AMIS-DEAL IN HONG KONG
The continuing story of acquiescence and resistance in the WTO

PHILIPPINE HUMAN RIGHTS INFORMATION CENTER
SHALL WE DANCE?
Arroyo’s cha-cha as a danse macabre
Karapatan at Kalakalan

NITONG Disyembre ay idinaos ang 6th Ministerial Conference ng World Trade Organization (WTO) sa Hongkong upang pabilisin ang pagbuo ng mga bagong kasunduan sa lalo pang pagbubukas at pagtanggol ng mga res- triksyon sa pandaigdigang kalakalan.

Ang mga panibagong kasunduan ito, tinawag na “Doha Round,” ay kinakailangan mabuo at magkabisa sa pagtatapos ng 2006 dahil kunhing malalagay sa alanganin ang buong proseso ng globalisasyong itinutulak ng mayayamang bansa.

Sa kasaysayan ng mga negosasyong ginaganap sa ilalim ng WTO, laging matinding banggaan ng mga interes ng mga bansa lalo na sa pagitan ng mga mayayaman at mahihirap na bansa. Lalung maigting ang pagtutol ng iba’t-ibang organisasyon ng mga sektor sa lipunan.

May basehan ang mga akusasyon ng mahihirap na bansa at mga ‘civil society organizations’ na hindi demokrakto ang mga proseso sa loob ng WTO at sa aktwal ay mga industriyalisadong bansa ang nakikinabang sa mga nabubuong kasunduan sa kalakalan.

Isang kongkretong halimbawa nito ay ang pagmamadali ng mayayamang bansa na ibaba o alisin ang mga taripa sa mga produkto ngunit nagbabagay naman sina sa pag-alis ng subsidyo sa kanilang ‘exports.’ Bukod dito, pinaliliit na nila ang maalinlat na bansang limitahan ang kani-kanilang suporta sa agrikultura.

Sa ganitong kalaangay, luging-lugi ang mga mahihirap na bansa tulad ng Pilipinas dahil paano makikikipaglaban ang mga lokal na magsasaka at negosyante sa mga ‘imported’ na produkto bukod na mas mahusay ang kalidad ay madali pang makapakos sa ating bansa.

Oo nga’t pabor sa mga magsasaka ang pagkakaroon ng mga murang ‘imported’ na produkto ngunit sino ba ang karamihan sa mga mamimiling ito? Hindi ba’t sila rin ang mga magsasaka at manggagawang ang kiniwiti yang meron pa, ay unti-unting pipinaliti ng hindi patas na kanilalang ito? Sino pa ang bibili ng mga produkto ito kung tulo yang nag mamatay ang ating agrikultura at industriya?

Sa klase ng globalisasyong ito, malabong ang mga magsasaka ng nasendido pag-unlad ang mahihirap na bansa at lalo ring hihina ang kanilang kakayahang tugunan at ipagtanggol ang karapatan ng kanilang mga nasasakupan.

Nakalimutan ng mga bansang pumaloob sa WTO na sa ilalim ng Universal Declaration of Human Rights (UDHR) kung saan nakakipirma rin sa, obligasyon nilang magkatulungan para sa pandaiy-digig panggalang, pagprotekta, at pagpasakatuparan ng mga karapatan pambataan

Hindi ito at ito ito kata-ka-taka dahil sa kabila ng mga magagandang salita at layuning mga mga kasunduan pinagmamahal ng mga bansa, ang namamayani rin po rin sa kanilang relasyon ay ang motibong kumita at magkamal ng yaman. Walang puwede sa sanang ihago at sinersong kooperasyon at pagtatulungan tungo sa mga mithiin ng mga karapatan pantao; kalayaan at dignidad para sa lahat; at kapayapaan at pagkakaisa ng mga bansa.
After five days of intense negotiations, Mr. John Tsang, Hong Kong’s Commerce Secretary pounded the gavel in the highly choreographed final plenary meeting and declared the 6th Ministerial Conference of the World Trade Organization (WTO) in Hong Kong closed. The Ministerial Declaration was approved practically uncontested, except for the intervention of Mari Pili Hernandez of Venezuela, who took the floor to reiterate Venezuela’s reservation on the text. The declaration embodies consensus on a number of critical areas of the negotiations and outlines the clear direction or road map for the conclusion of the Doha Round by 2006.

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Outside however, the situation was a little more intense. Just a day prior, thousands of protesters marched to the convention center and managed to break through the police barricades. The demonstration turned violent as protesters clashed with the police in one of the most militant expressions of dissent and opposition to the WTO. If acquiescence was the name of the game inside, outside it was resistance. And by the time Tsang pounded the gavel to close the ministerial conference, the people’s judgement on the WTO had already been made as shouts of “Down, Down WTO” continued to echo in the empty streets of Wan Chai.

Battle of interpretations
Similar to previous WTO ministerial meetings, a battle of interpretations took place. While the inside was all about consensus and acquiescence, outside the resistance was fierce. The WTO was accused of favoring the interests of large corporations over those of small businesses and developing countries. The die-in staged by anti-WTO protesters dramatized the devastating effects of the new trade deal.
interpretations has ensued over the outcome of the conference in Hong Kong. Both proponents and opponents of the WTO have come out with their own accounts and their own scorecards on the results of the talks. Was it a success or a failure? Was it a step forward or a setback for the world’s poor?

WTO Director General Pascal Lamy called the meeting a success. In his own assessment, with the gains achieved in Hong Kong, both in terms of what he called the “right negotiating attitude” among members and the consensus in some technical areas of the negotiations, the Doha Round is now 60% complete. And with a road map in hand, the negotiations now have enough steam to continue on to Geneva towards the conclusion of the round in 2006 as scheduled.

In contrast, civil society groups and social movements around the world are dismayed over the outcome of the talks. In all the critical areas of negotiations—agriculture, non-agricultural market access (NAMA), services, and the issue of development, the text locks in very critical and highly contentious areas like the ambitious tariff reduction formula in NAMA and the plurilateral approach in services while glossing over the divergent views that have already been expressed by countries in the course of the negotiations and especially in the last few days of the Ministerial in Hong Kong.

So the question is: what happened? What sort of magic was Lamy and his cohorts able to conjure to forge the consensus behind the Hong Kong text? To understand the outcome of the Hong Kong talks we have to go back to what was at stake there to begin with.

**Merry new round: From Doha to Hong Kong**

Four years ago, member countries gave the go-signal to start negotiations for new trade agreements that would replace the existing set of agreements collectively called the Uruguay Round Agreements. Because the mandate to begin negotiations was an outcome of the 4th Ministerial Meeting in Doha, Qatar in November 2001, the ongoing negotiations are referred to as the Doha Round.

The Doha Round is supposed to be a development round. It aims to address the implementation issues that were raised by poor countries at the Seattle Ministerial Meeting in 1999 and in the process put their developmental concerns at the heart of new negotiations. It was this promise of development that served as the enticement for the developing countries, most especially those coming from Africa, to give their reluctant nod to the launch of new trade negotiations.

The meeting in Cancun in 2003 was supposed to be a stock-taking exercise for the members. It was supposed to assess how far the Doha negotiations have gone. But because it became too obvious that the trade superpowers wanted to ram their agenda for faster and deeper liberalization down the throats of everybody else, the Cancun talks collapsed, effectively sidetracking the Doha negotiations. We saw at Cancun the emergence of various developing country groupings that seemed able and willing to challenge the agenda of the two most powerful members of the WTO – the United States and the European Union.

The negotiations however were quickly put back on track. A consensus was reached at the General Council Meeting in July 2004 over “the July Framework”, which became the basis for continuing negotiations. The July Framework was hailed by then US Trade Representative Robert Zoellick as a road map to prosperity.
Developing countries like the Philippines joined in the celebratory chorus. The forging of the consensus over the framework was a testament in large part to the negotiating tactics of the US and EU and the co-optation of India and Brazil, the erstwhile leaders of the G20 – a grouping of developing countries pushing for the elimination of domestic support and export subsidies in the North. For all intents and purposes, the agriculture framework (also referred to as Annex A) was a product of negotiations among (what came to be known as) the Five Interested Parties or the FIPS, which include the US, the EU, Australia, India and Brazil.

What was at stake in HK

With the revival of the talks in July 2004, the Doha negotiations seemed poised for completion. Reflecting this level of optimism, then Agriculture Committee Chair, Tim Grosser, targeted ‘first approximation’ of modalities in agriculture by 2005. Two successive General Council Meetings in July and October 2005 however failed to produce the much sought-after consensus on the modalities. In the words of then Director General Supachai Panitchpakdi, the negotiations were “in trouble”. With no consensus on even the first approximations on the modalities in sight, the objective of achieving full modalities at Hong Kong became more and more unlikely.

For this reason, the expectations for Hong Kong were quickly downplayed. By October 2005, that aim was reduced to securing an agreement on at least half of the modalities. The clear objective was to prevent the monumental collapse of the ministerial reminiscent of Seattle and Cancun and to keep the momentum going. At stake in Hong Kong was not only the future of the Doha Round but the very legitimacy of the WTO. From the maneuverings by the Chairs in the negotiations at the committee level to the choreography at the final plenary, it was clear that the unspoken marching order was to prevent collapse at all costs.

The deal in HK

The ‘Hong Kong deal’ is highly reminiscent of the flawed and undemocratic ‘July Framework’ that put the negotiations back on track in 2004. The Ministerial Declaration, while conveniently vague in most of the contentious areas, nevertheless ensures, through carefully crafted language, some space for negotiations to move forward. On the other hand, the text projects explicit consensus already in certain areas like the formula for tariff reduction and approaches to the negotiations.

Illusory gains

In agriculture, what was achieved in Hong Kong was consensus on the banded or tiered approach to the reduction of tariffs and domestic support. The relevant thresholds however still need to be agreed upon.

In the area of Special Products and Special Safeguard Mechanisms (SP/SSM), which is foremost in the agenda of developing countries like the Philippines because of the flexibilities and protection that these provisions offer to certain products, what came out in the declaration was a note on the movements on the designation and treatment of SPs and elements of SSM and the recognition of the flexibility for developing countries to self-designate number of tariff lines under SP. Precise arrangements however still need to be further defined.

The declaration also sets clear timelines already to establish modalities by April 30, 2006 and comprehensive draft schedules by July 31, 2006.

But perhaps what was central to the deal in agriculture was the agreement on an end date of 2013 for the elimination of export subsidies and disciplines on export measures like food aid.

