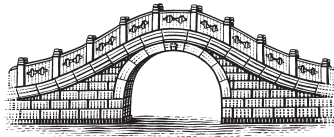


The Future of the U.S.-Philippines Alliance: Declining Democracy and Prospects for U.S.-Philippines Relations after Duterte

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NOTE ≈ *The opinions expressed in this article are the author's own and do not necessarily reflect the views of the National War College.*

KEYWORDS: U.S.-PHILIPPINES ALLIANCE; DEMOCRACY, DUTERTE; SANCTIONS

EXECUTIVE SUMMARY

This article examines the Philippines' democracy under the administration of President Rodrigo Duterte and assesses the ramifications of democratic decline for the future of the U.S.-Philippines alliance under the next administration.

MAIN ARGUMENT

The anti-democratic policies of the Duterte administration have subverted institutional and societal checks on executive power, threatening the U.S.-Philippines alliance as an instrument of U.S. strategy in the Indo-Pacific. Duterte successfully reshaped domestic politics to augment his regime's influence over the legislature, judiciary, local governments, military, and economy, and openly sought to jettison the alliance for closer diplomatic and economic ties with China that would help him subvert domestic checks and balances on his administration. To repair and augment its alliance with the Philippines, the U.S. must recognize that the country's democratic decline is highly unlikely to reverse once Duterte leaves office and should transparently develop policies to incentivize the next administration and policymakers in the Philippines to roll back Duterte's anti-democratic policies.

POLICY IMPLICATIONS


- If Duterte's successor continues to consolidate power domestically by weakening institutional checks on the administration's authority and coercing political opposition into silence or compliance, military cooperation between the U.S. and the Philippines will falter and create new vulnerabilities threatening U.S. interests in the Pacific region.
- The Biden administration should reconfigure U.S. security assistance under the schema of positive conditionality to discourage further efforts to undermine democratic governance and degrade human rights conditions from the next presidential administration in the Philippines. U.S. assistance should also be optimized to support the Philippines' military modernization while prioritizing economic and technical cooperation to mitigate the challenges imposed by the Covid-19 pandemic, economic recession, and pervasive low-intensity conflict.
- Whereas the application of sanctions on individuals responsible for supporting human rights violations can be a coercive tool of diplomacy in extremis, it is more important that the U.S. offer inducements for curtailing these violations through bilateral efforts to expand investments from U.S. companies to Philippine business, particularly through the U.S. International Development Finance Corporation and the Millennium Challenge Corporation.

Although he campaigned on strengthening democracy at home and abroad while maintaining a secure and prosperous Indo-Pacific region, President Joe Biden has not indicated how he will resolve the inherent conflicts between these goals. This dilemma is perhaps most acute in the Philippines, a U.S. treaty ally in a region experiencing democratic crises of varying degrees.¹ Under President Rodrigo Duterte, the media and Philippine civil society are suffocating, extrajudicial killings are commonplace, and the economy is in a Covid-19-induced recession. The results of the Philippines' general election in 2022 will have major implications for the future of the U.S.-Philippines alliance. No matter who wins the presidential election, both states will be forced to confront the autocratic legacy of the outgoing Philippine administration. Ultimately, continued democratic decline under the next administration in the Philippines would degrade the alliance and threaten the national interests of both states.

Not since Ferdinand Marcos has any president of the Philippines so effectively coerced or coopted his opposition in the government, the national security sector, and society at large by dismantling and disregarding the democratic principles and safeguards of the republic.² By constraining the ability of government institutions, the press, and civil society to challenge executive policies, the democratic decline of the Philippines is impairing the ability of both it and the United States to cooperate in support of mutual security interests served by the alliance—namely, preserving the inviolability of Philippine sovereignty, the integrity of the global commons, and, by extension, the political stability of the Indo-Pacific. When Duterte's term ends on June 30, 2022, his successor will have the option of embracing, revising, or rejecting his regime's legacy. While there are limits to what U.S. diplomacy can accomplish in the Philippines, a new approach to alliance maintenance is needed to avoid continuing Duterte's legacy, which would augur poorly for U.S. interests.

Toward this end, the Biden administration should emphasize areas for growth and development between the two allies and frame caps on assistance and targeted sanctions as statutory constraints on U.S. policy rather than as coercive diplomatic instruments. The United States must convey that autocratic governance and human rights abuses are barriers to U.S. aid,

¹ Joshua Kurlantzick, *Addressing the Effect of Covid-19 on Democracy in South and Southeast Asia* (New York: Council on Foreign Relations, 2020).

² Sheila Coronel, "A Warning from the Philippines on How a Demagogue Can Haunt Politics for Decades," *Washington Post*, November 9, 2020  <https://www.washingtonpost.com/opinions/2020/11/09/trump-ferdinand-marcos-philippines-lessons-democracy>.

which could potentially escalate to targeted sanctions against individuals deemed responsible for violations of human rights standards. If diplomatic engagement falls short in inducing democratic reforms in the Philippines, the United States should be prepared to apply limitations on aid consistent with legislation, including the Leahy Law and the Global Magnitsky Act, despite prospective threats from the Philippine government to retaliate.

The remainder of the article is organized into five sections:

- ≈ pp. 136–38 examine the current state of U.S.-Philippines relations.
- ≈ pp. 139–44 analyze Philippine politics and democratic backsliding.
- ≈ pp. 144–51 look at how the Duterte administration and governance in the Philippines came to assume their current forms.
- ≈ pp. 151–54 evaluate risks to the bilateral alliance and U.S. regional interests from governance and human rights issues in the Philippines.
- ≈ pp. 154–60 suggest policy options for Congress and the Biden administration that would encourage a new Philippine administration to take steps toward improved democratic governance.

THE FLAWED STRATEGIC LOGIC OF MAINTAINING THE STATUS QUO

Many foreign policy prescriptions have been suggested for the Biden administration in the Indo-Pacific region, but recommendations for balancing security and good governance in the U.S.-Philippines alliance have been few. Notably, Michael Green and Gregory Poling have recommended raising concerns over human rights through official channels with the aim of incentivizing democratic improvements through extensive diplomatic engagement.³ Recommendations of this sort tend to conceptualize the alliance as primarily transactional, where the United States is permitted to maintain and improve its military posture in the Philippines in exchange for military and economic aid. Other objectives such as the Philippines' military modernization, economic growth, and democratic governance are secondary or tertiary to maintaining U.S. military access, given the United States' desire to deter hostile Chinese actions in South China Sea, Taiwan, and elsewhere in the Indo-Pacific.

³ Michael J. Green and Gregory B. Poling, "Biden Can Engage Southeast Asia and Still Promote Good Governance," Center for Strategic and International Studies, Commentary, November 13, 2020 ≈ <https://www.csis.org/analysis/biden-can-engage-southeast-asia-and-still-promote-good-governance>.

