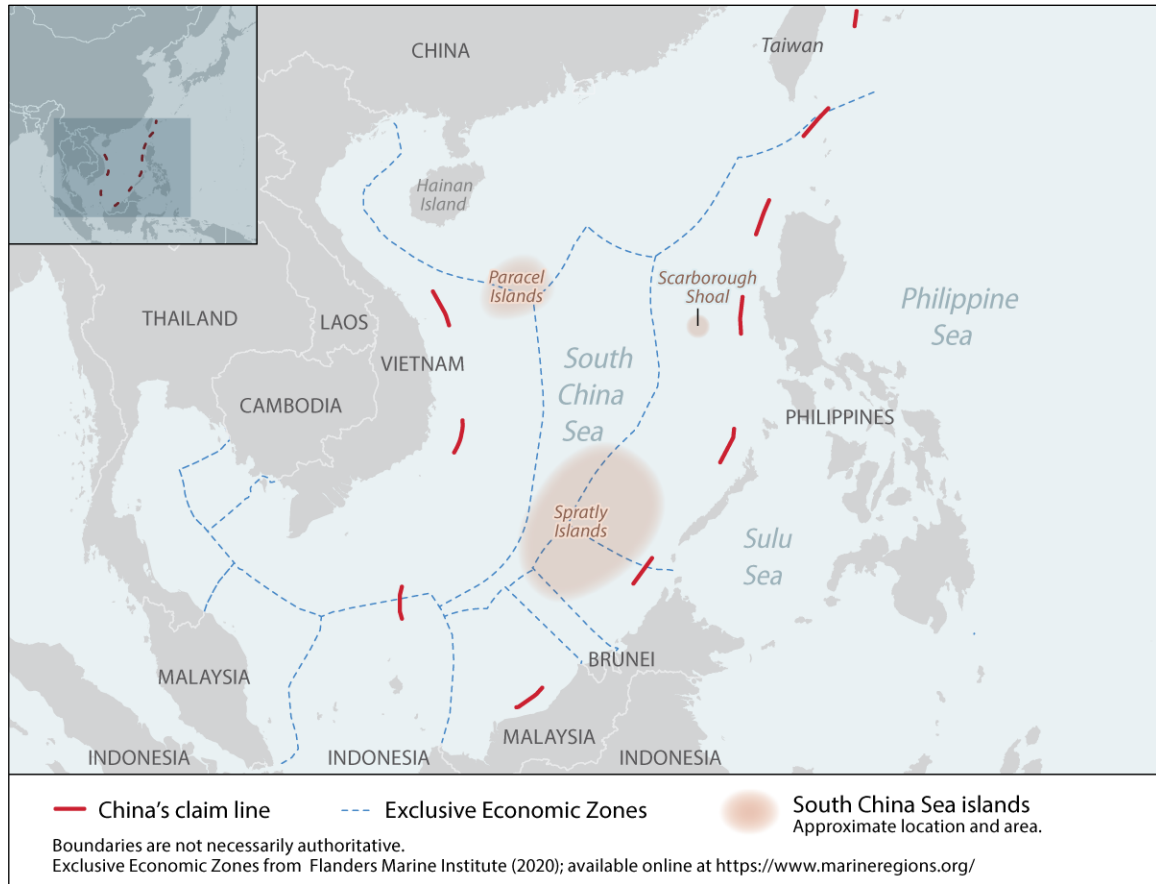
<sup>106</sup> The full text of the ruling can be accessed at <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>.

<sup>107</sup> "Full Text of Statement of China's Foreign Ministry on Award of South China Sea Arbitration Initiated by Philippines," *Xinhua*, July 12, 2016; Robert D. Williams, "What Did the U.S. Accomplish with Its South China Sea Legal Statement?" *Brookings Institution*, July 22, 2020; Renato Cruz de Castro, "After Four Years, the Philippines Acknowledges the 2016 Arbitral Tribunal Award," *Asia Maritime Transparency Initiative*, July 27, 2020. See also Department of State, "Limits in the Seas, No. 150. People's Republic of China: Maritime Claims in the South China Sea," January 2022.