A closer reading of the outcome in agriculture would reveal that the supposed gains are in fact illusory. As noted by Aileen Kwa of Focus on the Global South, “export subsidies account for only a small part of the large proportion of EU supports to subsidizing exports. Most fall into the WTO-legal “Green Box” which has escaped disciplines in the current negotiations.” Furthermore, the commitments made by the US and the EU to reduce domestic support would actually amount to very minimal cuts on actual levels of support. In the end, the US and the EU would still be able to maintain their high levels of
Formula for De-Industrialization

In Non-Agricultural Market Access (NAMA), the major coup was the adoption of the Swiss Formula (with coefficients) for tariff reduction. The Swiss Formula, which was pushed aggressively by the United States and the EU, is an ambitious formula that calls for greater cuts for products with higher tariffs. With the adoption of the Swiss formula, the negotiations would now shift towards debate over the relevant coefficient levels. The EU proposes for instance a coefficient of 15% for developing countries. The coefficient also represents the ceiling for bound tariffs, meaning with a coefficient of 15, no tariffs would be higher than 15% for industrial and other non-agricultural products.

On the average, the bound rates for industrial products in developed countries is lower compared to rates in developing countries. Industrial tariffs in developed countries range from 4-5%, while in Latin America it ranges from 25-50%. India’s bound rates for non-agricultural products for example range from a high of 100% (Fish and fishery products) to a low of 22% (for transport equipment). The average bound rate for manufactures is at 48.8%, and 34.2% for industrial goods.

A formula aimed to harmonize rates therefore would affect countries like India and would favor countries like the United States who are pushing for harmonization, where average bound and applied rates are already quite low at 3.9% and 4.3%, respectively. Unlike the language on the formula, flexibilities for developing countries were not given equal emphasis and weight. The text practically ignores the demand made by developing countries that flexibilities be treated as a stand-alone provision that should be de-linked from the discussions on the formula.

The text presents no details yet on flexibilities for developing countries and simply reaffirms the importance of these flexibilities as they relate to the principle of special and differential treatment and less-than-full reciprocity in reduction commitments.

In agriculture, full modalities are expected by April 30 this year, with draft schedules by July 31, 2006.

GATS Pressure Cooker

In services, the highly controversial and contested Annex C has now been recognized as an integral part of the GATS negotiations. Annex C outlines the objectives, approaches and timelines for the GATS negotiations. It mandates higher levels of services liberalization through the pursuit of quantitative targets and benchmarks, as well as the plurilateral request and offers process.

These so called complementary approaches are obviously a way to skirt around the flexibilities inherent in the request and offers process and a tool to pressure developing countries to commit to deeper liberalization and to open up more sectors.

Annex C also sets forth the following timelines: Plurilateral requests by February 28, 2006, a second round of revised offers by July 31, 2006, and final draft schedules of commitments by October 31, 2006.

Implications for the Philippines

So what does all this mean for the Philippines?

“The preservation of the remaining ‘policy space’ and the creation and enhancement of ‘offensive space’ for exports” is how Undersecretary Segfredo Serrano, our chief agriculture negotiator, describes the Philippine negotiating framework in the WTO. By policy space, government refers to the difference between our applied tariff rate (or the actual duties levied on imports) and the bound rate (which is our commitment to the WTO as far as tariff ceilings are concerned).

Our agricultural tariffs are quite low already. Our average bound rate is at 34 - 35% with around 90% of these falling between the 0-40% range. Our applied rates are even lower, averaging only around 10% (87% of which fall within the 0-30% range).

Following the logic of policy space, our agricultural products therefore have on the average a 20-25% allowance between applied and bound rates. Following the US proposal, tariff lines falling between 0-40% would have to be subjected to anywhere between 36-50% (allowing for 2/3 proportionality) cuts over a ten-year period. This means that our average bound rates would fall to as low as 17-22% (or a 35-50% erosion of policy space).

It is for this reason that the Philippines has been aggressively pushing the agenda of special products and special safeguards mechanism through the G33. By securing a high enough number of products in the SP category, it hopes to shield these products from the devastating effects of further tariff reductions mandated by the WTO. While there may have been a recognition of the right of developing countries to self-designate the number of tariff lines, the actual percentages are still to be negotiated.

The Philippines is working within the range of 10-20% of agricultural tariff lines that could be designated as SP and it is banking on SP/SSM provision as the major tool to protect policy space. But we have seen in the course of the negotiations that the SP provision is constantly being watered down. From a very strong position pushed by G33 for no-tariff reductions to SPs and even the reinstatement of quantitative restrictions (QRs), there now seems to be an acceptance that a certain percentage of products within SP would be subjected to less than formula tariff cuts. In other words, SP would no longer be a complete shield or exemption from tariff reduction.

The concessions that were made in NAMA and services also constitute a clear erosion of policy space. In NAMA for instance, the Philippines would be forced to now bind more than 39% of its products that were previously outside the ambit of the WTO. This would include 95% of tariff lines for fisheries that are still unbound.

Our average bound rate for non-agricultural products is 26% and our average applied rate is 9.5%. The proposals now on the table are calling for reduction coefficients of anywhere between 15-30 for developing countries.

Computations done by DTI show that with a coefficient of 30%, bound rates for non-agricultural tariffs would approximate but still be slightly above our applied rates. According to Tariff Commission Chairman Edgardo Abon, “at 30% we can maintain most of our policy space except for all but 5% of our products.” A coefficient lower than 30 however would eat into our applied rates already.

In our unbound products, the only recourse it seems now is to push for exemptions. Unfortunately, those exemptions contained in Paragraph 8 of the Annex B of the NAMA text remain

From music to masks: creative expressions of dissent during the Hong Kong Ministerial Conference.
Water cannons greet Korean protesters. WWW.INFOSHOP.ORG

bracketed. So far the numbers in brackets are 10% of tariff lines for less than formula cuts and 5% of tariff lines

Defensive stand in HK?

In his speech before the conference, Trade Secretary Peter Favila reiterated the Malaysian position on many of the critical areas. In agriculture the emphasis was on special and differential treatment and the importance of SP, which he described as an important equalizer. In NAMA, Favila reiterated the foremost importance of Paragraph 8 flexibilities and the recognition that this is a stand-alone provision. The Philippines however conceded to the adoption of the Swiss Formula with at least 2 coefficients. In services, Favila stressed the Philippines’ opposition to so-called complementary approaches that seek deeper liberalization affecting sensitive policy areas like restrictions on foreign equity and ownership and liberalization of more sectors or areas than what was originally included in the country offers. According to Favila “these new approaches are clearly opposed to the request-offer negotiating modality our officials agreed in March 2001.”21

Secretary Peter Favila ended his speech before the Conference with the following plea to the developed world: “By your sheer size alone, you will continue to grow, but you must not forget that it is your duty to reinforce and empower the weaker economies of the world. We all came into being in this universe as one people.”

The unspoken subtext of the defensive posturing of the Philippines is the admission that something is wrong with our current tariff structure. Our very low applied rates, a product of the unilateral liberalization programs in the past, narrow down our options considerably. The recalibration of our tariff structure therefore should be the foremost element of the Philippines’ negotiating framework.

While Favila’s speech generally reflected the defensive stand of countries like the Philippines in these negotiations, it was an affirmation as well that the Philippines continues to have faith in WTO as an arbiter of trade fairness and justice and that the multilateral trading system could still be counted upon to deliver on its promise of development.

We also have to consider that despite the seeming defensive posturing in Hong Kong or in the course of the Doha negotiations, liberalization is still the development mantra in the Philippines and this will continue to be pursued within the WTO or in bilateral or regional free negotiations on trade and investment.

Stopping the Round

The forging in Hong Kong of an ‘interim deal’ effectively sets the stage for the conclusion of the Doha Round negotiations by 2006.

For trade campaigners 2006 is thus a very crucial year. The WTO is aiming for new modalities in agriculture and NAMA by the end of April, draft schedules of commitments by July, and the plurilateral requests on services by end-February. The negotiations have now shifted back to Geneva at a much faster pace.

The challenge now for groups that are campaigning against the WTO and the Doha Round, like the Stop the New Round! Coalition, is how to step up efforts to block consensus over new modalities and prevent the conclusion of the round by 2006.

Alongside the efforts to prevent new trade agreements in the WTO, we also have to heighten the campaign against regional and bilateral trade and investment agreements that pry our economy open at a much faster pace.

The challenge before us is indeed daunting. But the resistance must continue and it must gain strength through collective and well coordinated actions in the days and months to come. Let the militancy and the solidarity among people’s movements that we witnessed in Hong Kong last December fuel the campaigns and push forward the agenda for genuine development.

(Footnotes)

1 The author is a Research Associate of Focus on the Global South and Coordinator of the Stop the New Round! Coalition in the Philippines.


3 A busy commercial and entertainment district in Hong Kong, where the HK Convention Center is located and where protesters clashed with police on the night of December 17, 2005.

4 Statement made by WTO Director General Pascal Lamy at the Press Briefing on December 19, 2005 in Hong Kong.

5 Annex A outlines the framework for establishing modalities in the agriculture negotiations.

6 “Modalities” refers to methodology and approaches to be followed in the implementation of new trade agreements including the formula for tariff and subsidies reduction.

7 Tariff reduction percentages would be applied to a given tariff range, say 0-20%.

8 The concept of Special Products (SP), would allow developing countries to have the guaranteed flexibility to designate an “appropriate number” of products for less market access reduction. The operational criteria would be based on food security, livelihood security and rural development.

9 The Special Safeguard Mechanism is a proposal to allow developing countries to increase their protection in times of import surges or fluctuations in world market prices.

10 Deception-Focus Press Statement on the elimination of export subsidies by 2013, December 20, 2006

11 ibid

12 The Swiss Formula is given as: \[ t = \frac{a + t_a}{1 + t_a} \] where \( t_a \) is the initial tariff and \( a \) is the coefficient

13 DFID Briefing Paper, March 2003

14 UNCTAD

15 DFID Briefing Paper, March 2003

16 Flexibilities in NAMA essentially refer to either less than formula cuts for some products or outright exemption from the tariff reduction formula.

17 Paper presented by 11 countries (South Africa, Argentina, Brazil, China, India, Indonesia, Philippines, Egypt, Venezuela, Namibia, Pakistan) on flexibilities for developing countries to increase their protection in times of import surges or fluctuations in world market prices.

18 General Agreement on Trade in Services (GATS)

19 The Group of 33 or G33 (membership now includes around 42 countries) known as “Friends of Special Products” is the main proponent of SPs and SSM

20 Statements made at the Hearing of the House Special Committee on Globalization. February 1, 2006

21 Statement by Secretary Peter Favila at the WTO Sixth Ministerial Conference in Hong Kong, December 16, 2006
EVEN before the Arroyo-assembled Consultative Commission (ConCom) wrapped up its supposed consultations and submitted to Malacañang its proposed changes to the 1987 Constitution, fears were already high that the country’s fundamental law would suffer a major defacement, especially in its nationalist, libertarian and pro-people provisions.