During the first year of the Biden administration, Washington embraced this approach to save the 1998 Visiting Forces Agreement (VFA) with the Philippines, which Duterte threatened to terminate in February 2020. As the VFA is the legal mechanism enabling the rotational presence of U.S. military forces in the Philippines, its termination would have crippled the alliance, but a combination of foreign military sales, back-channel negotiations, and a personal visit from U.S. secretary of defense Lloyd Austin resulted in Duterte recalling the order in July 2021.⁴ The Biden administration succeeded in maintaining the VFA, but Duterte can still threaten important components of the alliance without consequence in his final months in office knowing that the United States is willing to placate him.

This episode highlights the fact that preserving U.S. military access to the Philippines has long been the *sine qua non* of the alliance, much to its detriment. For example, the economic stagnation, mass killings, and authoritarianism under President Ferdinand Marcos were only of selective concern to U.S. policymakers, who approved substantial sums of aid to the Philippines despite—or in the case of the Nixon and Reagan administrations, because of—these conditions.⁵ Only after Communist insurgency and democratic protests threatened the Philippines’ stability did President Ronald Reagan urge President Marcos to abdicate.⁶ As Richard Kessler observed in 1985, “The Philippines are a classic example of how tying U.S. interests to the political ambitions of one man can damage U.S. security.”⁷ This assessment was not novel; a former Lyndon Johnson administration aide quipped regarding the Philippines that “the instrument of our policy became of the object of our policy.”⁸

When an alliance becomes the object of policy for a country rather than an instrument of that country’s grand strategy, it falls into what Hilton Root termed “the commitment trap.” At the core of this trap is the assumption

⁴ Defense Security Cooperation Agency, “The Philippines—F-16 Block 70/72 Aircraft,” Transmittal No. 21-14, June 24, 2021 \approx <https://www.dsca.mil/press-media/major-arms-sales/philippines-f-16-block-7072-aircraft>; Defense Security Cooperation Agency, “The Philippines—Aim-9X Sidewinder Block II Tactical Missiles,” Transmittal No. 21-23, June 24, 2021 \approx <https://www.dsca.mil/press-media/major-arms-sales/philippines-aim-9x-sidewinder-block-ii-tactical-missiles>; and “Duterte Cancels Order to Terminate VFA with U.S.,” CNN Philippines, July 30, 2021 \approx <https://www.cnnphilippines.com/news/2021/7/30/Visiting-Forces-Agreement-Philippines-United-States-Duterte-Austin.html>.

⁵ Stanley Karnow, *In Our Image: America’s Empire in the Philippines* (New York: Ballantine Books, 1989), 375–81, 398–403; and Mattias Fibiger, “The Nixon Doctrine and the Making of Authoritarianism in Island Southeast Asia,” *Diplomatic History* 45, no. 5 (2021): 13–16, 24–26.

⁶ Hilton L. Root, *Alliance Curse: How America Lost the Third World* (Washington, D.C.: Brookings Institution Press, 2008), 92–100.

⁷ Richard J. Kessler, “The Philippines: A U.S. Policy Dilemma,” *Bulletin of the Atomic Scientists* 41, no. 1 (1985): 41–44.

⁸ Karnow, *In Our Image*, 377.

that the known present is preferable to an unpredictable future. By sticking to a narrow band of policies to preserve the status quo, Washington cedes political leverage that enables its ally to impose unfavorable conditions on the United States.⁹ Since 2016, the United States has been caught in this trap in its relations with the Philippines by appeasing Duterte to preserve an unstable and unfavorable status quo.

From 2016 to 2019, the United States disbursed approximately \$1.3 billion in economic and military aid to the Philippines, while annual disbursements fluctuated from \$451 million in 2016, to \$236 million in 2017, to \$275 million in 2018, to \$365 million in 2019.¹⁰ Whatever the benefit to security, the economy, and public health, plying the Philippines with assistance did not result in warmer relations with the Duterte administration. Rather than such aid inducing cooperation on issues of mutual concern like the global Covid-19 pandemic, Duterte instead made access to U.S. vaccines a precondition to maintain the VFA, essentially holding the agreement hostage.¹¹ Whether motivated by humanitarian concerns or caving into the president's demands, the United States ended up donating a total of 18.5 million vaccines to the Philippines by December 2, 2021.¹²

The United States has again tied its security interests in the Philippines to the political ambitions of a strongman in a similar way as Kessler observed in 1985. Like Marcos before him, Duterte understands that Washington is deeply invested in maintaining its military access, and he has exploited U.S. reticence to challenge his government by consolidating unchecked executive power over domestic politics and foreign policy. If the United States does not change its passive approach to managing this bilateral relationship, Duterte-style governance and its accompanying antipathy toward the alliance will likely endure under the next Philippine administration.

⁹ Root, *Alliance Curse*, 173–79.

¹⁰ Calculated from U.S. Agency for International Development (USAID), “Foreign Aid Explorer” ~ https://explorer.usaid.gov/cd/PHL?measure=Disbursements&fiscal_year=2019.

¹¹ Cliff Venzon, “Duterte Threatens to End U.S. Military Pact If No Vaccines,” *Nikkei Asia*, December 27, 2020 ~ <https://asia.nikkei.com/Politics/International-relations/Duterte-threatens-to-end-US-military-pact-if-no-vaccines>.

¹² “U.S. International Covid-19 Vaccine Donations Tracker—Updated as of December 2,” Kaiser Family Foundation ~ <https://www.kff.org/global-health-policy/issue-brief/u-s-international-covid-19-vaccine-donations-tracker>; and “Fact Sheet: President Biden Announces Major Milestone in Administration’s Global Vaccination Efforts: More than 100 Million U.S. Covid-19 Vaccine Doses Donated and Shipped Abroad,” White House, August 3, 2021 ~ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/03/fact-sheet-president-biden-announces-major-milestone-in-administrations-global-vaccination-efforts-more-than-100-million-u-s-covid-19-vaccine-doses-donated-and-shipped-abroad>.