<sup>108</sup> "Duterte Wants to Liberate Philippines from U.S. Shackles: Foreign Minister," *Reuters*, October 6, 2016; Ernesto M. Hilario, "Bilateral Talks on South China Sea Dispute," *Manila Standard*, August 21, 2021.

<sup>109</sup> Richard Heydarian, "Marcos Flexing Muscles in the South China Sea," *Asia Times*, July 13, 2022.

**Figure 2. Contested Boundaries in the South China Sea**



**Source:** Created by CRS. Exclusive Economic Zones from Flanders Marine Institute (2020).

## Violent Extremism in the Philippines

The Philippines has battled Muslim armed separatist and terrorist movements on the southern islands of Mindanao and the Sulu archipelago for over 30 years. The Abu Sayyaf Group (ASG), which the United States designated as a foreign terrorist organization in 1997, has carried out hostage-takings for ransom, killings, and bombings since the early 1990s. In 2002, DOD established the Joint Special Operations Task Force–Philippines (JSOTF-P) as part of Operation Enduring Freedom to support “the comprehensive approach of the Armed Forces of the Philippines in their fight against terrorism,”<sup>110</sup> including a large humanitarian component. Philippine military efforts, supported by U.S. assistance, reduced the size of the ASG from 1,000–2,000 militants in the mid-1990s to an estimated 400 members in the mid-2010s.<sup>111</sup> The U.S. government deactivated JSOTF-P in 2015, citing the diminishing strength of the ASG, but

<sup>110</sup> Joint Special Operations Task Force–Philippines Fact Sheet, July 1, 2011, at <http://jsotf-p.blogspot.com/2011/>.

<sup>111</sup> Department of State, *Country Reports on Terrorism 2018: Philippines*, November 1, 2019; Linda Robinson, Patrick B. Johnston, and Gillian S. Oak, “U.S. Special Operations Forces in the Philippines,” 2001–2014, RAND, 2016.

launched OPE-P in 2017 in response to the rise of Islamic State (IS) affiliates in the Philippines.<sup>112</sup>

## The Marawi Siege

In May 2017, a coalition of Filipino Islamist extremist groups that had pledged allegiance to the Islamic State, along with dozens of foreign fighters, laid siege to Marawi, a provincial capital in Mindanao.<sup>113</sup> With U.S. and other foreign assistance, the AFP retook the city in October 2017. U.S. military personnel provided technical support, including ISR training, aerial surveillance, and communications assistance.<sup>114</sup> The conflict reportedly resulted in the deaths of over 900 militants, over 165 Philippine troops, and roughly 50 civilians, as well as the destruction of much of the city.<sup>115</sup>

### **Bangsamoro Autonomous Region of Muslim Mindanao**

For two decades, Manila and the Moro Islamic Liberation Front, an armed separatist group, engaged in on-again, off-again negotiations on a settlement and political arrangement that would provide substantial autonomy to Muslims in Mindanao and put an end to the decades-old military conflict. In 2018, the Duterte government and the Moro Islamic Liberation Front reached an agreement that formed a new, Muslim-majority administrative area in Mindanao and the Sulu Archipelago, called the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM). The BARMM, which encompasses five provinces and 4 million people in Western Mindanao and Sulu, was approved by voters in the region and established in 2019.

Previous peace agreements have successfully reduced the number of separatists engaged in armed conflict with the central government, and some observers expect the new political arrangement similarly to result in the disarmament of militants, fewer attacks, and the growth of investment in the historically poor region.<sup>116</sup> However, the COVID-19 pandemic has led to delays in the creation of new government institutions, demobilization and disarmament of Moro fighters, and provision of socioeconomic benefits to former militants.<sup>117</sup> According to experts, the slow transition could strengthen armed extremist groups, such as the Bangsamoro Islamic Freedom Fighters, and undermine the upcoming BARMM elections, scheduled to be held in 2025.<sup>118</sup>

## Islamic State of Iraq and Syria (ISIS)-East Asia

In 2018, the Department of State added ISIS–Philippines (ISIS-P), a loose collection of groups who had pledged allegiance to the Islamic State, to its list of Foreign Terrorist Organizations.<sup>119</sup> The network, now renamed ISIS–East Asia (ISIS-EA), has around 300-500 fighters.<sup>120</sup> Although

<sup>112</sup> Sam LaGrone, “U.S. Officially Ends Special Operations Task Force in the Philippines, Some Advisers Remain,” *USNI News*, February 27, 2015.