What was even feared more was that the mangling of the Constitution’s pro-people provisions would be done with hardly any resistance, as public and media attention would be riveted on the more controversial proposals.

True enough, right after the Abueva-led commission presented to the Palace its 64-page Proposed Revision of the 1987 Constitution, bedlam erupted over the no elections (“No-El”) and the parliamentary-federal shift recommendations. Drowned out in the din of reactions were the reasoned voices that came from those who looked at the more treacherous proposals, specifically the ones that threatened human rights and civil liberties and assured the wholesale surrender of the national patrimony and the sell-out of the Philippine economy.

The Abueva blueprint: A quick look

After 113 days of debates and provincial trips (lubricated by a kick-off budget of ₱10 million), the 55-member commission proudly presented what they believed are constitutional amendments that would be “for the good of the country.” In accepting the draft, the president hailed it as a “road map...towards the fulfillment of [the Filipino people’s] dreams.” Landmarks in this road map include the following:

- adoption of a parliamentary form of government, with a 10-year period of transition to federalism
- postponement of the 2007 elections, with GMA serving until 2010
- removal of term limits for elected officials
- inclusion of a “Bill of Duties” as counterpart to the Bill of Rights
- removal/amendment of certain provisions that protect civil liberties
- removal of provisions that curb the martial law powers of the president
- removal/amendment of provisions on nuclear

The music behind the cha-cha comes from the clarion-calls of globalization and neo-liberalization.
weapons and foreign military presence
• removal of restrictions on foreign ownership/exploitation of natural resources, public utilities, educational institutions and the media

Road map to hell?
The commission’s overhaul of the Constitution immediately starts out by whittling down the preamble, which now reads:

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to establish a Government that shall embody our ideals, promote the general welfare, conserve and develop the patrimony of our nation, and secure to ourselves and our posterity the blessings of democracy under a regime of justice, peace, liberty, and equality, do ordain and promulgate this Constitution.

Erased from the original (1987) preamble are the phrases “to build a just and humane society and”; “and aspirations”; “independence”; “under the rule of law”; and “truth, freedom, love”. A new term (“liberty”) has been added; while the phrase “promote the common good” has been replaced with “promote the general welfare”.

Article II (Declaration of Principles and State Policies) was mangled. In Section 1, which states that “The Philippines is a democratic and republican State,” the word “democratic” shall be deleted. Quite ominous, in light of the AFP’s grim human rights track record, is the removal of the 2nd and 3rd sentences in Section 3, which, in the 1987 charter, reads:

“Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.”

Likewise boding ill for the labor sector is the proposed revision of Section 11:

The State affirms labor as a primary and responsible social economic force. The State shall protect and promote the welfare of both workers and employers.

where the phrase “and responsible social” was tacked on. According to Atty. Neri Javier Colmenares of the Counsels for the Defense of Civil Liberties (CODAL), the addition of “employers” in the second sentence negates the primacy of labor. Not coincidentally, Section 8 of the same Article has been altered: “The right of the people to form unions, associations, or societies for purposes not contrary to law shall not be abridged.” The significant phrase “including those employed in the public and private sectors” has been taken out.

Worse, 15 of the 28 provisions in article II – those provisions that have given the 1987 Constitution a progressive semblance – have been erased. These are:

• Section 5, on the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare
• Section 8, the policy of freedom from nuclear weapons within the Philippine territory
• Section 9, the promotion of a just and dynamic social order to ensure the nation’s prosperity and independence and the people’s freedom from poverty by providing social services, full employment, a rising standard of living, and an improved quality of life for all
• Section 13, on the vital role of the youth in nation-building
• Section 15, on the right to health
• Section 16, on the right to a balanced and healthful ecology
• Section 17, on giving priority to education, science and technology, arts, culture, and sports
• Section 19, on developing a self-reliant and independent national economy controlled by Filipinos
• Section 20, on the indispensable role of the private sector
• Section 21, promoting comprehensive rural development and agrarian reform
• Section 23, recognizing the role of non-governmental, community-based, or sectoral organizations

Allowing foreign ownership of dwindling urban lands will further worsen the squatter problem in the country. PEPITO FRAS
• Section 24, on the vital role of communication and information in nation-building

• Section 26, which guarantees equal access to opportunities for public service and prohibits political dynasties

• Section 27, on maintaining honesty and integrity in the public service and taking measures against graft and corruption

These are the very provisions that reflect our country’s commitment to international human rights instruments such as the Universal Declaration of Human Rights as well as the international covenants on economic, social and cultural rights as well as on civil and political rights, to which the Philippines is a signatory.

A slight insertion in Section 4 of the Bill of Rights has drawn much ire. The suggested provision is:

No law shall be passed abridging the responsible exercise of the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

The addition of the qualifier “the responsible exercise” begs the question of what constitutes “responsible exercise”. Taken in light of the Arroyo government’s most recent policies (CPR, no permit no rally policy, EO 464), and her recent complaints against media portrayal of her administration, this revision portends grave danger to the people’s basic rights and freedoms. The operative word seems to be “responsible”, which, as already noted, has likewise been tacked on to the provision on Labor.

Peddling the national patrimony
Most far-reaching are the revisions being proposed in the provisions on National Economy and Patrimony that tear to shreds any barriers to the exploitation, operation, use and ownership of practically all the natural resources of the country. Removed also are provisions that seek to protect Filipinos from unfair foreign competition and trade practices; that reserve the use of marine wealth to Filipinos only; that bar foreigners from owning lands.

For example, in section 1 of Article XII (National Economy and Patrimony), the following were removed:

The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets. However, the State shall protect Filipino enterprises against unfair foreign competition and trade practices. In the pursuit of these goals, all sectors of the economy and all regions of the country shall be given optimum opportunity to develop. Private enterprises, including corporations, cooperatives, and similar collective organizations, shall be encouraged to broaden the base of their ownership.

while in Section 2, the preferential claim of Filipinos over their marine resources was erased:

The State shall protect the nation’s marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fish-workers in rivers, lakes, bays, and lagoons.

In the 1987 Constitution, the right to exploit the country’s natural resources (such as lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all sources of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources) was granted only to Filipino citizens and to corporations with at least 60% Filipino ownership. In the proposed revision, this restriction has been removed, thus laying bare the entire national patrimony to foreign control and exploitation. Moreover, while the 1987 Constitution stipulates a 25-year limit (renovable for not more than 25 years) on any entity which seeks to develop and utilize natural resources, the proposed revision contains no such limit.

Under the present Constitution, private corporations “may hold such alienable lands of the public domain except by lease, for a period not exceeding 25 years, renewable for not more than 25 years, and not to exceed 1,000 hectares in area.” The proposal of the ConCom removes all these restrictions, by simply stating that private corporations “may hold such alienable lands of the public domain by lease,” and without requiring any limits as to period of lease and size or area.

The Constitutional injunction upon the legislature to enact measures prohibiting logging has likewise been removed, with the deletion of the third sentence in Section 4 of Article XII, which states that Congress “shall provide... measures to prohibit logging in endangered forests and watershed areas.” While foreigners are barred from owning private lands right now, a revised Constitution will not do so anymore, because, as proposed, industrial, commercial and residential lands “may be transferred or conveyed to foreign individuals or corporations with foreign ownership.”

The 1987 Constitution shall be stripped of provisions that safeguard certain areas of investment against foreign ownership, as guaranteed in Section 10 of Article XII. Instead of reserving to Filipino citizens and to corporations 60%-owned by Filipinos, the proposed charter leaves it to the Parliament to “provide for...
limitations on foreign ownership in certain areas of investments,” conditioned upon the dictates of “the national or public interest.” (underscoring supplied)

The stipulation that the State shall give preference to Filipinos “in the grant of rights, privileges, and concessions covering the national economy and patrimony” has been deleted. Along with this, the operation of public utilities – off-limits to foreigners under the Section 11, Article XII of the 1987 Constitution – will then be open to non-Filipino citizens and corporations.

Also thrown to the trash bin is Section 13 of the same Article, to wit: “The State shall pursue a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity.” (underscoring supplied)

Even the ownership and control of colleges and universities – presently reserved for Filipinos and corporations with 60% Filipino capitalization – shall be handed out to aliens.

The ConCom likewise recommended the deletion of provisions that limit ownership and management of mass media and the advertising industry to local citizens and corporations, as well as the prohibition on mass media monopolies and combinations of trade restraint or unfair competition.

Martial law designs
The lawyers’ group CODAL, in calling the proposed Charter revisions “a recipe for martial law,” could not be more accurate. A new basis for the proclamation of martial law is proposed: the imminent threat of rebellion, thus making it easy to declare martial law on the strength of “destabilization” or even “people power.” (The working draft of the House Committee on Constitutional Amendments, chaired by Lakas Rep. Constantino Jaraula, adds another basis for declaring martial law: insurrection). The ConCom’s proposal leaves out a very important mandate of the Supreme Court, that of reviewing the basis of the proclamation of martial law or the suspension of the privilege of the writ. Also deleted are the following provisions in Article VII, Section 18 of the 1987 charter:

A state of martial law does not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over where civil courts are able to function, nor automatically suspend the privilege of the writ.

The suspension of the privilege of the writ shall apply only to persons judicially charged for rebellion or offenses inherent in or directly connected with invasion.

During the suspension of the privilege of the writ, any person thus arrested or detained shall be judicially charged within three days, otherwise he shall be released.

Accountability of Public Officers
While the proposed charter revisions harp on “responsibility” when it comes to labor and the exercise of basic rights (to assemble and petition the government for redress) and freedoms (of speech, of expression, of the press), the same onus is removed from public officers. The Constitution’s directive upon public officers and employees to serve the people “with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives” has been pared down, with the words “responsibility” and “justice” taken out.

The ConCom has limited the grounds for impeachment: violation of the Constitution, treason, bribery and graft and corruption; to be removed as impeachable offenses are high crime and betrayal of public trust.

The power of the judiciary to check possible abuses by the other branches of government shall be clipped, with the deletion of the following in Article VIII, Section 1:

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

More reprehensible changes
Other reprehensible revisions shamelessly recommended by the ConCom are the deletion of the “nuclear free” provision; the removal of the provision which bans foreign military bases, troops, or facilities without a treaty; and the lowering of voting requirements for treaty ratification, from 2/3 of all Senate members, to majority of Parliament members.