REGIME FOUNDATIONS, DEMOCRATIC DECLINE,
AND THE U.S. ALLIANCE

Duterte's term in office will end in June 2022, but there is a good possibility that his successor may be cut from the same cloth. The president's daughter, Sara Duterte-Carpio, mayor of Davao City, could follow in her father's footsteps to Malacañang Palace to become vice president. After a tumultuous candidate registration period, wherein several candidates dropped out to have other candidates substituted in their place, Mayor Duterte-Carpio emerged as the running mate of former senator Ferdinand "Bongbong" Marcos, the son of former president Ferdinand Marcos, with the backing of four political parties.¹³

The Marcos-Duterte tandem is presently shaping up to be the most competitive bet in the race. According to polling conducted by PUBLiCUS Asia Inc., conducted in November after the candidate substitution deadline, 56.7% of respondents supported Marcos for the presidency, while 15.4% supported current vice president Leonor "Leni" Robredo. Duterte-Carpio led the vice-presidential polls with the support of 54.4% of respondents, followed by senate president Vicente Sotto III (10.1%), while 13.7% of respondents remained undecided.¹⁴ These results are largely consistent with polling conducted before the close of candidate registration by Social Weather Stations during October 20–23, in which 47% of those surveyed supported Marcos, followed by 18% for Robredo and 13% for Manila mayor Francisco "Isko Moreno" Domagoso. In the survey on potential vice-presidential candidates, however, Sotto led both Duterte-Carpio and Marcos by a substantial margin.¹⁵ Polling will likely fluctuate through the campaign season, and the election is still anyone's to win, but the strong performance of Duterte-aligned and right-wing conservative populist candidates should be of great concern to American observers.

¹³ Bea Cupin, "Marcos-Duterte 'Uniteam' Seals 2022 Alliance," *Rappler*, November 25, 2021 \approx <https://www.rappler.com/nation/elections/bongbong-marcos-sara-duterte-uniteam-seal-alliance-2022>.

¹⁴ "Executive Summary—Findings of 2021 Pahayag Final List: November 16–18, 2021," PUBLiCUS Asia Inc., November 19, 2021 \approx <https://www.publicusasia.com/phyg-final-list>. This survey was completed before Senator Christopher Lawrence "Bong" Tesoro Go, who was previously the Duterte administration's special assistant to the president and head of the presidential management staff, dropped out of the race.

¹⁵ Ellalyn De Vera-Ruiz, "Marcos, Sotto Top Presidential, Vice Presidential SWS Survey," *Manila Bulletin*, November 15, 2021 \approx <https://mb.com.ph/2021/11/15/marcos-sotto-top-presidential-vice-presidential-sws-survey>; and Social Weather Stations, "SWS Confirms Survey Item for Stratbase ADR Institute, Inc. on Voting Preferences for Vice-President in the 2022 Elections," November 25, 2021 \approx <https://www.sws.org.ph/swsmain/artcldispage?artcsyscode=ART-20211125123835>.

Well before the polling for the 2022 general election began, President Duterte's popularity, political clout, and extralegal influence were tilting the electoral balance against his opponents, and the chances of a liberal reformer winning the 2022 election are not encouraging. According to PUBLiCUS Asia Inc., Duterte's overall approval rating declined from approximately 65% in the first quarter of 2021 to approximately 58% in the second quarter, before rebounding slightly to about 60% in quarter three.¹⁶ In polling conducted by Social Weather Stations in September 2021, Duterte received a net satisfaction rating of +52, ten points below his June 2021 net satisfaction rate, although he has maintained historically high levels of public approval compared to his predecessors in office.¹⁷ Regardless of this decline in ratings, the available polling data supports the widely held perception that Duterte remains highly popular throughout the country, having built a loyal following of ordinary citizens who resonate with his bravado and support his policies. Duterte's popularity will have even deeper ramifications for the upcoming election and its victors.¹⁸ Even if a progressive like Vice President Robredo manages to win, her administration is likely to encounter major institutional and political barriers to reform that will stem from the legacy of the Duterte administration.

Adapting Stephen Skowronek's theory to the Philippines, Mark Thompson has proposed that the Philippine presidency is best understood in relation to the democracy-founding regime of President Corazon Aquino.¹⁹ Thompson argues that the role of the presidency exists in a distinct tradition that is accepted, rejected, or otherwise reinterpreted by the incumbent. Even though the Philippines lacks a strong political party system, presidents stake their success upon alliances with strategic political groups, formal institutions, and the political appeal of their regimes. Presidents that fail to perform strongly along all three of these parameters are put in precarious positions, while those who command all three create political legacies as the

¹⁶ "Executive Summary—Findings of 2021 Pahayag Quarter 1 Survey: March 20–29, 2021," PUBLiCUS Asia Inc., April 7, 2021 ~ <https://www.publicusasia.com/quarter-1-executive-summary>; "Executive Summary—Findings of 2021 Pahayag Quarter 2 Survey: July 13–19, 2021," PUBLiCUS Asia Inc., July 24, 2021 ~ <https://www.publicusasia.com/quarter-2-executive-summary>; and "Executive Summary—Findings of 2021 Pahayag Final List."

¹⁷ Social Weather Stations, "Third Quarter 2021 Social Weather Survey: Pres. Duterte's Net Rating Drops 10 Points to +52, but Still 'Very Good,'" October 29, 2021 ~ https://www.sws.org.ph/swsmain/articldisppage/?artcsyscode=ART-20211029114416&mc_cid=4482962bc4&mc_eid=66cc0c509b.

¹⁸ Sheila S. Coronel, "Rodrigo Duterte Will Not Go Gently," *Foreign Affairs*, March 11, 2020 ~ <https://www.foreignaffairs.com/articles/philippines/2020-03-11/rodrigo-duterte-will-not-go-gently>.

¹⁹ Mark Thompson, "The Politics Philippine Presidents Make: Presidential-Style, Patronage-Based, or Regime Relational?" *Critical Asian Studies* 46, no. 3 (2014).

founders of new regimes that open or constrict certain political opportunities for subsequent presidents.²⁰

The Duterte administration represents the most successful case of a foundational regime in Philippine politics since Aquino, having established durable partnerships between his administration, state institutions, and national elites through a unique brand of illiberal populism.²¹ From an international perspective, this achievement is rare, and Duterte is among a small cohort of world leaders who have found success in this model of regime-building. Evidence from Europe and Latin America suggests that attempts to dismantle democracy are liable to fail except where institutional weaknesses and conjunctural opportunities, such as sudden crises or economic windfalls, coincide. Where institutions are weak, checks on executive power can be ignored and institutions can be reshaped via legal or extralegal means. Meanwhile, the impact of conjunctural opportunities is inverse to the strength of institutions. Where institutions are weak, the impact of an exogenous shock is strong, providing aspiring autocrats with opportunities to undermine democratic systems.²²

These conditions are uncommon in most democracies, but institutional weakness and conjunctural opportunities ranging from economic recession, internal insecurity, and the Covid-19 pandemic are acutely present in the Philippines. Duterte's administration exploits these conditions to use mass violence against segments of the public as a means of demonstrating his regime's strength and silencing dissent, but it just as often works through subtler, legalistic means to subvert democratic governance.²³ Democratic decline of this kind is best articulated through Nancy Bermeo's concept of executive aggrandizement, wherein "elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences."²⁴

Multiple indices that quantify the qualities of democratic governments support the argument that Philippine democracy has declined, but the

²⁰ Thompson, "The Politics Philippine Presidents Make," 451.