<sup>113</sup> Joseph Hincks, “What the Siege of a Philippine City Reveals About ISIS’ Deadly New Front in Asia,” *Time*, May 25, 2017.

<sup>114</sup> Neil Jerome Morales and Simon Lewis, “U.S. Forces Give Technical Assistance as PH Takes Losses in Marawi,” *ABS-CBN*, June 11, 2017.

<sup>115</sup> “Philippines: ‘Battle of Marawi’ Leaves Trail of Death and Destruction,” Amnesty International, November 17, 2017.

<sup>116</sup> Economist Intelligence Unit, *Country Report: Philippines*, June 11, 2021.

<sup>117</sup> Georgi Engelbrecht, “The Normalization Process in the Bangsamoro Faces Rising Uncertainty,” *The Diplomat*, April 26, 2021.

<sup>118</sup> Nick Aspinwall, “Thousands of Families Are Being Displaced by Violent Clashes in Mindanao,” *The Diplomat*, April 2, 2021.

<sup>119</sup> Department of State, Bureau of Counterterrorism, “Foreign Terrorist Organizations,” at <https://www.state.gov/foreign-terrorist-organizations/>.

<sup>120</sup> Department of Defense Office of Inspector General, “Operation Pacific Eagle-Philippines: Lead Inspector General

weakened in the AFP counteroffensive in Marawi, the Abu Sayyaf Group and other IS-affiliated groups have continued to carry out sporadic attacks in Mindanao and Sulu.<sup>121</sup> Some U.S. officials and analysts argue that “efforts to reduce extremism in the Philippines do not appear to have made a substantial difference since the launch of OPE-P.”<sup>122</sup> Force rotations, uncertainty over the VFA, and COVID-19 restrictions appear to have also have hindered U.S. assistance.<sup>123</sup> According to U.S. Special Operations Command-Pacific (SOC PAC), despite progress in executing large-scale counterterrorism operations in difficult terrains since 2017, the AFP as of 2020 had not demonstrated the capacity to sustain gains by further degrading terrorist groups or preventing them from reconstituting.<sup>124</sup>

### Other Security Threats: Communist Party of the Philippines

The Communist Party of the Philippines (CPP), which the government long has viewed as its principal security threat, has waged an insurgency since the late 1960s. Over 100,000 combatants and civilians have died in fighting related to the insurgency since 1969. The CPP’s military arm, the New People’s Army (NPA), reached over 25,000 fighters in the early 1980s, but declined after President Ferdinand Marcos Sr. fell from power and democracy was restored in 1986. It now has an estimated 2,000 fighters according to the government, and remains active throughout the Philippines.<sup>125</sup>

The U.S. government placed the CPP and the NPA on its list of terrorist organizations in 2002 under Executive Order 13224 (to block terrorist financing), but does not provide direct military support to the Philippine military in its war against the NPA. The AFP has continued to battle communist insurgents, and the NPA has continued attacks on security forces, property, and civilians.<sup>126</sup> In 2017, peace talks held in Norway between the Philippine government and the National Democratic Front, which represents the CPP, broke down, and former President Duterte signed a proclamation declaring the CPP and NPA as terrorist organizations.<sup>127</sup>

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Report to the United States Congress, July 1, 2020-September 30, 2020.”

<sup>121</sup> State Department, *Country Reports on Terrorism 2020: Philippines*; Bong Sarmiento, “ISIS Thrives in Covid-19 Shadows in Philippines,” *Asia Times*, May 22, 2020.