Participation of marginalized sectors (labor, peasant, urban poor, indigenous cultural communities, women, youth, etc.) in the legislature, enshrined in the present charter through the provisions on party-list representation, is also threatened. The proposed revision is mute on how the parliament will accommodate party-list representatives.

To be eligible to run for Parliament, a new qualification is being proposed: a college degree.

Legislative hearings and inquiries in aid of legislation (Article VI, Section 21 of the 1987 Constitution) will be scrapped, just as the legislative prerogative to invite heads of departments to appear before lawmakers “on any matter pertaining to their departments” (recently prohibited by the president through EO 464) shall not be done.

Implications of the Proposed Amendments
It is not difficult to envision the disastrous results that the proposed Constitutional changes will bring upon the Filipino people, especially upon the suffering poor and the disempowered.

The economy and national patrimony are laid wide open for foreign plunder. If the president is to be believed, purging the Constitution of its pro-Filipino provisions will benefit the economy, specifically through the inflow of foreign investments that will create more jobs. But the country’s experience in foreign direct investments put a lie to such claims: foreign investors do not actually bring in new equity capital because a substantial part of their investments are sourced from local borrowings (thus edging out Filipino entrepreneurs). They then accumulate superprofits that are repatriated to their parent companies abroad. In short, foreign investments, instead of bringing in more capital, only serve to siphon out the wealth of the country.

Moreover, foreign capital does not ease the unemployment problem. According to studies, jobs generated by this type of investment account for only 0.8 to 1.8 percent of the labor force. Consider too that over-exploitation is a grim reality faced by laborers in such businesses, with starvation-level minimum wages, repressive policies and violation of union rights. Then add to this the number of workers who lose their jobs because of Filipino firms going broke from the onslaught of foreign competitors. Really, the
promise of jobs being created through the influx of foreign investments as a result of cha-cha is just that: an empty promise.

In fact, according to the Ecumenical Institute for Labor Education and Research, foreign investment has a harmful impact on employment: unemployment is higher “precisely during those periods characterized by greater participation of foreign direct investors in the economy.”

Granted, for the sake of argument, that foreign investment is indeed the answer to the country’s economic woes. But to blame the Constitution for the lack of investment inflow is to beat the wrong bush. Even the World Bank, in its latest Country Assistance Strategy for the Philippines, does not specifically mention the Constitution as an impediment to investment:

The lackluster investment climate in the Philippines can be attributed to: a fragile fiscal and debt position; perceived corruption; infrastructure weaknesses; uncertainty and inconsistency in the application of regulations, especially in the infrastructure sector; concerns about law and order; the high costs of doing business; and a sluggish financial system.

The ConCom’s revision of economic provisions that will most immediately harm the poor is, perhaps, that on land ownership. How this will enliven the investment climate is still a big question. According to Rep. Wigberto Tañada, “there is no causal relationship between the land ownership policy of a host country and the rate of foreign investments flowing into [that] country.” Countries like China, Singapore and Vietnam, which do not allow foreign ownership of land, are more successful in attracting foreign investors. In fact, the favorite investment destination, China, has very restrictive policies to protect its natural resources from foreign exploitation.

Allowing foreigners to acquire lands will only worsen the agrarian problem in the countryside, where a watered-down agrarian reform program has barely made a dent on the landlessness problem (which has fueled several decades of communist insurgency). The Department of Agrarian Reform claims that 72% of the 8 million hectares targeted for land reform have already been accomplished as of 2003, but this accomplishment is being questioned on the ground that the figure only accounts for hectarage “that has been awarded but not actually distributed.” (underscoring supplied)

In the urban areas, allowing foreign ownership of land would result in higher land prices. As real estate prices in the urban areas soar, affordable housing will be beyond the grasp of lower- and middle-income families. According to recent estimates, around 57% of the country’s city dwellers “live on property to which they have no legal titles.” Increased land prices would thus exacerbate the urban housing problem in the country’s major cities. According to the Philippines Homeless People’s Federation, “without secure land, houses and communities, more and more of the poor’s scanty resources go into just surviving, catching people up in a hopeless cycle of squatting and eviction which only further impoverishes the poor, and prevents them from developing themselves.”

Exempting the country’s 13 million hectares of farmlands from foreign ownership will prove futile, for it will only be too easy for landowners to convert their lands into industrial, commercial or residential land. Research by the Philippine Peasant Institute reveals that as of June 2002, DAR-approved land-use conversions already cover 35,697 hectares of prime farmlands (41,165.52 hectares as of March 2003, according to the Kilusan para sa Pagsulong ng Repormang Agraryo), and this “does not include the estimated 200,000 hectares of illegally converted land that was reported way back in 1994, and the 38,908 hectares converted under the Department of Justice (DOJ) Opinion 44 from 1990 to 1999.” Deprived of lands to till, more and more rural dwellers will be deprived of sources of subsistence; they will flock to urban areas where jobs are not available and join the millions of urban poor settlers.

As agricultural land areas shrink, the country’s agricultural production (already inadequate as it is right now) will also dwindle, thereby severely undercutting the country’s food security and endangering the country’s food security, not to mention its detrimental effects on the environment. Because of the government’s skewed development priorities, the country is now a net food importer (rice, livestock and other marine products), despite being a relatively agricultural economy. The capability of the country to feed its own population will be severely compromised if more farmlands are converted to non-farm uses and gobbled up by alien money.

Also detrimental to the Filipinos is the proposal to allow foreign corporations to take over public utilities. Public utilities (water, electricity, telecommunications, transportation, etc.), being essential to the everyday lives of consumers, are crucial to national security and should therefore be controlled by those who shall put the interests of the people over lust for profit.

The same holds true for educational institutions and media and advertising outfits. Allowing foreign ownership will not only restrict access of Filipinos to these vital institutions (which would be a violation of the right to information and education), it will also defile the Filipinos’ culture and set of values and weaken the Filipinos’ sense of nationhood. The schools and the mass media are key agents of socialization, learning and even social control; foreign control over these powerful shapers of people’s minds can only be disastrous to a multi-ethnic nation like the Philippines.

Civil liberties and basic freedoms are threatened. First, the phrase “the responsible exercise of freedom of expression”, seemingly innocuous, demolishes the very right it seeks to uphold, as the exercise of such freedom will now be subject to rigorous and even whimsical government standards. When one recalls how Arroyo has been complaining about media portrayal of her government, the word “responsible” takes on a more worrying implication. Second, the proposed charter change gives the president or prime minister vast martial law powers, even as it broadens the grounds for martial law and removes any safety mechanisms such as the 60-day effectivity limit and the power of the Supreme Court to check on the factual basis of martial rule. In light of the Arroyo government’s vicious response to the ongoing series of protests (through her “calibrated preemptive response” and the “no permit, no rally” policy), giving such extraordinary
powers to a beleaguered but spiteful president is the height of folly.

The ban on nuclear weapons and foreign troops and bases is removed. Without the constitutional provisions banning nuclear weapons and the entry of foreign troops and bases without a treaty, there will be no legal impediment to the return of the US military bases. The deletion of these provisions brings the Constitution into line with the controversial Visiting Forces Agreement, the Mutual Logistics Support Agreement and the Balikatan exercises.

The Global Dancing Arena

The music behind cha-cha comes from the clarion-calls of globalization and neo-liberalization. It is not surprising therefore that foreign corporate interests and their local allies are applauding the latest cha-cha proceedings. Foreign businesses will gain much if all legal barriers to their entry into the local economy are finally removed.

Cha-cha is not unique to the Philippines. According to the research institute IBON, around 130 countries have revised, amended or adopted new constitutions "to accommodate a framework for the sort of ‘market democracies’ that open up domestic labor, economic sectors and natural resources,” thereby reversing the nationalist constitutions of Latin America, Asia and Africa and drastically overthrowing the ‘socialist’ constitutions of former Soviet republics.

Despite its flaws and its wordiness, the 1987 Constitution contains provisions that can, and did, safeguard the economy from the total onslaught of global capital and protect vulnerable sectors of the economy. Deleting these provisions will facilitate and hasten the implementation of neo-liberal economic policies, specifically the privatization and liberalization of the public sector and deregulation in vital economic areas. This means removing any obstacle to the flow of goods, services and capital, transferring government-provided basic social services (like health, education, electricity, water) to the private sector, and relaxing the government’s power to regulate the economy. All these policies are aimed at giving the market forces full command of the national economy, with minimal – if any – government intervention, except to provide an environment conducive to business operations. These policies cannot be totally put in place under a Constitution that gives preferential rights to Filipinos. So, the fundamental law of the land must be rewritten to make it abide by the dictum of globalization.

But the globalization commitment of the Philippine government has always been detrimental to the people, especially the marginalized groups. The liberalization of the economy, which has already been going on for the past decade and been accelerated in the last two decades (in spite of the Constitution) has only worsened poverty and income disparity not only in the Philippines but in all other economies whose frail industries cannot compete with those of the developed countries. (See article on the World Trade Organization on p. 3).

The net effect of all these Constitutional revisions will be increased poverty and suffering for the masses, especially the vulnerable and disempowered majority who, at present, can barely access the most basic rights to food, education, employment, and housing, as well as the erosion of the freedom and liberty of the Filipino people.

Fulfillment of Whose Dream?

Clearly, President Arroyo’s cha-cha attempts is done upon the behest of the neo-liberal agenda. That new Constitution will also keen her in Malacañang - with more powers to boot – until 2010 and even beyond is a bonanza that she cannot afford to let slip. By gouging out the Constitutional provisions that protect national and economic sovereignty, she pleases the foreign powers-that-be and ensures support for her presidency. By dismantling a sometimes-unruly bi-cameral Congress, she consolidates her forces and strengthens her grip over the legislature. By hacking off the progressive and libertarian content of the 1987 Constitution, she guarantees that her rule will not be spoiled by any challenge or resistance from the people. By heaving away the Constitutional guarantees of checks and balances, she makes herself answerable to no one.

Indeed, Arroyo will no longer have to complain about panting after the school-yard bully. For she will be the only bully left.

Revising the fundamental law of the land is not a task to be taken blithely. Neither should it be done with sinister and self-serving motives. The Constitution embodies and articulates the nation’s collective dreams and aspirations, the people’s ideals and their sense of nationhood. To trifle with this basic document is to insult the very core of the nation’s dignity; to revise the Constitution, under foul motives, is to blight the future of a whole nation. When the intent behind the rewriting of the nation’s fundamental document is less than noble, then a nation whose survival is at stake should rise up and put a stop to this criminal act.