²¹ See Salvador Santino F. Regilme, "Contested Spaces of Illiberal and Authoritarian Politics: Human Rights and Democracy in Crisis," *Political Geography* 89 (2021) ~ <https://doi.org/10.1016/j.polgeo.2021.102427>; and Adele Webb and Nicole Curato, "Populism in the Philippines," in *Populism Around the World: A Comparative Perspective*, ed. Daniel Stockemer (Cham: Springer International Publishing, 2020), 49–65.

²² Kurt Weyland, "Populism's Threat to Democracy: Comparative Lessons for the United States," *Perspectives on Politics* 18, no. 2 (2020): 389–406.

²³ Nicole Curato and Diego Fossati, "Authoritarian Innovations: Crafting Support for a Less Democratic Southeast Asia," *Democratization* 27, no. 6 (2020): 1006–20.

²⁴ Nancy Bermeo, "On Democratic Backsliding," *Journal of Democracy* 27, no. 1 (2016): 10.

subtleties of the Duterte administration's anti-democratic practices have ensured that the country has remained nominally democratic. From 2017 to 2019, Freedom House recorded declining scores in both the quality of civil liberties and political rights in the Philippines, dropping its overall index score from 64 to 59, which remains in the “partly free” range.²⁵ Meanwhile, the Varieties of Democracy Dataset recorded a steady decline in the Philippines' deliberative, egalitarian, electoral, liberal, and participatory dimensions of democracy from 2016–20.²⁶ By slight contrast, the Economist Intelligence Unit charted just a minor decline in Philippine democracy from the score of 6.94 to 6.56, both within the definition of a “flawed democracy.” It is worth noting, however, that this is a reversal of the country's trend of an increasing score from 2008 to 2016.²⁷ Last, the Polity5 dataset scored the Philippines in 2018 (the most recent year coded) as an 8—i.e., a democracy—on their scale from -10 (full autocracy) to 10 (full democracy). However, this score will likely decline when Polity5 updates its data to reflect developments since 2018.²⁸

Against this backdrop of democratic decline, the highly institutionalized quality of U.S.-Philippine security relations has served as a safety net for the alliance, ensuring that it does not degrade below a critical threshold.²⁹ Ties between the Armed Forces of the Philippines (AFP) and the U.S. armed forces are deeply ingrained, contributing to the alliance's embeddedness as a bilateral institution with a distinct identity. It is due to this embeddedness that senior Philippine defense officials have been able to advance pro-U.S. views that conflict with Duterte's foreign policy ambitions.³⁰ Nevertheless, Duterte's governance as an “aggrandized” executive is fraying

²⁵ Freedom House, “Freedom in the World 2020: Philippines” ≈ <https://freedomhouse.org/country/philippines/freedom-world/2020>.

²⁶ V-Dem Institute, “Country Graph: Philippines” ≈ <https://www.v-dem.net/en/analysis/CountryGraph>.

²⁷ Economist Intelligence Unit, “Democracy Index 2020: In Sickness and in Health?” 2021, 23 ≈ <https://pages.eiu.com/rs/753-RIQ-438/images/democracy-index-2020.pdf>.

²⁸ “Polity5: Regime Authority Characteristics and Transitions Datasets,” Integrated Network for Societal Conflict Research, Center for Systemic Peace ≈ <http://www.systemicpeace.org/inscrdata.html>.

²⁹ Andrea Wong and Alexander Tan, “The Philippines' Institutionalised Alliance with the U.S.: Surviving Duterte's China Appeasement Policy,” *National Security Journal* 3, no. 2 (2021): 5–10; and “Secretary of Defense Lloyd J. Austin III Holds a Joint Press Conference with Philippines Defense Secretary Delfin Lorenzana,” U.S. Department of Defense, July 30, 2021 ≈ <https://www.defense.gov/Newsroom/Transcripts/Transcript/Article/2714190/secretary-of-defense-lloyd-j-austin-iii-holds-a-joint-press-conference-with-phi>.

³⁰ Gregory Winger, “Alliance Embeddedness: Rodrigo Duterte and the Resilience of the U.S.-Philippine Alliance,” *Foreign Policy Analysis* 17, no. 3 (2021) ≈ <https://doi.org/10.1093/fpa/orab013>.

this safety net by reducing his regime's domestic accountability for its foreign policy.³¹

Research on democratic states in security alliances that incorporates data from the Alliance Treaty Obligations and Provisions project points toward the qualified conclusion that democratic states are more compliant with their treaty obligations than their nondemocratic counterparts.³² Explanations for this trend assert that democracy compels states to uphold, or at least avoid abrogating, the terms of alliance agreements because democratic systems can hold policymakers and bureaucratic institutions accountable for major foreign policy decisions.³³ Democratic accountability is in turn constrained by the institutional structure and domestic politics of the state, wherein factors such as the number, quality, and influence of political opposition parties and public access to independent media are of paramount significance.³⁴ As Vipin Narang and Paul Staniland have theorized in the case of India, the ability of a public to hold a government accountable for a foreign policy depends on the issue salience of the policy and clarity of responsibility for the policy decision. Where domestic political conditions obscure responsibility for decisions with high public salience, or where low-salience policies are made through opaque institutions and ad hoc processes, accountability for foreign policy becomes extremely difficult or nearly impossible to assign.³⁵

In the Philippines, Duterte's manipulation of government institutions, weakening of political opposition, blurring of civil-military authority, and

³¹ Aries Arugay, "The Generals' Gambit: The Military and Democratic Erosion in Duterte's Philippines," Heinrich Böll Stiftung, February 18, 2021 ~ <https://th.boell.org/en/2021/02/18/generals-gambit-military-and-democratic-erosion-dutertes-philippines>.

³² For the Alliance Treaty Obligations and Provisions database, see Brett Ashley Leeds, "The Alliance Treaty Obligations and Provisions Project (ATOP)," Rice University ~ <http://www.atopdata.org>. For major works in this subfield of research on the relationship between regime type and alliance performance using the dataset, see Brett Ashley Leeds, "Alliance Reliability in Times of War: Explaining State Decisions to Violate Treaties," *International Organization* 57, no. 4 (2003): 801–28; Erik Gartzke and Kristian S. Gleditsch, "Why Democracies May Actually Be Less Reliable Allies," *American Journal of Political Science* 48, no. 4 (2004): 775–95; Brett Ashley Leeds, Michaela Mattes, and Jeremy S. Vogel, "Interests, Institutions, and the Reliability of International Commitments," *American Journal of Political Science* 53, no. 2 (2009): 461–76; Justin Conrad, "How Democratic Alliances Solve the Power Parity Problem," *British Journal of Political Science* 47, no. 4 (2015): 893–913; and Matthew Diguseppe and Paul Poast, "Arms versus Democratic Allies," *British Journal of Political Science* 48 (2016): 981–1003.