<sup>122</sup> Department of Defense Office of Inspector General, “Operation Pacific Eagle-Philippines: Lead Inspector General Report to the United States Congress, April 1, 2020-June 30, 2020,” August 11, 2020.

<sup>123</sup> Ibid.; Jeff Seldin, “Islamic State Holding on in Philippines, Despite Millions in US Spending,” *VOA*, August 12, 2020.

<sup>124</sup> Department of Defense Office of Inspector General, “Operation Pacific Eagle-Philippines: Lead Inspector General Report to the United States Congress, July 1, 2020-September 30, 2020.”

<sup>125</sup> John Eric Mendoza, “AFP: NPA Down to 2,000 Fighters, Guerilla Fronts Slashed by 74%,” *Philippine Daily Inquirer*, July 7, 2022; Prashanth Parameswaran, “What’s Next for the Philippines Communist Insurgency Under Duterte?” *The Diplomat*, March 31, 2020.

<sup>126</sup> According to AFP sources, between 2016 and 2020, 443 Philippine soldiers were killed by CPP insurgents. Rigoberto D. Tiglao, “Not an Enemy? CPP-NPA Killed 50,000 Filipinos—and Continues to Kill,” *Manila Times*, November 27, 2020; Frances Mangosing, “AFP, Citing Its Data, Says Civilian Property Destroyed in 532 NPA Attacks Since 2010,” *Philippine Daily Inquirer*, January 8, 2021; Department of State, *Country Reports on Terrorism 2020: Philippines*; Jack Broome, “An End in Sight for the Philippines’ Maoist Insurgency?” *The Diplomat*, February 19, 2021.

<sup>127</sup> Pursuant to Republic Act No. 10168, the Terrorism Financing Prevention and Suppression Act of 2012. “Duterte Declares Philippine Communist Rebels ‘Terrorists,’” *Agence France Presse*, December 5, 2017. Formal and informal peace talks between the government and the communists also had been attempted under five prior administrations.

# Human Rights Issues

## The Drug War

Human rights groups had been highly critical of the Duterte government for the extrajudicial killings tied to the “War on Drugs,” as well as for other human rights violations.<sup>128</sup> Drug war-related deaths range from Philippine Drug Enforcement Agency numbers of approximately 6,000 to estimates by human rights organizations of nearly 30,000.<sup>129</sup> At the height of the drug war in 2016-2017, human rights groups reported that virtually all of the killings were carried out by police or by armed vigilantes and occurred without due process, and that the vast majority of victims were unarmed, poor, low-level offenders. They further alleged that police collaborated with vigilantes, planted evidence at the scenes of killings, fabricated reports, and held suspected drug offenders for ransom.<sup>130</sup> Impunity from prosecution that generally protects government and government-backed perpetrators of violence has long been a problem in the Philippines. Of police officers involved in killings in the antidrug war since 2016, only three have been convicted of murder.<sup>131</sup>

In March 2018, President Duterte announced that the Philippines would withdraw from the International Criminal Court (ICC) after the tribunal launched a preliminary investigation into possible “crimes against humanity” related to the antidrug campaign.<sup>132</sup> The ICC suspended its investigation in 2021 following a Philippine government pledge to conduct its own probe, but in June 2022 indicated it may seek to reopen it.<sup>133</sup> In July 2022, Philippine Justice Secretary Jesus Remulla stated that the Philippines cannot be subjected to an ICC investigation since it withdrew from the body in 2018.<sup>134</sup> President Marcos and Philippine officials have stated that the government will continue the drug war “within the framework of the law and with respect for human rights,” and will target large illegal drug operations and bolster drug rehabilitation.<sup>135</sup>

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<sup>128</sup> See, for example, Human Rights Watch, “Philippines: Events of 2021.”