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DEADLY PLAYGROUNDS: Child Soldiering in the Philippines

W HILE other children their age are in school, in playgrounds, or safe within the protective folds of their families, these children spend their young lives in camps, constantly facing the dangers of war and violence. Instead of books, or toys, these children handle and lug around M-16s, Garands and other firearms. They don’t do jigsaw puzzles; they dismantle and re-assemble rifles. They have seen their closest friends die in battle. They have stared death in the face.

Jessa, Raffy, Gani and Yoyong (not their real names) are just four of the Filipino children who have been forced by a host of circumstances to take part in a war raging in the Philippine countryside. They are among the 194 child soldiers (CS) documented by the Philippine Human Rights Information Center (PhilRights), the research and information arm of the Philippine Alliance of Human Rights Advocates (PAHRA). At the time of the research project, 115 of the children were still active members of various non-state armed groups and government-backed paramilitary organizations. Only 79 of them had been demobilized.

The PhilRights study, “Deadly Playgrounds: Child Soldiers in the Philippines”, was launched on November 15, 2005.

Child Soldiers Fighting Adult Wars
International children’s rights advocates estimate that there are more than 300,000 child soldiers worldwide who are forced to fight alongside adult soldiers. Grinding poverty in the rural areas are driving young children to join armed groups.
are involved in more than 30 armed conflicts, including the Moro liberation movement and the communist insurgency in the Philippines. It is however extremely difficult, if not impossible, to ascertain the actual number of child soldiers – armed groups deny that they recruit children into their ranks, reliable documentation cannot be conducted, and children eventually become adults, thereby erasing the fact of child soldiering. Thus, current estimates may well fall below the actual number of children who are members of armed groups. Being invisible, the existence of child soldiers is easy to deny.

In the Philippines, despite denials from both government-supported paramilitary organizations and non-state armed groups, children are commonly recruited to the frontlines of a war that is not of their making. There may not be exact figures on the number of CS, but child rights advocates, research institutions and government agencies claim that the use of child soldiers is prevalent in paramilitary groups supported by the government, in private armies and in opposition groups waging armed struggle like the New People’s Army (NPA) and Moro Islamic Liberation Front (MILF). CS have been documented among NPA, MILF, Revolutionary Proletarian Army-Alex Boncayao Brigade, the Abu Sayyaf Group, Citizen’s Armed Forces Geographical Unit, and the Armed Forces of the Philippines.

The children most vulnerable to recruitment or conscription by armed groups come from impoverished families in rural communities where fighting between government forces and separatist or insurgent movements is fierce, where livelihood opportunities are virtually nil, and where basic services are either inadequate or practically nonexistent. These poverty-stricken communities, where most of the time the only state presence felt is that of the military (which more often brings harm than good to the residents), are fertile breeding grounds for anti-government sentiments and activities. A child who witnesses and is a victim of military atrocities, in an area of massive anti-government propaganda and organizing work, where livelihood and education opportunities are not available, feels no other recourse but to sign up with a non-state armed group – especially when other members of the family have already joined.

The Coalition to Stop the Use of Child Soldiers considers a child soldier “any person under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed group, whether or not an armed conflict exists.” They perform combatant as well as non-combatant roles. As non-combatants, they may be deployed as medics, couriers, messengers, spies, porters, decoys, scouts, look-outs, organizers, or may be assigned camp duties like cooking and other domestic labor.

However, even when assigned adult tasks such as combat duty and other high-risk undertakings not normally given to children, child soldiers – because of their age – are left out of crucial processes.
involved in decision-making.

**Charming amazona**

Jessa, described by social workers as "a charming young lady, who is always smiling, friendly and easily relates to other people," was only 14 when she was captured by the military in the course of a firefight with elements of the 43rd Infantry Brigade. She was captured along with another 14-year-old girl, who was injured during the encounter. She does not deny her affiliation with the communist insurgents. Though she insists that she was not a combatant, she admits that she carried an M-16 armalite rifle for her protection. "If the military kills ordinary civilians, they will only be too happy to kill those who are involved in underground work. I had to have some weapon," she reasons out. She had joined the underground movement less than a year before her capture, after attending several orientation meetings conducted in her community by the communist organizers. Soon, she herself was immersed in organizing and propaganda work among the upland peasant communities in a province in the Visayas.

Jessa would spend the next seven months hiking from one mountain barangay to another, imparting to upland farmers what she knew about the ills of Philippine society and the need to replace the existing exploitative system. "It was exhausting work," she says. "Most of the time we had to move at night, to avoid encounters with the military. Sometimes we would walk for hours without food."

But she never complained. For one, she says she was already used to walking long distances. And back when she was not yet involved in the underground movement, enduring hunger was already part of her daily life. With only a small patch of land to till, her parents can barely feed her and her five siblings. They couldn't even send their children to school. "We only reached Grade III," Jessa narrates. "There was no money for pencils and notebooks, and the time spent in school was better spent helping our parents in the house and in the farm."

It is not surprising therefore that Jessa found her organizing work better than being at home. "At least I was doing something good," she says, "raising the awareness of other people who are poor and exploited like me."

Does she regret that she joined the communist insurgents? "No," she candidly admits.

**Fighting for Allah**

Gani was barely 15 years old when he became a mujahideen, fighting – as he puts it – "for the glory of Allah." He was exposed to Moro separatist ideas at an early age, his father being a member of an armed group advocating Muslim separatism. Gani voluntarily joined the MILF. "I want to put a stop to the exploitation of my fellow Muslims, and to avenge the wrongs done by the government," he explains. These wrongs include the heavy militarization of the Muslim communities that has made life extremely difficult for the families like Gani's. "The military do not respect us, they look down on us. They think that Muslims are bad people. That's why I'd like to help drive them out of our place," he says.

Driving the military out of the Muslim communities means joining the jihad, carrying firearms and being at the frontlines of battle. And for Gani, it also means being prepared to die in battle. "I'm not afraid to die," he says. "Because if I die in battle, Allah will bless me and reward me in the afterlife because I died for the cause of Islam."

He has already participated in a number of armed skirmishes, and in 2003, Gani nearly lost his life. "We were being chased by the military," he recounts. "We couldn't return fire because they outnumbered us, and our leader said it was better to flee than to engage them in combat." As they were fleeing, one bullet whizzed past Gani. He thought he was wounded. "I checked for blood, but there was none. But my jacket had been ripped."

The experience did not scare Gani. "I know that my life is always in danger, and I am prepared to die as long as it's in battle."

Would he consider leaving his group and going back to a peaceful life? "Only when we have already gained what we are fighting for," he says. "Right now I consider it an honor to serve the Muslim people, and to follow our religious teachings. In fact, if I do get married and have children, I will not stop them from becoming mujahideens."

**From extreme left to extreme right**

At the time of the interview, Raffy, 18, had already fought for both the extreme left and the extreme right: he had been a full-time youth organizer for the CCP-NPA, then had become a CAFGU regular. Raffy exemplifies the children in war-torn areas who are sucked into a spiral of violence, and the only choice is between fighting for the NPA or joining the CAFGU.

In Raffy's case, he didn't even have a choice.

His parents were involved in the underground movement. His father was an armed regular of the New People's Army, while his mother, according to his account, was the finance officer of the rebel forces operating somewhere in the Visayas. Thus, at a very early age, Raffy got used to "life in the mountains."

"When there was a military operation in the area, we would hide in the forests," he narrates. They would stay there sometimes for days, under cover of the thick forest canopy. He recalls that when the military dropped bombs on the area, they scampered like wild animals. "We would hug the
After organizing, Raffy was allowed to carry M-16 rifles. “We also acted as spies, and we were tasked to organize all almost the same age as me, became a full-time organizer for the youth sector. We were not combatants, but we were staying with some farmers, who took the 6-year-old Raffy to a military camp several towns away.

“My grandmother tried to get me out of the camp, but the military refused. Luckily, she got the help of a nun. That was how I got reunited with my parents.”

When he was 14, Raffy became a full-time organizer for the communist movement. “There were seven in my group, all almost the same age as me, and we were tasked to organize the youth sector. We were not combatants, but we were allowed to carry M-16 rifles.”

Aside from organizing and auxiliary work, Raffy also took part in alternative education conducted by the underground movement. “We learned about the ills of Philippine society, and how we could overthrow such an exploitative system.”

Before long, his parents surrendered to the authorities. “I had no choice but to surrender along with my parents,” Raffy says. “I knew that my father would be used by the military in their operations, and I didn’t want to meet my father in combat.”

They surrendered two M-16 rifles, worth P36,000.00 each under the “Balik Baril” program of the government. “The military issued us a check amounting to P56,000.00 for the two firearms, but we only received P36,000.00 in cash. The rest they pocketed.”

Soon after their surrender, Raffy and his father underwent basic military training, and were then integrated into the Citizens Armed Forces Geographical Unit (CAFGU). “I had no choice but to become a CAFGU. We couldn’t go back to our farm. My father said it would be too dangerous.”

Are Safeguards Enough?

Though children’s involvement in wars and armed conflicts has a long history, it was only in recent decades that the campaign to end the use of child soldiers has gained prominence. The recruitment of children into armed groups, whether in government-backed or in non-state armed groups, is a despicable act that violates the most fundamental rights of the child, and which exposes the child to a host of other violations and abuses. Child soldiers have to endure indescribable deprivations and dangers. Even when they are eventually demobilized, the physical, emotional and psychological damage that they sustain will be carried for the rest of their lives.

In 2002, six years after the landmark Report on the Impact of Armed Conflict on Children by Graça Machel, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict came into force. The Protocol outlaws the involvement of children under age 18 in wars and armed hostilities, and raises the previous minimum age for compulsory recruitment and direct participation in conflict, from age 15 to 18. The prohibition covers both government and non-government forces.

In the same year, the Rome Statute for the International Criminal Court also came into force. The Statute makes the “conscription, enlistment or use of children under 15 in hostilities a war crime.”

The Philippines has likewise enacted several laws and measures aimed at protecting children from the atrocities of war, foremost of which is R.A. 7610 (or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act of 1992). RA 7610 declares children as “Zones of Peace” and prioritizes the protection of children in situations of armed conflict.

But the enactment of international standards and national laws are hardly enough safeguards.

For as long as the country is riven by internal conflicts, and as long as the root causes of these conflicts are not addressed, children will continue to be recruited as fodder in wars that are supposedly waged on their behalf.

1 For more information on the said study, please contact PhilRights at 433-1714 or e-mail us at prights@tri-ays.com

My father settled in Gamay, Northern Samar in 1946. Back then, he remembers, not even the heaviest rains would cause the rivers to swell. Then in the early 70s, San Jose Timber Corporation (SJTC) started logging in the area. Since then, flashfloods and swollen rivers had become common,” recounts Attorney Venir Cuyco, a native of Gamay. “These floods would bring with them timber and felled trees,” he added.