³³ Leeds, Mattes, and Vogel, "Interests, Institutions, and the Reliability of International Commitments"; and Michaela Mattes, "Democratic Reliability, Precommitment of Successor Governments, and the Choice of Alliance Commitment," *International Organization* 66 (2012): 153–72.

³⁴ Matthew A. Baum, and Philip B.K. Potter, *War and Democratic Constraint: How the Public Influences Foreign Policy* (Princeton: Princeton University Press, 2015), chap. 2.

³⁵ Vipin Narang and Paul Staniland, "Democratic Accountability and Foreign Security Policy: Theory and Evidence from India," *Security Studies* 27, no. 3 (2018): 410–47. These conditions are typologized as "the protected politicians environment" and the "sclerosis environment," which are marked by diminished and minimal government accountability to the public, respectively.

stifling of the press and civil society have largely shielded the administration from accountability. These conditions are reflected in the findings of the macro-indices of democracy referenced earlier and have led to stagnation in the U.S.-Philippines alliance.³⁶ To fully understand how democratic decline in the Philippines weakens the alliance, it is necessary to qualitatively examine the policies of the Duterte administration and establish how the executive branch became the unchecked arbiter of national policies.

DUTERTE’S DEMOCRACY AND THE MAKING OF A FOUNDING REGIME

Duterte spent the early years of his administration cultivating influence within the legislative branch, which saw administration-aligned candidates sweep the 2019 midterm election. With minimal opposition in the House of Representatives, the total defeat of the Liberal Party candidates from the “Otso Diretso” slate in 2019 effectively eliminated opposition in the Senate. By rewarding former officials with endorsements for office and making effective use of conventional and social media to smear opponents and promote allies, Duterte was able to cultivate a loyal legislature.³⁷

Duterte also made use of extralegal mechanisms to punish incumbent opponents in Congress: Senator Leila de Lima remains imprisoned over trumped-up narcotics charges, while former senator Antonio Trillanes was indicted for conspiracy to commit sedition against the administration.³⁸ Attacks on opposition members are frequent, with members of the Makabayan bloc in the House being accused by the administration and the military of supporting the Communist insurgents.³⁹ There is also a possibility that Duterte will seek to amend the constitution to eliminate the party-list system and prevent alleged Communist sympathizers from

³⁶ Bermeo, “On Democratic Backsliding,” 17–18.

³⁷ Julio Cabral Teehankee and Yuko Kasuya, “The 2019 Midterm Elections in the Philippines: Party System Pathologies and Duterte’s Populist Mobilization,” *Asian Journal of Comparative Politics* 5, no. 1 (2020): 69–81.

³⁸ Nicole-Anne C. Lagrimas, “DOJ Clears Robredo, Indicts Trillanes and 10 Others for ‘Conspiracy to Commit Sedition,’” GMA News Online, February 10, 2020 ≈ <https://www.gmanetwork.com/news/news/nation/725455/doj-clears-robredo-indicts-trillanes-and-10-others-for-conspiracy-to-commit-sedition/story>.

³⁹ Dempsey Reyes, “AFP Chief Eyes Legal Action vs. Makabayan,” *Manila Times*, December 8, 2020 ≈ <https://www.manilatimes.net/2020/12/08/news/national/afp-chief-eyes-legal-action-vs-makabayan/806557>.

winning representation in Congress.⁴⁰ Eliminating the party-list system would purge Congress of sectoral representation, which is one of the few remaining sources of political opposition.

In addition to reducing opposition in the legislature, Duterte has compromised the independence of the judiciary by packing the Supreme Court with sympathetic appointees who regularly rule in his favor. He also made history by pressuring the court into removing its chief justice, Maria Lourdes Sereno, without adhering to the constitutionally mandated impeachment process.⁴¹ A similar campaign to impeach a Supreme Court associate justice, Marvic Leonen, is underway, while applicants for vacancies on the bench include political loyalists and personal friends of the president, such as Duterte's election commissioner and fraternity brother Antonio Kho Jr.⁴² Considering the interventions into the judiciary, the Supreme Court has unsurprisingly affirmed the constitutionality of the administration's most controversial acts, including the arrest of Senator de Lima, the war on drugs, and the allowance of the destruction of reefs in the West Philippine Sea by Chinese vessels instead of environmental protection in the Philippines' maritime exclusive economic zone.⁴³

The extent of the president's influence reaches beyond Manila into the local government level. The Duterte administration established fifteen central government task forces with broad mandates to resolve serious threats to the nation, ranging from Covid-19, corruption, natural disasters, Communist insurgency, and illegal drugs.⁴⁴ These task forces allow the administration to disburse public funds to local governments through ad hoc mechanisms that bypass normal bureaucratic channels. Perceived compliance with task force standards determines the amount of funding a

⁴⁰ Melvin Gascon, "Duterte Wants Party-List System Scrapped," *Philippine Daily Inquirer*, January 8, 2021 ~ <https://newsinfo.inquirer.net/1380994/duterte-wants-party-list-system-scrapped>.

⁴¹ Edcel John A. Ibarra, "The Philippine Supreme Court under Duterte: Reshaped, Unwilling to Annul, and Unable to Restrain," Social Science Research Council, November 10, 2020 ~ <https://items.ssrc.org/democracy-papers/democratic-erosion/the-philippine-supreme-court-under-duterte-reshaped-unwilling-to-annul-and-unable-to-restrain>.

⁴² Lian Buan, "Duterte's Frat Brother Applies for a Seat in Supreme Court," *Rappler*, July 30, 2021 ~ <https://www.rappler.com/nation/duterte-fraternity-brother-kho-applies-seat-supreme-court>.

⁴³ Lian Buan, "How Potent Is the Impeachment Complaint against Justice Leonen?" *Rappler*, December 18, 2020 ~ <https://www.rappler.com/nation/how-potent-impeachment-complaint-against-supreme-court-associate-justice-leonen>; and Mike Navallo, "More Fisherfolk Withdraw Writ of Kalikasan Petition to Protect West Philippine Sea," ABS-CBN News, August 14, 2019 ~ <https://news.abs-cbn.com/news/08/14/19/more-fisherfolk-withdraw-writ-of-kalikasan-petition-to-protect-west-philippine-sea>.