<sup>129</sup> Human Rights Watch, “World Report 2022: Philippines, Events of 2021,” December 16, 2021; Stefano Vecchia, “Duterte’s ‘War on Drugs’ Enters Its Final Phase,” *Asia News*, March 16, 2022; “How Many People Have Been Killed in Rodrigo Duterte’s War on Drugs?” *The Economist*, November 22, 2021.

<sup>130</sup> Human Rights Watch, “‘License to Kill’: Philippine Police Killings in Duterte’s ‘War on Drugs,’” March 1, 2017; Amnesty International, “If You Are Poor, You Are Killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs,’” January 2017.

<sup>131</sup> Karen Lema, “Relatives of Philippine Drug War Victims Alarmed by Duterte’s Talk of Staying On,” Reuters, August 25, 2021.

<sup>132</sup> The Philippines officially withdrew from the ICC in March 2019. Jason Gutierrez, “Philippines Officially Leaves the International Criminal Court,” *New York Times*, March 17, 2019.

<sup>133</sup> Andrea Chloe Wong, “ICC Pushes Probe on the Philippines’ Drug War,” *The Interpreter*, August 9, 2022; “ICC Prosecutor to Reopen Philippines ‘Drug War’ Investigation,” *Al Jazeera*, June 24, 2022.

<sup>134</sup> Kristine Joy Patag, “Remulla: ICC to Get Info on ‘Drug War’ Cases as a Courtesy, Not Compliance,” *Philippine Star*, August 24, 2022.

<sup>135</sup> Vince Lopez, “Mr. Marcos to ‘Refocus’ Drug War,” *Manila Standard*, September 14, 2022; Ambassador Jose Romualdez, US-Philippines Society, September 7, 2022; Sundy Locus, “Remulla on ICC Case: How Can They Probe if We’re Not a Member?” *GMA News*, July 16, 2022; Michelle R. Guillang, “Marcos Committed to Drug War—Swedish Envoy,” *Daily Tribune*, June 11, 2022.

## Other Human Rights Issues

Some experts argue that the space for voices critical of the government narrowed under Duterte. In 2017, Philippine authorities arrested Senator Leila De Lima, a critic of Duterte's drug war, on charges that she had accepted money from drug lords while she was Justice Secretary.<sup>136</sup> In June 2020, journalist Maria Ressa, founder of the online news site Rappler, which had reported critically on the antidrug campaign, was found guilty of "cyber libel."<sup>137</sup> Some observers view both cases as politically motivated.<sup>138</sup> Ressa, who is free on bail as she appeals her verdict, was awarded the 2021 Nobel Peace Prize for her efforts to safeguard freedom of expression.<sup>139</sup>

In 2018, the Securities and Exchange Commission (SEC) of the Philippines revoked the operating license of Rappler due to an issue related to alleged foreign control, which Rappler disputed; the media company was allowed to continue operations pending a final decision by the SEC and the Court of Appeals.<sup>140</sup> Critics decried the license revocation as a violation of press freedom.<sup>141</sup> In July 2020, the Philippines House of Representatives voted to reject the renewal of the broadcast license of ABS-CBN, the country's largest broadcasting network, which had aired an opposition political advertisement in 2016 that reportedly offended former President Duterte. The network also was a major source of critical reporting on the drug war.<sup>142</sup>

The State Department's Country Reports on Human Rights Practices for 2021 cited "serious restrictions on free expression and media, including violence, threats of violence, and unjustified arrests or prosecutions of journalists, censorship, and the use of criminal libel laws to punish journalists."<sup>143</sup> The Philippines is the seventh most dangerous country for journalists according to the Committee to Project Journalists, and it ranks 147<sup>th</sup> out of 180 countries on Reporters Without Borders' "World Press Freedom Index."<sup>144</sup> The Philippines enacted a new Anti-Terrorism Law in 2020 that analysts say contains broad and vague provisions that the government and security forces can use arbitrarily to target political opponents and silence dissent, and that weakens legal protections for the accused.<sup>145</sup> Human rights groups reported that Marcos's presidential campaign and supporters harassed independent journalists, and expressed concern this practice may

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<sup>136</sup> Vince Ferreras, "TIMELINE: De Lima's Four-Year Struggle in Prison," *CNN Philippines*, March 16, 2021; "Muntinlupa Court Junks 1 of 3 Charges vs. De Lima," *CNN Philippines*, February 17, 2021; "List of De Lima's 'Persecutors' Sent to US Gov't," *CNN Philippines*, February 25, 2020.