This sentiment was prompted by the recent news that on August 15, 2005, the Department of Environment and Natural Resources (DENR) Secretary Michael Defensor has allowed SJTC (which is incidentally owned by Senator Juan Ponce Enrile) to resume commercial logging in Samar.

The SJTC began its commercial logging operations in Samar in 1967 by virtue of Timber Licensing Agreement (TLA) No. 118. This TLA allowed SJTC to operate within 95,770 hectares of timber concession in the Samar island for 25 years, or until 1992. It was renewed in 1982, for a period extending until June 30, 2007.

On February 8, 1989, former President Corazon Aquino imposed a moratorium on all logging activities in Samar after flashfloods in January 1989 affected various provinces and municipalities, killed hundreds of people, destroyed some P100M worth of crops, and resulted in widespread famine.

Subsequent presidents also seemingly recognized the
importance of Samar forests. In February 20, 1996, President Fidel Ramos declared Samar’s remaining forests as forest reserves through Presidential Proclamation No. 774. For her part, President Gloria Macapagal-Arroyo issued Presidential Proclamation No. 442 on August 13, 2003, which laid the foundation for declaring 333,000 hectares of Samar forests as the Samar Island Natural Park (SINP).

After typhoons killed thousands and devastated the provinces of Quezon, Aurora and Nueva Ecija during the last quarter of 2004, President Arroyo reiterated her anti-logging stance by suspending the issuance of new logging permits.

All these were disregarded by then DENR Secretary Defensor when he decided to lift the logging moratorium and granted SJTC permit to resume logging in the area.

Howls of Protest
This DENR decision put into spotlight the significance of Samar in the country’s ecological map. Environmental groups, people’s organizations, non-government organizations and the church protested the lifting of the logging moratorium in the island of Samar.

Environmental groups asserted that the forests in Samar island are one of the few remaining old forest covers in the Philippines and is home to diverse flora and fauna. Environmentalists wanted to preserve the Samar forests, said to be the only healthy ones in the country.

The SINP is the habitat of 900 species of flowering plants, 197 species of birds, and 39 species of mammals. The presence of endangered species in the SINP was validated by the World Wildlife Fund (WFW). According to them, Samar forest is one of the 200 Eco Regions in the world known for its wildlife and biodiversity. Twelve of the world’s trees nearing extinction are found here. Its nine endemic bird species include the Philippine Eagle, one of the rarest eagles in the world, which was reported to be first spotted in 1896 in Paranas, Samar.

Environmental groups argued that resumption of logging in the area will cause extreme ecological imbalance and further threaten the biodiversity in the area.

The United Nations Development Program (UNDP), a UN agency, also threatened to pull out of the second phase of their $12M Samar Island Biodiversity Project (SIBP) if the recent DENR decision will be implemented. It was precisely the SIBP that gave the impetus for Presidential Proclamation 442 declaring the SINP. The SIBP 2nd Phase would have given way to the creation of parks, administrative offices and local government unit capability building in management of the nature park.

The logging concessions of SJTC are situated in the heart of the SINP. In fact, it has been reported that 90% of the TLA is inside the nature park.

Meanwhile, for the Catholic church and other organizations, this has become an emotional issue. They said that the moratorium on logging in the area was a major victory for environmentalists and the people of Samar, as it put premium on the lives and livelihood of Samareños. They planned to organize a massive protest caravan on December 5, 2005 to dramatize the effects of logging in Samar.

Turnaround
Secretary Defensor remained adamant and stood by his decision granting the resumption of logging of SJTC in Samar. He argued that the moratorium has lapsed on May 30, 1989 as prescribed in the order. However, the previous DENR secretaries have continuously denied requests of SJTC to resume operations in the area. According to Secretary Defensor, the government has erred in the continued implementation of the logging moratorium.

He advised the protesters to
test the legality of the order he signed and bring their grievances to the proper courts.

He also denied that the logging permit was a patronage benefit for Enrile. Environmentalists are linking this logging concession with DENR secretary by the Commission on Appointments, where Senator Enrile is a member.

Enrile, for his part, was unfazed by the protests. According to him, SJTC would harvest trees selectively; only those trees which are at least 70cms. in diameter would be harvested. Aside from this, he argued, the SJTC operations provide employment and economic opportunities to Samar’s populace.

However, after a two-hour meeting with seven bishops in Tacloban City, and under the threat of a massive protest caravan, Secretary Defensor backed down. He promised the bishops that the logging will not push through. This decision effectively cancelled the caravan scheduled on December 5, 2005.

Myopic Views and Personal Interests

“The present debate on the issue of resumption of logging in the Samar Island best exhibits that our leaders have myopic views – they only look at their personal interests. Of course people will say that logging has employed many people in Samar, including my relatives. It has stirred economic activity in the area. But we should look at the long-term effects of logging on the environment and the people,” said Attorney Cuyco.

He added that had political leaders listened, they should have enacted the Total Log Ban Bill introduced by former Senator Orlando Mercado in 1997.

The biggest donor of grants in the country, the European Union, agrees with this observation. A major finding of a study they initiated which evaluated the root causes of the environmental problems in the country is that “politicians and businessmen are often behind the poaching, over fishing and logging in the country.”

“Had SJTC not entered Samar in the first place, there would have been no floods in 1989 that killed Samarnons and resulted in famine,” added Atty. Cuyco.

And we do not need studies to believe that. We only need to remember Ormoc, and most recently, Quezon and Aurora. Too many have died for the follies and personal interests of some people.

References:

- Burgonio, T. J. (Nov. 6, 2005). Enrile won’t bequeath forests of Samar. Phil. Daily Inquirer, p. 2
- Coronel, S. Don’t cry for me, Samar. Phil. Daily Inquirer, p. 2
- Samar Island Biodiversity Foundation statement. http://nologging.easternsamar.de/

Alamin ang inyong mga KARAPATAN

ANO ANG ATING MGA KARAPATAN BILANG MAMIMILI?

A. Itinatakda ng batas na ang “warranty” ng mga produkto ay dapat na:

1) nakasulat ang mga kondisyon nito sa malinaw at madaling maintindihang lenggwahe;
2) nakasulat kung kanino nakapangalan ang warranty;
3) nakasaad kung anong produkto o anong parte ng produkto ang sakop nito;
4) nakasulat kung anong gagawin ng pinagbilhan kung ang produkto ay nasira at kung sino ang gagastos sa pagpapaaayos;
5) nakasaad kung ang produkto ay nakabili para masakop ng warranty ang biniling produkto;
6) malinaw na nagasaad ng panahon o petsa kung hanggang kailan an ung produkto ay sakop ng warranty.

B. Sa paglalagay ng “label” o tatak sa mga produkto, maging lokal o “imported,” dapat ay nakasaad o nakasulat:

1) ang tama at nakarehistrong pangalan ng mga ito
2) ang tama at nakarehistrong “trademark”
3) ang nakarehistrong pangalan ng negosyo o kumpanya
4) ang address ng gumawa, nag-import, at nagre-package ng produkto
5) ang pagkakagawa ng produkto ay mabigat sangkap
6) ang netong laman ng produkto ng sumbong o bilang
7) ang bansa kung saan ginawa kung “imported”
8) kung ang produkto ay ginawa, inangkat, o nire-package sa ilalim ng isang lisensya o kahahintulan, dapat banggitin ito

K. Dagdag na kailangan sa “label” ng mga pagkain:

1) kung kelan ang “expiration date” ng produkto
2) kung ang produkto ay “fully processed,” “semi-processed,” pwede nang kainin, pwede nang iluto, o mga sangkap at “mixture” lamang
3) ang “nutritional value” ng produkto
4) kung ang ginamit na sangkap ay “natural or synthetic”

D. Dagdag na kailangan sa “label” ng mga gamot:

1) “expiry or expiration date”
2) kung ito ay maaaring maka-irit o maging “irritant”
3) mga pag-iingat na kailangan para inumin at mga “contra-indications” o posibilidad sangkap

(Halaw sa “Consumer Act of the Philippines,” R.A. 7394)
SUBIC RAPE CASE: Nightmare Once Again Becomes Real

In November 2005, news about the rape of a 22-year-old Filipina by American servicemen broke the monotony of political bickerings. A preliminary investigation of the case yielded probable cause for legal rape charges against four US Marines. State prosecutors allege that Marine Lance Cpl. Daniel Smith raped the Filipina victim last November 1 inside a van at the Subic Freeport as fellow Marines cheered him on. Smith claims he engaged in consensual sex.

Smith and his three co-accused, Lance Cpl. Keith Silkwood, Lance Cpl. Dominic Duplantis, and Staff Sgt. Chad Carpentier, all from the US Marines’ 31st Expeditionary Unit, 3rd Marine Expeditionary Force, are currently being held under US custody despite persistent calls to have them turned over to the Philippine government.

Arrest warrants for the Americans were issued on January 13, 2006 by Olongapo Regional Trial Court Judge Renato Dilag. Weeks later, Judge Dilag recalled the warrants when he decided to grant the motion for reconsideration filed by Carpentier, who asked for a deferment of court proceedings against him until the Department of Justice (DOJ) has resolved his petition for review. News reports also said Chief State Prosecutor Jovencito Zuño claimed to have informed Dilag that warrants have been served to the Americans before they were recalled.

What is currently unfolding before the public eyes is a tragic circumstance forewarned by women’s groups and critics of the Visiting Forces Agreement (VFA). At the height of deliberations on the VFA, social
movements and progressive organizations strongly opposed the agreement, highlighting its disadvantageous provisions that trample on Philippine sovereignty, and the impact on Filipino women rendered vulnerable to sexual abuses by visiting American personnel.

With the Subic rape case, it appears that the harsh consequence of a lopsided and disastrous agreement amidst a macho and sexist culture is happening.

The Coalition Against Trafficking in Women – Asia Pacific (CATW-AP), which is among the many groups that have vehemently denounced the rape of the Filipina and demanded for justice and full accountability of the US marines, is aghast at the political moves of the US Embassy on the issue of custody of the accused GIs.

"The US government’s continued refusal to turn over the custody of the four US marines is an affront to Philippine laws and its Constitution," says a statement signed by CATW-AP and several other organizations.

Since November, the US government has ignored the request of the Philippine government (in the form of a note verbale) asking for the surrender of the marines to Filipino authorities. The US invokes Article V paragraph 6 of the VFA which states: "The custody of any United States personnel over whom the Philippines is to exercise jurisdiction shall immediately reside with the United States, if they so request, from the commission of the offense until completion of all judicial proceedings."

