

THE CONSTITUTIONAL BASIS OF AN INDEPENDENT FOREIGN POLICY

Wilfrido V. Villacorta

I. THE CRUCIAL ROLE OF FOREIGN POLICY IN NATIONAL LIFE

Just as domestic conditions determine the content and direction of foreign policy, a people's relations with other countries also influence their perceptions of themselves: their self-respect as a nation, their estimation of their capability and resources, their conception of the national destiny.

It is essential, therefore, that foreign-policy formulators always take into consideration the impact their country's foreign relations has on all aspects of national life. Because a primary objective of foreign policy is to realize the short-term as well as the long-term goals of the nation, it must be founded on a clear understanding of what the national vision is.

II. THE DESIRED SOCIETY FOR THE PHILIPPINES

The vision for Philippine society as articulated in the 1987 Constitution constitutes the permanent criterion of national interest that must be the basis of foreign policy.

The basic goals of the Filipino people are embodied in the Preamble: "To build a *just and humane* society and establish a Government that shall embody our ideals and aspirations, promote the *common good*, conserve and develop our *patrimony*, and secure to ourselves and our posterity the blessings of *independence and democracy* under the *rule of law* and a regime of *truth, justice, freedom, love, equality, and peace.*"

These ideals are operationalized in Article II, the Declaration of Principles and State Policies, which is the foundation of the political and social systems:

1. A democratic and republican State committed to *human dignity and human rights*, whose authority emanates from

- the sovereign people (Sec. 1, 11) and whose primary duty is to *serve and protect the people* (Sec. 4);
2. A polity founded on *peace, equality, justice, freedom, co-operation and amity with all nations, renouncing war* as an instrument of national policy (Sec. 2);
 3. A *just and dynamic social order* that ensures the *prosperity and independence* of the nation, promotes social justice, frees the people from poverty (Secs. 9, 10), and protects the rights of the youth (Sec. 13), women (Sec. 14), labor (Sec. 18), farmers (Sec. 21), and indigenous cultural communities (Sec. 22);
 4. A State that protects and promotes the *general welfare, the life, liberty and property of the people* (Sec. 5), their *right to health* and to a *balanced and healthful ecology* (Secs. 15, 16), and their right to effectively *control their national economy* (Sec. 19).

III. CONSTITUTIONAL REQUIREMENTS FOR FOREIGN POLICY

Proceeding from this vision of an ideal Philippine society, Article II of the 1987 Constitution has a clear conception of what the nation's foreign policy should be:

Sec. 7. The State shall pursue an independent foreign policy. In its relations with other states the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.

As an elaboration of the provision for an independent foreign policy and in order to be consistent with the ideals of the envisioned society for the Philippines, the following section was added to the Declaration of Principles and State Policies:

Sec. 8. The Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory.

While acknowledging that the President takes the initiative in foreign-policy matters, the Constitution, in Article VII, provides safeguards that would prevent abuses or impropriety on the part of the executive branch:

Sec. 20. The President may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior concurrence of the Monetary Board, and subject to such limitation as may be provided by law. The Monetary Board shall, within thirty days from the end of every quarter of the calendar year, submit to the Congress a complete report of

its decisions on applications for loans to be contracted or guaranteed by the Government or government-owned and controlled corporations which would have the effect of increasing foreign debt, and containing other matters as may be provided by law.

Sec. 21. No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.

A major foreign-policy issue that was given attention by the framers of the Constitution was the RP-US military bases agreement. In order to protect the national interest, Sec. 25 of the Transitory Provisions (Article XVIII) set the following requirements:

1. The agreement shall expire in 1991.
2. Foreign military bases, troops or facilities shall not be allowed in the country except under a treaty duly concurred in by the Senate.
3. When Congress requires it, that treaty ratified by the Senate shall be submitted to a referendum.
4. The new agreement must be recognized as a treaty by the other contracting State.

In approving these stipulations, the 1986 Constitutional Commission and the people when they ratified the Constitution in 1987 recognized the following:

1. The present RP-US military bases agreement is not acceptable and must be allowed to expire in 1991;
2. Any new agreement must pass through the rigorous scrutiny by the Senate in order to avoid a repetition of the unequal provisions of the previous agreement;
3. The people may review the agreement even if it has secured the approval of the Senate; and
4. The other contracting State, in this case the United States, must have also ratified the agreement as a treaty.

The general feeling in the 1986 Constitutional Commission about the US bases is captured by the statement of Commissioner Ricardo Romulo that "we hope to dismantle the U.S. bases as soon as possible and thereafter we do not want any other bases here" (Records of the 1986 Constitutional Commission, Volume Three, p. 812).