<sup>137</sup> "Philippine American Journalist Maria Ressa Convicted in Cybercrime Case," *MSN*, June 15, 2020.

<sup>138</sup> Human Rights Watch, "Philippines: Drop Charges Against Rappler, Editor," November 30, 2018.

<sup>139</sup> Ressa won the prize along with Russian journalist Dmitry Muratov. "Maria Ressa: Facts," The Nobel Prize, at <https://www.nobelprize.org/prizes/peace/2021/ressa/facts/>; Robyn Dixon et al., "Journalists Known for Taking on Governments of Philippines and Russia Win Nobel Peace Prize," *Washington Post*, October 8, 2021; Rebecca Ratcliffe and Jon Henley, "'War Reporting Was Easier': Maria Ressa's Journey to Nobel Prize Winner," *The Guardian*, October 8, 2021.

<sup>140</sup> The Philippines SEC upheld its 2018 decision in June 2022. Rappler plans to appeal the decision. "SEC Affirms Revocation of Rappler's Certificate of Incorporation," *GMA News*, June 29, 2022. Kyle Aristophere T. Atienza, "News Company Rappler to Appeal Shutdown Order," *BusinessWorld*, June 29, 2022.

<sup>141</sup> Philippine Center for Investigative Journalism, "State of Media Freedom in the Philippines," May 5, 2021.

<sup>142</sup> "ABS-CBN Says Sorry to Duterte for Airing Controversial Political Ad in 2016 Polls," *CNN Philippines*, February 4, 2020; Human Rights Watch, "Philippines: Duterte Seeks to Shut Network, Case Against ABS-CBN Attacks Media Freedom," February 10, 2020.

<sup>143</sup> Department of State, *2021 Country Reports on Human Rights Practices: Philippines*.

<sup>144</sup> Committee to Protect Journalists, *Global Impunity Index 2021*; Reporters Without Borders, *World Press Freedom Index 2022*.

<sup>145</sup> Nick Aspinwall, "After Signing Anti-Terrorism Law, Duterte Names His Targets," *Foreign Policy*, July 10, 2020.



continue.<sup>146</sup> In July 2022, the U.N. Special Rapporteur on Freedom of Opinion and Expression Irene Khan called on President Marcos to decriminalize libel, withdraw charges against journalist Maria Ressa, reverse government decisions against media outlets, and investigate attacks on journalists.<sup>147</sup>

In addition to the thousands of drug-related killings, roughly 200 extrajudicial killings of leftist and human rights activists reportedly occurred while Duterte was president. Many of these were carried out by unidentified assailants allegedly linked to security forces and government-backed militias, according to human rights groups.<sup>148</sup> Some of the victims were accused by the government of being members of, or as having ties to, communist or terrorist organizations.<sup>149</sup>

## Economics and Trade

The Philippines, one of the fastest growing economies in Southeast Asia prior to the COVID-19 pandemic, recorded annual economic expansion averaging 6.6% annually between 2016 and 2019.<sup>150</sup> The country is home to the largest business process outsourcing sector in the world, generating over \$26 billion annually.<sup>151</sup> Filipino workers continue to emigrate for jobs abroad despite economic growth at home. Remittances from over 10 million overseas Filipino workers totaled \$34.8 billion in 2021, a record high.<sup>152</sup>

GDP contracted by 9.4% in 2020, largely due to the economic effects of the pandemic, but rebounded to 5.5% in 2021.<sup>153</sup> Philippine trade with the United States, its third-largest trading partner and largest export market, totaled \$19.5 billion in 2021, including \$11.8 billion in exports and \$7.7 billion in imports.<sup>154</sup> Major Philippine export items to the United States include electrical machinery, equipment, and parts; other machinery and appliances; leather goods and handbags; agricultural goods; medical devices; and apparel. The largest U.S. exports to the Philippines are electrical machinery, equipment, and parts and agricultural goods.<sup>155</sup>