⁴⁴ Pia Ranada, "What Duterte's 15 (and Counting) Task Forces Say about Government," *Rappler*, November 17, 2020 ~ <https://www.rappler.com/newsbreak/in-depth/what-duterte-task-forces-say-about-philippine-government>.

locality may receive, and whether local officials will face administrative or legal sanctions for alleged noncompliance.⁴⁵

According to the Philippines' Commission on Audit annual report in 2020, there were multiple deficiencies in the Department of the Interior and Local Government's utilization of 5 million Philippine pesos (\$100,300) in anti-Communist task force funds given to Region XII (Soccsksargen), including unapproved expenses, unliquidated fund transfers to field offices, and noncompliance with other regulations.⁴⁶ Reports of improperly disbursed or undocumented expenditures of funds fueled allegations that the unnecessarily large budgets of these task forces are being exploited to fund election campaigns.⁴⁷ Similarly, emerging details regarding the award of approximately 8 billion Philippine pesos (\$160.88 million) worth of Covid-19 relief contracts to Pharmally Pharmaceutical Corporation by the Procurement Service of the Department of Budget and Management prompted Senate hearings probing evidence of graft that implicated several administration allies, including former presidential aide Senator Christopher Lawrence "Bong" Tesoro Go.⁴⁸

Furthermore, the Office of the President's budget allocation for intelligence and confidential funds increased from 2.5 billion Philippine pesos (\$50.2 million) in FY 2017 (five times the allocation made during the Aquino administration's last fiscal year) to 4.5 billion Philippine pesos (\$90.4 million) in FY 2021. The FY 2022 proposal seeks to sustain the allocation at the same level, prompting criticism from lawmakers that this funding would be better served supporting departments charged with managing the Covid-19 pandemic. Since these funds cannot be publicly audited, the opposition alleges that they could be used to support the administration's preferred candidates and stifle opposition during the general election. Between criticism of the public opacity of allocations to the Office of the President and the aforementioned executive

⁴⁵ Luke Lischin, "Duterte's Drug War: The Local Government Dimension," *Diplomat*, April 14, 2018 ≈ <https://thediplomat.com/2018/04/dutertes-drug-war-the-local-government-dimension>.

⁴⁶ Commission on Audit (Philippines), "Part II: Observations and Recommendations-Observation 15," in "Consolidated Annual Audit Report of Department of the Interior and Local Government for Calendar Year Ended December 31, 2020," 134–37; and Lian Buan, "P5M NTF-ELCAC Funds to Central Mindanao Flagged for Deficiencies," *Rappler*, August 4, 2021 ≈ <https://www.rappler.com/nation/ntf-eltac-funds-central-mindanao-flagged-for-deficiencies-coa-report>.

⁴⁷ Hana Bordey, "Dרון: COA Findings on PNP Anti-Insurgency Funds Show NTF-ELCAC Budget for 2021, 2022 Unnecessary," *GMA News*, July 15, 2021 ≈ <https://www.gmanetwork.com/news/news/nation/795471/dרון-coa-findings-on-pnp-anti-insurgency-funds-show-ntf-eltac-budget-for-2021-2022-unnecessary/story>.

⁴⁸ Sofia Tomacruz, "Senators Grill Lao: Firm Awarded P8 Billion in Covid-19 Contracts without Vetting?" *Rappler*, August 27, 2021 ≈ <https://www.rappler.com/nation/senate-slams-lack-vetting-firm-given-billions-covid-19-contracts>.

task forces, as well as the financial pressures of the pandemic, several legislators have introduced proposals to reduce these allocations under the FY 2022 budget, despite strong resistance from Duterte and his political allies.⁴⁹ Under this system of well-funded and redundant executive institutions operating with limited oversight, a new wave of political outsiders supporting the war on drugs and affiliating themselves with Duterte's PDP-Laban party swept the 2019 midterm election to become the new class of insiders in Philippine local politics. Duterte still maintains allies in localities that could influence the outcome of the election to favor his preferred successor.⁵⁰

Beyond national and local government, Duterte's attacks on nongovernment institutions have contributed to the decline of democratic governance, as activists, journalists, and marginalized communities face the threat of state violence. According to human rights organizations, killings during the war on drugs have climbed to over 30,000 deaths, prompting ongoing investigation by the International Criminal Court.⁵¹ Journalists face potential charges under libel and anti-sedition laws,⁵² while broadcasters fear having their franchises revoked or renewal applications declined, as in the case of the ABS-CBN corporation.⁵³ Likewise, activists and civil society organizations that criticize the administration risk imprisonment under newly revised antiterrorism laws or are murdered by unknown gunmen. As investigations into mass killings

⁴⁹ Pia Ranada, "In Last Pandemic Budget, Duterte Wants P4.5B for His Office's Intel, Confidential Funds," *Rappler*, August 23, 2021 [~ https://www.rappler.com/nation/duterte-office-intelligence-confidential-funds-proposed-2022-national-budget](https://www.rappler.com/nation/duterte-office-intelligence-confidential-funds-proposed-2022-national-budget); R.G. Cruz, "Duterte Gov't Eyeing P8.6 Billion Budget on Intel, Surveillance Expenses," ABS-CBN News, August 23, 2021 [~ https://news.abs-cbn.com/news/08/23/21/duterte-govt-eyeing-p86-billion-budget-on-intel](https://news.abs-cbn.com/news/08/23/21/duterte-govt-eyeing-p86-billion-budget-on-intel); and Hana Bordey, "Senate Version of 2022 Budget Allocates P10.8B for NTF-ELCAC," GMA News, December 1, 2021 [~ https://www.gmanetwork.com/news/news/nation/810240/from-p28-billion-senate-panel-cuts-proposed-ntf-elcac-budget-to-p4-billion/story](https://www.gmanetwork.com/news/news/nation/810240/from-p28-billion-senate-panel-cuts-proposed-ntf-elcac-budget-to-p4-billion/story).

⁵⁰ Nico Ravanilla, Renard Sexton, and Dotan Haim, "Deadly Populism: How Local Political Outsiders Drive Duterte's War on Drugs in the Philippines," *Journal of Politics* (working paper version, February 11, 2020) [~ http://dotanhaim.com/wp-content/uploads/2020/05/Philippines_Drug_War.pdf](http://dotanhaim.com/wp-content/uploads/2020/05/Philippines_Drug_War.pdf); and Dona Z. Pazzibugan and Leila B. Salaverria, "Duterte Runs for Senator, Avoiding Face-Off with Sara," *Philippine Daily Inquirer*, November 16, 2021 [~ https://newsinfo.inquirer.net/1515410/rody-run-for-senator-no-face-off-with-sara#ixzz7E6zSA8z0](https://newsinfo.inquirer.net/1515410/rody-run-for-senator-no-face-off-with-sara#ixzz7E6zSA8z0).