CATW-AP argues that the US cannot invoke the VFA provision since the US government has not even submitted any formal written request for the custody of the marines.

The anti-trafficking advocates further assert that continued US custody will only "unjustifiably grant [...] the accused Americans immunity from Philippine laws." According to them, this is a "blatant abuse of the international legal principle of diplomatic immunity, where only foreign ambassadors and ministers are immune from suit, and no one else."

The importance of Philippine custody over the Americans cannot be overemphasized. Olongapo City Prosecutor Prudencio Jalandoni succinctly captured its implications when he said: "In the remote possibility that the VFA is terminated and thereafter the court renders a judgement of conviction, it is clear that there is no way for the government to be able to execute the judgement if the accused are not in its custody."

The custody issue clearly reveals the flaws of the Visiting Forces Agreement, which many lawmakers now want to review. Yet, the Arroyo administration, particularly the Department of Justice, seems hell-bent on defending it. In the next several months, it is hoped that the issues and questions on the VFA and its impact on Philippine sovereignty will be substantively discussed. Groups like the CATW-AP are prepared to wage struggles for the termination of the agreement.

Equally crucial issues must never be put aside. The Filipina rape victim seeks justice. The Philippine government must have custody over the US marines for justice to be rendered. Philippine authorities must assert Philippine sovereignty and stand for the rights of a violated citizen.

Yet, the Filipina rape victim is also in need of healing. In most cases, rape victims are left to fend for themselves. Without sufficient assistance, many carry on the pain and burden of the violation inflicted upon them for many years. It is therefore of utmost importance that assistance and support from the Department of Social Welfare and Development and other groups and institutions address the victim’s needs to help her deal with and heal from the trauma caused by the US Marines’ terrible acts.
IHR

Wage hike dangles

By Vanessa Retuerma

F ONLY to momentarily divert public dismay on the recently implemented Expanded Value Added Tax (EVAT), President Gloria Macapagal-Arroyo (PGMA) announced on November 2, 2005 that she would endorse and support a legislated wage hike to mitigate the impact of EVAT on wage earners.

Since 1999, the labor sector has been calling for a P125 across-the-board nationwide increase in the minimum daily wage, ten years after Congress last legislated a wage increase in 1989. As of September 2005, the highest minimum wage is in Metro Manila which is currently pegged at P288.325 a day, which even then is more than fifty percent (50%) short of the average daily expenses of P681.00 for a family of six. The lowest daily minimum wage of P180.00 is in the Autonomous Region of Muslim Mindanao (ARMM), which ironically has the highest family living wage requirement of P858. This means that an ARMM-based family of six needs at least five (5) minimum wage earners to meet both their food and non-food requirements.

But what seems to have been good news and a source of hope for millions of minimum wage earners proved to be short-lived as PGMA hastily retracted her policy announcement after receiving staunch opposition from the business and employers sector, and even her own economic managers. The interests of business and employers and economic prospects for the country have been given priority at the expense of the unreasonably low wages and deplorable conditions of workers in the midst of continuing increases in the cost of living.

Instead, PGMA opted for a different approach to cushion the burden of EVAT on workers and to somehow dampen the public clamor for a legislated wage hike. As an alternative, PGMA urged Congress and relevant government agencies to ensure business/employers compliance with the average 8% wage increase granted by the regional wage board in July, while pushing for non-wage benefits for minimum wage earners.

In response to the President’s call, Labor Secretary Patricia Sto. Tomas, in consultation with the management and labor sector, recommended a package of non-wage benefits for workers which PGMA endorsed to various concerned government agencies. The non-wage benefit package for low-salary workers includes withholding tax exemption, subsidized transportation and access to low-priced basic goods such as rice and medicines.

In the meantime that this non-wage benefit package is still being finalized, the labor sector remains doubtful if it will indeed be enough to mitigate their increasingly deteriorating conditions. The labor sector will continue to struggle for a legislated P125-wage hike so long as the government continues to pursue misplaced policy priorities and negates the needs and welfare of its workers.

Reference:

- Araoa, D. & Breadwinners needed to support a family of six in ARMM. http://bulatlat.com/news/4-33/4-33-armm.html
- To increase or not to increase wages (Nov. 13, 2005), Philippine Daily Inquirer, p. A17.

By Bernardo D. Larin

N A sworn affidavit, a key witness in the Senate investigation on the P728M fertilizer scam claimed that some solons and local officials received millions of pesos as commissions from the said fund before the May 2004 elections.

Jose B. Barredo, a self-confessed “errand boy” at the Department of Agriculture (DA), identified administration solons Reylna Nicolas (Bulacan), Monica Puenteveilla (Bacolod City), Edgar Espinosa (Guimaras), and Janette Garin (Iloilo) as those who got kickbacks from the fertilizer fund.

The Senate witness also stated that he himself delivered the commissions to officials in Roxas City, Bulacan, Aklan, Guimaras, and other provinces.

The named solons in the controversy denied Barredo’s allegations and dismissed them as outright lies. Puenteveilla clarified that the fertilizers under the DA program were delivered directly to its district offices and that his office had nothing to do with the transaction.

However, the Senate interim
report based on its inquiry stated that eighteen (18) months after the fund was released, “no delivery of fertilizer has been verified and validated.”

Sen. Ramon Magsaysay Jr., chair of the Senate agriculture committee, threatened to recommend to the Upper House the filing of plunder raps against the officials behind the pocketing of funds suspected of being used to bankroll Pres. Arroyo’s 2004 campaign.

Also, Sen. Magsaysay revealed that the fertilizer money was disbursed to 105 House members, 53 governors, and 23 mayors picked by Under-secretary Jocelyn “Joc Joc” Bolante, a friend of First Gentleman Mike Arroyo. He further stated that the P728M which according to former budget secretary Emilia Boncodin was released in just one day, was the first of the four releases for fertilizer totalling to P2.8B, all disbursed before the May 2004 national polls.

Meanwhile, Bolante has continued to ignore and elude summons for him to testify at the on-going Congress investigation on the fertilizer scam.

Sources:

House debates on family planning bill

By Bernardo D. Larin

Despite the commotion created by the failed impeachment campaign against President Arroyo in Congress, the reproductive health bill or HB 3773 managed to make it through second reading and sponsorship during the House deliberations in mid-December.

During the said House plenary session, the “Responsible Parenthood and Population Management Act” or HB 3773 was almost bumped off the House’s order of business after Rep. Abraham Mitra tried to block the sponsorship and debate on this bill by questioning the quorum.

Champions of HB 3773 conducted a text barrage to urge their colleagues to support the bill by attending that particular session. For almost thirty (30) minutes the legislators came rushing in and the quorum bell kept on ringing. When a roll call was made at around 7:00 p.m., 135 solons were declared present.

Rep. Edcel Lagman, one of the 51 authors of the bill, stressed the urgent need for a national policy that will eventually reduce the rapid population growth of 2.36 percent annually. He added that 44.3 percent of pregnancies in the country are unplanned and this translates to 800,000 annual unplanned births.

According to Lagman, the family planning bill seeks to provide the people with “free and full access to adequate and relevant information on reproductive health and a full range of family methods and devices.”

In a related development, the Philippine Legislators Committee on Population and Development (PLCPD) released a study which revealed that at least 1,297 women are having an abortion every day. Annually, a total of 473,408 women undergo abortion and 80,000 of them die of complications.

HB 3773 co-authors, Reps. Gilbert Remulla and Risa Hontiveros, asserted that the passage of this bill will help stop or minimize abortion and prevent these women from risking their lives.

On the other hand, the Catholic Church reiterated its opposition to the family planning bill saying that this will promote abortion and promiscuity among the youth.

Amidst the House debates on the family planning bill, San Fernando Archbishop Paciano Aniceto announced Pres. Arroyo’s continuing support to the church position on population control by giving assurance that the government would promote only natural family planning methods.

But Rep. Lagman clarified that HB 3773 “is not an abortion bill.” According to him, proper and consistent use of contraceptive is an effective way to prevent abortion instead of encouraging it because it reduces the incidence of “unplanned, mistimed, and unwanted pregnancies.”

Sources:
### Daily Minimum Pay and Family Living Wage

<table>
<thead>
<tr>
<th>Region</th>
<th>Non-Agriculture</th>
<th>Family Living Wage* (as of September 2005)</th>
<th>Disparity (Income Shortfall)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metro Manila</td>
<td>P288-P325</td>
<td>681</td>
<td>356-393</td>
</tr>
<tr>
<td>CAR</td>
<td>P219-P225</td>
<td>665</td>
<td>440-446</td>
</tr>
<tr>
<td>I</td>
<td>P197-P212</td>
<td>638</td>
<td>426-441</td>
</tr>
<tr>
<td>II</td>
<td>P200-P208</td>
<td>565</td>
<td>357-365</td>
</tr>
<tr>
<td>III</td>
<td>P217-P263.50</td>
<td>590</td>
<td>326.50-373</td>
</tr>
<tr>
<td>IV-A</td>
<td>P207-P265</td>
<td>602</td>
<td>337-395</td>
</tr>
<tr>
<td>IV-B</td>
<td>P192-P206</td>
<td>602</td>
<td>396-190</td>
</tr>
<tr>
<td>V</td>
<td>P162-P209</td>
<td>575</td>
<td>366-413</td>
</tr>
<tr>
<td>VI</td>
<td>P180-P205</td>
<td>518</td>
<td>313-338</td>
</tr>
<tr>
<td>VII</td>
<td>P190-P223</td>
<td>657</td>
<td>434-467</td>
</tr>
<tr>
<td>VIII</td>
<td>P206</td>
<td>428</td>
<td>222</td>
</tr>
<tr>
<td>IX</td>
<td>P196</td>
<td>596</td>
<td>400</td>
</tr>
<tr>
<td>X</td>
<td>P211-P218</td>
<td>570</td>
<td>352-359</td>
</tr>
<tr>
<td>XI</td>
<td>P222-P224</td>
<td>569</td>
<td>345-347</td>
</tr>
<tr>
<td>XII</td>
<td>P213.50</td>
<td>556</td>
<td>342.50</td>
</tr>
<tr>
<td>ARMM</td>
<td>P180</td>
<td>858</td>
<td>678</td>
</tr>
<tr>
<td>CARAGA</td>
<td>P200</td>
<td>(No data)</td>
<td>-</td>
</tr>
</tbody>
</table>