Under the Aquino government, the Philippines had expressed strong interest in joining the (then) Trans-Pacific Partnership (TPP) in order to gain greater access to U.S. markets and investment opportunities. The Philippines recently has expressed interest in joining the Comprehensive and

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<sup>146</sup> Regina Cabato, “Philippines Dispatch: Pigs Presstitutes and How Journalists are Harassed,” *Washington Post*, June 13, 2022; Basti Evangelista, “Journalists Covering Marcos: Trolling, Disinformation to Worsen,” *Yahoo Philippines*, May 22, 2022.

<sup>147</sup> United Nations, Office of the High Commissioner for Human Rights, “Philippines: UN Expert Slams Court Decision Upholding Criminal Conviction of Maria Ressa and Shutdown of Media Outlets,” press release, July 14, 2022.

<sup>148</sup> United Nations Human Rights Council, “Philippines: UN Report Details Widespread Human Rights Violations and Persistent Impunity,” June 29, 2020; Human Rights Watch, “Philippines: Spate of Killings of Leftist Activists,” June 18, 2019.

<sup>149</sup> “UN Experts Call Out Duterte’s Silence on Bloody Sunday Killings,” *People’s Dispatch*, January 13, 2022; Human Rights Watch, “World Report 2021, Philippines: Events of 2020.”

<sup>150</sup> World Bank, “GDP Growth (Annual %)—Philippines.”

<sup>151</sup> Jessica Fenol, “BPO Industry Eyes \$29-Billion Revenue, More Jobs by 2022,” *ABS-CBN*, June 25, 2021.

<sup>152</sup> Lawrence Agcaoli, “OFW Remittances Hit All-Time High in 2021,” *Philippine Star*, February 16, 2022.

<sup>153</sup> Economist Intelligence Unit, *Country Report: Philippines*, August 26, 2022; Asian Development Bank, “ADB Maintains 2021 Forecast for Philippine Economy; COVID-19 Vaccination Key to Growth,” news release, September 22, 2021.

<sup>154</sup> Trade Data Monitor.

<sup>155</sup> Trade Data Monitor.

Progressive Agreement for Trans-Pacific Partnership, which evolved from the TPP without U.S. participation.<sup>156</sup> The Philippines is one of 14 members of the Indo-Pacific Economic Framework initiative, which the Biden Administration launched in May 2022 to boost economic growth, fairness, competitiveness, and related objectives among allies and partners in the region.<sup>157</sup>

## Considerations for Congress

- Given the significance of the Philippines to U.S. strategic interests in the region, Congress may consider how best to support the defense relationship, including how to help the Armed Forces of the Philippines address its most critical capability gaps and capacity shortfalls. Congress may consider how to apportion U.S. security assistance among the areas of responding to external threats and counterterrorism. Congress may consider what combination of military and development or humanitarian assistance might best counter extremist movements in the southern Philippines.
- As the United States and the Philippines have common interests in maintaining a “free and open Indo-Pacific,” Congress may consider how the United States might provide support to the Philippines in its efforts to protect its sovereignty and interests in its maritime domain. Policy tools include U.S. official statements of support for the 2016 UNCLOS tribunal decision declaring China’s territorial claims to have no legal basis; cultivating multilateral support, including from ASEAN, for countering PRC assertiveness in the South China Sea; and providing greater security assistance to the Philippines. Congress may also consider the possible consequences for U.S. interests of ratifying UNCLOS.<sup>158</sup>
- As the problems of extrajudicial killings and a culture of impunity have continued in the Philippines, Congress may consider how the United States might assist the Philippine government in strengthening its oversight of its police and military forces and enhancing the efficacy of its judicial system. Previous U.S. assistance efforts, for example, have included strengthening the rule of law and improving judicial processes.<sup>159</sup> Given past, present, and proposed congressional restrictions on U.S. security assistance to the Philippines due to human rights concerns, Congress may consider their impact, if any, on human rights conditions in the Philippines and on U.S.-Philippine relations, and adjust accordingly.<sup>160</sup>
- Given China’s economic engagement and influence in the region and Philippine interest in strengthening economic ties with the United States, Congress may consider how best to promote closer U.S.-Philippines economic ties and provide alternatives to Chinese infrastructure financing, whether through bilateral trade