⁵¹ Franco Luna, "EJKs and Abuse Just a Narrative by Critics, Palace Rights Panel Assures Cops," *Philippine Star*, December 7, 2020 [~ https://www.philstar.com/headlines/2020/12/07/2062087/ejks-and-abuse-just-narrative-critics-palace-rights-panel-assures-cops](https://www.philstar.com/headlines/2020/12/07/2062087/ejks-and-abuse-just-narrative-critics-palace-rights-panel-assures-cops); and International Criminal Court, "Situation in the Philippines: ICC Pre-Trial Chamber I Authorises the Opening of an Investigation," Press Release, September 15, 2021 [~ https://www.icc-cpi.int/Pages/item.aspx?name=PR1610](https://www.icc-cpi.int/Pages/item.aspx?name=PR1610).

⁵² Lian Buan, "Court Orders Arrest of Maria Ressa, Rambo Talabong over Benilde Thesis Story," *Rappler*, January 14, 2020 [~ https://www.rappler.com/nation/court-orders-arrest-of-maria-ressa-reporter-rambo-talabong-over-benilde-thesis-story](https://www.rappler.com/nation/court-orders-arrest-of-maria-ressa-reporter-rambo-talabong-over-benilde-thesis-story).

⁵³ Maricel Cruz, "ABS' Franchise Still Dead under Velasco—Solon," *Manila Standard*, December 13, 2020 [~ https://manilastandard.net/news/top-stories/341912/-abs-franchise-still-dead-under-velasco-solon.html](https://manilastandard.net/news/top-stories/341912/-abs-franchise-still-dead-under-velasco-solon.html).

continue, the military and national law enforcement have clearly directed violence against civilians at the president's behest.⁵⁴

Although senior defense officials may object to key aspects of Duterte's foreign policy regarding the United States, a *modus vivendi* exists between the national security establishment and the administration despite some contention. As participating agencies in several of the aforementioned national task forces, the Department of National Defense and AFP are entitled to a share of task force funding to augment their organizations' budgets, a share that is described as "the general's pork."⁵⁵ Both the military and law enforcement have found an enthusiastic patron in the president. Duterte lobbied for salary increases, promotions, and increased recruitment while expanding the military's mission scope to include pandemic management, disaster recovery, anti-Communist operations, and the drug war.⁵⁶ Many former general officers were also appointed to important positions within the administration upon retirement.⁵⁷

Through declarations of states of emergency and martial law in Mindanao and personal appeals, Duterte won support among the security forces by enabling its members to act with impunity, despite accusations of human rights violations.⁵⁸ In waging the war on drugs, the AFP provides law enforcement with intelligence on alleged drug dealers and has deployed soldiers in anti-drug operations that have resulted in thousands of deaths.⁵⁹ The AFP simultaneously engages in "red tagging" campaigns that entail labeling of activists, journalists, indigenous peoples, and other political malcontents as Communist rebels to justify the threat or use of detention,

⁵⁴ UN High Commissioner for Human Rights and the Office of the High Commissioner and the Secretary-General, "Situation of Human Rights in the Philippines," Human Rights Council, 44th sess., June 29, 2020 ~ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>; and the Office of the Prosecutor, "Report on Preliminary Examination Activities 2020," International Criminal Court, December 14, 2020 ~ <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>.

⁵⁵ Charissa Luci-Atienza, "NTF-ELCAC's P16.44 B Allocation Not Pork Barrel—Año," *Manila Bulletin*, September 10, 2020 ~ <https://mb.com.ph/2020/09/10/ntf-elcacs-p16-44-b-allocation-not-pork-barrel-ano>.

⁵⁶ "Duterte Approves Pay Hike for Soldiers, Policemen," CNN Philippines, January 9, 2018 ~ <https://cnnphilippines.com/news/2018/01/09/joint-resolution.html>

⁵⁷ Jeline Malasig, "Duterte's Expanding Club of Generals Who Head Government Agencies," *interaksyon*, April 20, 2018 ~ <https://interaksyon.philstar.com/breaking-news/2018/04/20/125004/generals-military-men-duterte-government-marina-appointment/amp>.

⁵⁸ "Duterte Tells Troops in Drug War: 'I Will Protect You,'" ABS-CBN News, September 17, 2016 ~ <https://news.abs-cbn.com/news/09/17/16/duterte-tells-troops-in-drug-war-i-will-protect-you>.

⁵⁹ Philippine Drug Enforcement Agency, "PDEA, AFP Vow to Keep the Country Drug-Free and Safe," Press Release, February 27, 2017 ~ <https://pdea.gov.ph/2-uncategorised/172-pdea-afp-vow-to-keep-the-country-drug-free-and-safe>.

torture, or deadly force against them.⁶⁰ Unlike past presidents who attempted to normalize civil-military relations, Duterte has remilitarized national politics with open disdain for human rights to co-opt the national security establishment.⁶¹

Nevertheless, it is difficult to fully assess the impact of Duterte's attempts to win over national security elites because their interventions appear to have convinced the president to reconsider his move to cancel the VFA in retaliation for the revocation of Senator Ronald Dela Rosa's U.S. tourist visa.⁶² These security elites also pushed back against Chinese investment in critical infrastructure that might pose risks to national security. Policymakers specifically sought to safeguard the Philippines' power grid from foreign manipulation. The grid is controlled by the National Grid Corporation of the Philippines, and 40% of it is owned by the State Grid Corporation of China.⁶³ Dito Telecommunity, which is also 40% owned by the Chinese firm China Telecommunications Corporation, is set to construct communication towers at 22 sites across the Philippines, including military bases. Although equipment for this project will be supplied by the U.S.-sanctioned Chinese companies Huawei and ZTE, defense officials downplayed and rejected concerns that using Chinese-supplied equipment in Philippine telecom firms will become a cybersecurity threat.⁶⁴

This inability of the national security establishment to contend consistently with Chinese economic policies that threaten the Philippines' security enables Duterte to pursue his vision of foreign policy mostly unhindered. After shelving the Permanent Court of Arbitration's 2016 ruling in favor of the Philippines, Duterte sought greater Chinese economic assistance and investment with the aim of strengthening his administration's reputation.⁶⁵ Chinese-funded

⁶⁰ Phil Robertson, "Philippine General Should Answer for 'Red-Tagging,'" Human Rights Watch, February 10, 2021 ~ <https://www.hrw.org/news/2021/02/10/philippine-general-should-answer-red-tagging>.

⁶¹ Renato Cruz De Castro, "The Cycle of Militarization, Demilitarization, and Remilitarization in the Early 21st Century Philippine Society," *Tamkang Journal of International Affairs* 15, no. 4 (2012): 139–90.