*for a family of six


### Comparative Wages in Selected Asian Countries

**As of 23 January 2006**

<table>
<thead>
<tr>
<th>Country/City</th>
<th>Daily Minimum Wages</th>
<th>Monthly Wage</th>
<th>Exchange Rate Per US$1*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vietnam (Dong)</strong></td>
<td>16,233.33 - 20,866.67 a/</td>
<td>1.00 - 1.29</td>
<td>487,000 - 626,000 1/</td>
</tr>
<tr>
<td><strong>China/Beijing (Yuan Renminbi)</strong></td>
<td>16.50 - 20.00 a/</td>
<td>2.04 - 2.48</td>
<td>495 - 600 2/</td>
</tr>
<tr>
<td><strong>Indonesia/Jakarta (Rupiah)</strong></td>
<td>14,208.33 a/</td>
<td>1.49</td>
<td>426,250 3/</td>
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<tr>
<td><strong>Thailand/Bangkok (Baht)</strong></td>
<td>139.00 - 175.00 4/</td>
<td>3.47 - 4.37</td>
<td>4,170 - 5,250 b/</td>
</tr>
<tr>
<td><strong>Philippines/ Metro Manila (Peso)</strong></td>
<td>109.00 - 325.00 5/</td>
<td>2.07 - 6.17</td>
<td>3,270 - 9,750 b/</td>
</tr>
<tr>
<td><strong>Malaysia (Ringgit)</strong></td>
<td>16.30 - 46.10 a/</td>
<td>4.28 -12.09</td>
<td>489 - 1,383 6/</td>
</tr>
<tr>
<td><strong>South Korea (Won)</strong></td>
<td>22,720.00 7/</td>
<td>22.36</td>
<td>681,600 b/</td>
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<tr>
<td><strong>Singapore (Singapore Dollar)</strong></td>
<td>23.33 - 73.33 a/</td>
<td>14.23 - 44.72</td>
<td>700 - 2,200 b/</td>
</tr>
</tbody>
</table>

1/ Monthly minimum wage applicable to foreign-invested enterprises, 2003
2/ Monthly minimum wage workers in Beijing, Shanghai, Shenzhen, July 2004
3/ Monthly minimum wage Standard in Jakarta, January 1, 2001
4/ Daily Minimum Rate in Bangkok and other Provinces, January 1, 2005
5/ An additional P25.00 daily basic pay, effective June 16, 2005
6/ Average minimum salaries of selected Non-Executive position in the Manufacturing Sectors, 2004
7/ Minimum wage level effective September 2004 - August 2005
8/ Median monthly commencing basic wages of selected occupations in all industries, June 2003
a/ Daily equivalent of MW computed using 30 days
b/ Monthly equivalent of DMW computed using 30 days

Note: Details may not add up due to rounding.

**INFLATION RATE AND PURCHASING POWER OF PESO**

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>2004</th>
<th>2005</th>
</tr>
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<tbody>
<tr>
<td>Inflation Rate %</td>
<td></td>
<td></td>
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<tr>
<td>December</td>
<td>8.6</td>
<td>6.6</td>
</tr>
<tr>
<td>Average for the year</td>
<td>6.0</td>
<td>7.6</td>
</tr>
<tr>
<td>Purchasing power of the Peso</td>
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<tr>
<td>December</td>
<td>0.80</td>
<td>0.75</td>
</tr>
<tr>
<td>Average for the year</td>
<td>0.83</td>
<td>0.77</td>
</tr>
</tbody>
</table>

Source: National Statistics Office

Total approved FDIs (Foreign Direct Investments) in the third quarter of 2005 expanded two-fold compared to the same quarter of the previous year. About Php 16.2 billion worth of FDIs was committed during the period, 124 percent higher than the Php 7.2 billion worth of FDI pledges received in the same quarter of last year. Investment commitments in manufacturing and services, which comprised about 97 percent of the total approved FDIs for the quarter, boosted the level of approved FDIs in the country during the period.


**FOREIGN TRADE OF THE PHILIPPINES 1990 to 2003**

(F.O.B. value in million U.S. dollars)

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TOTAL TRADE</th>
<th>EXPORTS</th>
<th>IMPORTS</th>
<th>BALANCE OF TRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FAVORABLE (UNFAVORABLE)</td>
</tr>
<tr>
<td>2004</td>
<td>79,898.00</td>
<td>39,598.00</td>
<td>40,300.00</td>
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<tr>
<td>2003</td>
<td>73,728.00</td>
<td>36,231.00</td>
<td>37,497.00</td>
<td>(1,265.00)</td>
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<tr>
<td>2002/r</td>
<td>70,634.67</td>
<td>35,208.16</td>
<td>35,426.51</td>
<td>(218.35)</td>
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<td>2001/r</td>
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<td>(907.00)</td>
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<td>2000</td>
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<td>38,078.25</td>
<td>34,490.87</td>
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<td>26,659.89</td>
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<td>35,933.82</td>
<td>(10,706.12)</td>
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<td>1993</td>
<td>28,972.21</td>
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<td>17,597.40</td>
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<td>14,518.93</td>
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<td>1991</td>
<td>20,890.88</td>
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<td>12,051.36</td>
<td>(3,211.85)</td>
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<td>1990</td>
<td>20,392.19</td>
<td>8,186.03</td>
<td>12,206.16</td>
<td>(4,020.13)</td>
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NOTES:
1. Details may not add up to totals due to rounding.
2. Exports include domestic exports and re-exports.
r - revised

PHILIPPINE TRADE DESTINATIONS 2001 to 2003
(F.O.B. value in thousand U.S. dollars)

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>ASIA</td>
<td>15,865,598</td>
<td>21,061,458</td>
<td>18,647,284</td>
<td>22,745,823</td>
<td>21,727,621</td>
<td>24,483,126</td>
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<td>ASEAN</td>
<td>4,986,020</td>
<td>5,123,898</td>
<td>5,529,685</td>
<td>5,730,106</td>
<td>6,581,681</td>
<td>6,398,136</td>
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<td>AMERICA</td>
<td>9,482,615</td>
<td>6,923,593</td>
<td>9,405,910</td>
<td>7,871,895</td>
<td>7,728,585</td>
<td>8,011,602</td>
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<td>EUROPE</td>
<td>6,269,617</td>
<td>3,393,456</td>
<td>6,424,660</td>
<td>3,228,265</td>
<td>3,302,810</td>
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<td>OCEANIA</td>
<td>258,550</td>
<td>939,159</td>
<td>391,975</td>
<td>812,787</td>
<td>462,008</td>
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<tr>
<td>AFRICA</td>
<td>37,515</td>
<td>43,320</td>
<td>39,975</td>
<td>39,942</td>
<td>58,570</td>
<td>31,773</td>
</tr>
<tr>
<td>OTHERS</td>
<td>236,308</td>
<td>696,173</td>
<td>293,968</td>
<td>727,796</td>
<td>2,951,612</td>
<td>561,697</td>
</tr>
<tr>
<td>TOTAL</td>
<td>32,150,203</td>
<td>33,057,160</td>
<td>35,208,159</td>
<td>35,426,508</td>
<td>36,231,205</td>
<td>37,496,503</td>
</tr>
</tbody>
</table>

Notes:
1. Details may not add up to totals due to rounding.
2. Exports include domestic exports and re-exports.

Source: National Statistics Office.

Deadly Playgrounds
The Phenomenon of Child Soldiers in the Philippines

THE CHILD soldiers research project, a three-year collective undertaking of PhilRights, is a major achievement and contribution of the institution to the struggle to address children’s involvement in armed conflict in the country.

The book presents findings of interviews with 194 child soldiers involved in government-backed paramilitary groups as well as armed rebel groups. At the time of the study, 115 of the children were still active members of armed groups; only 79 of them had been demobilized. The publication delves on the profile of Filipino child soldiers, their reasons for joining armed groups, their experiences, the effects of soldiering on these children, and recommendations addressing this issue.

The book is available at P250.00 a copy at the Philippine Human Rights Information Center (PhilRights), 53-B Maliki St., Brgy. Pinyahan, Quezon City (Tel. No. 436-5686/433-1714).

THE RIGHT WORDS:
... my soul stood erect, exultant, envisioning a new world where the light of justice for every individual will be unclouded.

HELEN KELLER (1880–1968)
(Keller, who was deaf and blind but intellectually accomplished, wrote this in a 1948 letter to former US First Lady Eleanor Roosevelt, after reading the Universal Declaration of Human Rights drafted by the Commission on Human Rights of the new United Nations. Roosevelt had chaired the Commission.)

IN THIS QUARTER:

☐ The Universal Declaration of Human Rights, was adopted and proclaimed by the United Nations (UN) General Assembly through Resolution 217 A (III) on December 10, 1948.

☐ The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were adopted and opened for signature, ratification and accession through UN General Assembly Resolution 2200A (XXI) of December 16, 1966

☐ The Optional Protocol to the International Covenant on Civil and Political Rights was adopted and opened for signature, ratification and accession through UN General Assembly Resolution 2200A (XXI) of December 16, 1966

☐ The Convention on the Elimination of All Forms of Discrimination against Women was adopted and opened for signature, ratification and accession by the UN General Assembly through Resolution 34/180, dated December 18, 1979

☐ The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 on December 10, 1984

☐ The Convention on the Rights of the Child was adopted by resolution 44/25 on November 20, 1989 at the Forty-fourth session of the General Assembly of the United Nations

☐ The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty was adopted and proclaimed by General Assembly Resolution 44/128 on December 15, 1989

☐ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by General Assembly resolution 45/158 on December 18, 1990
ESTABLISHED in July 1991 by the Philippine Alliance of Human Rights Advocates (PAHRA), PhilRights seeks to undertake and disseminate human rights information, research, and analyses where and when they are needed.

As a service institution that exists for both PAHRA and the general public, PhilRights aims to:

- Deepen awareness, knowledge, and understanding of PAHRA and the general public about human rights conditions, issues, and mechanisms;
- Work for a dynamic human rights movement that is able to mobilize sectors and groups for timely and effective intervention in the promotion and defense of human rights by making available human rights information and tools in information handling and dissemination;
- Help ensure state compliance with its human rights obligations through active monitoring and engagement;
- Strengthen cooperation and partnership with local and international networks in the conduct of human rights activities through lively exchange and sharing of information; and
- Enhance capability of human rights organizations in the promotion and defense of human rights through education and training on research, advocacy and information handling and dissemination.

ANNOUNCEMENT

Since April 2004, the Philippine Human Rights Information Center (PhilRights) has been accepting interns for its Internship Program. The program is open to college students, researchers or professionals who are interested in doing internship work in an NGO like PhilRights. For details, please contact Mr. Pepito D. Frias, PhilRights’ Training Associate at telephone numbers 433-17-14 & 436-5886.