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<sup>156</sup> The United States withdrew from the TPP in 2017. Shannon Hayden and Javiera Heine, “CPTPP: Can We Expect Additional Southeast Asian Members Soon?” *The Diplomat*, March 10, 2022.

<sup>157</sup> The White House, “FACT SHEET: In Asia, President Biden and a Dozen Indo-Pacific Partners Launch the Indo-Pacific Economic Framework for Prosperity,” May 23, 2022.

<sup>158</sup> In the 117<sup>th</sup> Congress, H.Res. 361 and S.Res. 220 would call on the United States Senate to give its advice and consent to the ratification of UNCLOS.

<sup>159</sup> See, for example, USAID’s Judicial Strengthening to Improve Court Effectiveness (JUSTICE) Project, at <https://2012-2017.usaid.gov/philippines/partnership-growth-pfg/justice>.

<sup>160</sup> Between 2008 and 2013, the U.S. Congress placed conditions upon a portion of Foreign Military Financing (FMF) to the Philippines (withholding \$2 million-\$3 million annually) in order to encourage human rights improvements related to extra-judicial killings by members of the AFP. These restrictions applied only to the Army.

arrangements, the U.S. International Development Finance Corporation or other financial entities, a second Millennium Challenge Corporation compact, or the Indo-Pacific Strategy's proposed Indo-Pacific economic framework.

## **Selected Legislation in the 117<sup>th</sup> Congress**

- The National Defense Authorization Act for Fiscal Year 2023 (H.R. 7900, passed in the House 7/14/22) would require a report on human rights in the Philippines (Section 5818) and prohibit Department of State funding to the Philippine National Police until certain human rights conditions by the government of the Philippines are met (Section 5863).

The Consolidated Appropriations Act, FY2022 (P.L. 117-103, Section 7043(g)) states, “None of the funds appropriated by this Act may be made available for counternarcotics assistance for the Philippines, except for drug demand reduction, maritime law enforcement, or transnational interdiction.” The law also requires an update to the report required by the Consolidated Appropriations Act, FY2020 (P.L. 116-94) on steps taken by the Philippine government to hold Philippine armed forces personnel accountable for human rights violations, and on how the report’s findings are reflected in U.S. assistance to the armed forces of the Philippines.<sup>161</sup>

- The Asia Reassurance Initiative Act of 2018 (ARIA, P.L. 115-409) restricts counternarcotics assistance to the PNP, with the exception of drug demand reduction, maritime, and interdiction programs, unless the Philippines has adopted and is implementing a counternarcotics strategy that is consistent with international human rights standards.
- The South China Sea and East China Sea Sanctions Act of 2021 (S. 1657, introduced 5/17/21) would impose sanctions on Chinese persons and entities that participate in certain activities related to China’s territorial disputes in the South China Sea and the East China Sea and addresses other related issues.

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<sup>161</sup> See S.Rept. 116-126. The report shall describe “steps taken during the previous calendar year by the Government of the Philippines to: (1) prosecute armed forces personnel, including commanding officers, who are credibly alleged to have ordered, committed, or aided or abetted extra-judicial executions, forced disappearances, and other gross violations of human rights, and to strengthen judicial institutions responsible for investigating, prosecuting, and punishing those responsible for such crimes; (2) promote only armed forces personnel who demonstrate professionalism and respect for human rights; and (3) ensure that the Philippine armed forces and paramilitary groups under its control are not engaging in acts of intimidation or violence against journalists, human rights and environmental defenders, and other social activists.”

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