The requirements for entering into a new agreement on US facilities in our territory are consistent with the national goals inherent in the Declaration of Principles and State Policies. They proceed from the criteria of an independent foreign policy set by Sec.

7 of Article II: *national sovereignty, territorial integrity, national interest, and the right to self-determination.*

The intent of the 1986 Constitutional Commission with respect to Section 7 of Article II is reflected in the following deliberations:

MR. BENNAGEN. I would like to ask the proponents how the paramountcy of national sovereignty, territorial integrity, national interest and right to self-determination be determined in deciding on an international treaty.

THE PRESIDENT. Commissioner Romulo is recognized.

MR. ROMULO. We believe that the Chief Executive and Congress in entering into these agreements shall try as realistically as possible always to uphold our interests, our rights on a truly mutual, beneficial and reciprocal basis; and that with regard to territorial integrity, of course, no part of our territory will be compromised. And above all, our national interest, which should be perceived by the Executive and Congress, shall prevail.

MR. BENNAGEN. Would this include also consultation with a broad sector of the Philippine population?

MR. ROMULO. I suppose so, because Congress will have to be involved, and so is the Executive as in relation to our section on social justice regarding consultation with the people.

MR. BENNAGEN. Will it include referenda and plebiscites?

MR. ROMULO. I think I will leave that to the proper authorities—that would either be Congress or the President. (Records of the 1986 Constitutional Commission, Volume Three, p. 812.)

IV. INDICATORS OF AN INDEPENDENT FOREIGN POLICY

Based on the spirit, therefore, of the 1987 Constitution, the characteristics of an independent foreign policy are:

1. Its formulation is determined mainly by considerations of national interest and reciprocity, and not by the dictates of a foreign power or a group of foreign powers.
2. Its conception protects the national patrimony and the independence of the national economy and is not dependent on the material benefits that would accrue from compliance with the wishes of a foreign power or a group of foreign powers.
3. Its implementation preserves the honor, sovereignty and territorial integrity of the nation and is not influenced

mainly by perceived threats coming from a foreign power or a group of foreign powers.

It is unrealistic for a foreign policy to be contingent on "special relations" with a foreign power. There are no permanent friends or permanent enemies in international relations, it is said. There are only permanent interests. To be tied down to a partner-country which is not known for its reciprocity and reliability, especially in times of urgent need, severely reduces our options and restricts the relationships that we can develop with other countries.

V. BENEFITS OF AN INDEPENDENT FOREIGN POLICY

If we adopted and pursued a truly independent foreign policy, the advantages that we can derive are immeasurable:

1. The so-called captive mind of the Filipinos will be liberated and we shall recover our confidence in our own capabilities. The sociological benefits of free interaction with other countries will influence all aspects of social and political life.
2. Filipino entrepreneurs and our national economic planners will rely more on our own resources, instead of continually depending on outside assistance. The government will have to resort to creative means to generate capital and economic opportunities.
3. The Philippine Armed Forces will be compelled to improve its facilities, training programs and its other capacities.
4. The Philippines will earn the respect and friendship of more countries and will profit from cooperative ventures with these countries.
5. The polarization of the people as a result of maneuverings from the dominant foreign power will be drastically reduced.
6. Philippine society and politics will be less vulnerable to pressures and interference from foreign powers, because the government will have more bargaining leverage.
7. The resources and capabilities of the nation will be more effectively harnessed for the common good, because they will no longer be exploited to serve the interests of foreign powers.

The tragic lack of conviction in Philippine foreign policy has been deplored since the days of the great Senator, Claro M. Recto. The father of modern Filipino nationalism observed 38 years ago that "our foreign policy was conducted from the very beginning, and is being pursued, on the erroneous assumption of an identity of American and Filipino interests, or more correctly, of the de-

sirability, and even the necessity, of subordinating our interests to those of America.”

Because the United States is expectedly protective of her own interests, Recto pointed out that the Americans cannot be faulted if we always chose to abdicate our national interests in order to assure them of our blind loyalty and subservience.

The following words of Recto should ring in the ears of our diplomats and policy makers:

“When we are so dishonest, inept, and prodigal, that we cannot run a government on the resources of the potentially richest and most democratically schooled people in Asia, and must beg constantly for subsidies, then the United States have the right to see to it that the dollars they lend are not dissipated in extravagance, purloined by malefactors in high office, or misspent on fraudulent elections, and that, in return for their assistance, they shall have the final say on our foreign policy and receive the services of our diplomats as their spokesmen and press relations officers.”