⁶² Gregory H. Winger, "For Want of a Visa? Values and Institutions in U.S.-Philippine Relations," *War on the Rocks*, February 26, 2020 ~ <https://warontherocks.com/2020/02/for-want-of-a-visa-values-and-institutions-in-u-s-philippine-relations>.

⁶³ "Philippines Steps Up Security to Shield Power Grid from Foreign Control," Reuters, February 3, 2020 ~ <https://www.reuters.com/article/philippines-china-power/philippines-steps-up-security-to-shield-power-grid-from-foreign-control-idusl4n2a333f>.

⁶⁴ Cliff Venzon, "Philippine Telco Hires U.S. Company to Ease China Spying Fears," *Nikkei Asia*, September 17, 2020 ~ <https://asia.nikkei.com/Business/Telecommunication/Philippine-telco-hires-US-company-to-ease-China-spying-fears>.

⁶⁵ Richard Javad Heydarian, "Duterte's China Gambit Fails to Deliver the Goods," *Asia Times*, September 30, 2020 ~ <https://asiatimes.com/2020/09/dutertes-china-gambit-fails-to-deliver-the-goods>.

projects, including the Kaliwa Dam and the Chico River Pump Irrigation Project, are centerpieces of the Duterte administration's "Build, Build, Build" infrastructure campaign that won support from the national elites in charge of implementing these projects. Compared to Japanese investment agencies, which generally adhere to more stringent environmental and social standards, Chinese investors were more willing to accommodate Philippine project managers' apathy toward such standards to expedite construction, despite higher rates on relatively inflexible loans.⁶⁶

Whereas Chinese investment schemes are often portrayed as predatory, the terms of these projects were largely dictated by the Philippines' national and local governments. Thus, Chinese investment was manipulated by Duterte to bolster his administration's reputation and reward his supporters among the elite, no matter the social, environmental, financial, or geopolitical cost.⁶⁷ Delays in the disbursement of aid and confrontations between Chinese and Philippine vessels in the South China Sea prompted Duterte to tone down his praise for China at times, but the advancement of Chinese-funded projects and the prospect of further economic cooperation prevented the Duterte administration from turning away from Beijing.⁶⁸

In response to Covid-19, the Philippines implemented a draconian quarantine protocol, under which 538,577 people were penalized, sometimes violently, for violations between March and November 2020. The Duterte administration also then turned to China to distribute Covid-19 vaccines and medical equipment in the Philippines. In February 2021, 600,000 doses of Sinovac's CoronaVac were airlifted into the country, and by November 2021 the Philippines had received over 50 million doses of CoronaVac.⁶⁹ Despite Chinese and U.S. relief assistance, Covid-19 cases spiked in September 2021 to 125,908 cases before declining to 15,188 cases by the beginning of December 2021. Moreover, only approximately 38 million Filipinos are fully vaccinated (about 35% of the population) and just under 510,000 have received a booster dose. As the Philippines braces for a possible new wave of Covid-19 infections

⁶⁶ Alvin Camba, "How Duterte Strong-Armed Chinese Dam Builders but Weakened Philippine Institutions," Carnegie Endowment for International Peace, June 2021, 12–16 ≈ https://carnegieendowment.org/files/202106Camba_Philippines_final1.pdf.

⁶⁷ *Ibid.*, 16–23.

⁶⁸ Sebastian Strangio, "In UN Speech, Duterte Stiffens Philippines' Stance on the South China Sea," *Diplomat*, September 23, 2020 ≈ <https://thediplomat.com/2020/09/in-un-speech-duterte-stiffens-philippines-stance-on-the-south-china-sea>.

⁶⁹ "Philippines Receives First Batch of Covid-19 Vaccine Donated by China," *Nikkei Asia*, February 28, 2021; and Ferdinand Patinio and Raymond Carl Dela Cruz, "Sinovac Vaccines Delivered in PH Now Over 50M Doses," Philippine News Agency, November 11, 2021 ≈ <https://www.pna.gov.ph/articles/1159331>.

after the discovery of the Omicron variant, the country's dependence on vaccines and medical supplies from both China and the United States will ensure that humanitarian assistance remains an important facet of Philippine domestic politics and diplomatic competition between the two rival powers.⁷⁰

Whoever wins the 2022 presidential election will need to contend with the legacy of these policies, by either adapting to them or dismantling them. Enjoying high levels of public support and ready access to political patronage, and fearing reprisal for not supporting the administration, policymakers and other national elites have little incentive to defect from Duterte's regime. As long as the United States continues to enable these patterns of punishment and patronage by supplying the Philippines with weapons, equipment, humanitarian aid, and financing even at times when U.S. military access to the country is threatened, restoring democratic accountability in the Philippines will continue to be an uphill struggle.

EVALUATING THE RISK TO THE U.S.-PHILIPPINES ALLIANCE AND U.S. INTERESTS

Taking an active diplomatic approach to support the Philippines' democracy comes with real risks to U.S. interests that could severely reduce the deterrence value of U.S. forces in the Pacific. Terminating the VFA, for example, would practically nullify the 2014 Enhanced Defense Cooperation Agreement (EDCA) between the United States and the Philippines, which has been in limbo since Duterte's election. The VFA exempts U.S. military personnel from normal passport and visa procedures and guarantees freedom of movement for U.S. vessels and aircraft, allowing U.S. forces to maintain a rotational presence in the Philippines and participate in joint exercises and training with the AFP. These activities are a fulfillment of Article II of the 1951 Mutual Defense Treaty, which requires each nation to separately and jointly build and maintain the capacity to resist armed attack as defined in Article V.⁷¹

⁷⁰ "Updates on Novel Coronavirus Disease (Covid-19)," Department of Health (Philippines) <https://doh.gov.ph/2019-ncov>; "National Covid-19 Vaccination Dashboard," Department of Health (Philippines) <https://doh.gov.ph/covid19-vaccination-dashboard>; Leila Salaverria and Tina G. Santos, "DOH Checking If 3 Covid Cases Due to Omicron," *Philippine Daily Inquirer*, December 4, 2021 <https://newsinfo.inquirer.net/?p=1523528#ixzz7E72IsPZG>; and "Is China's Covid-19 Diplomacy Succeeding?" Center for Strategic and International Studies, China Power, October 26, 2021 <https://chinapower.csis.org/china-covid-medical-vaccine-diplomacy>.

⁷¹ Mutual Defense Treaty between the United States and the Republic of the Philippines, August 30, 1951, available at the Avalon Project, Yale Law School https://avalon.law.yale.edu/20th_century/phil001.asp.

After Chinese maritime militia and fishing vessels began massing at Whitsun Reef in March 2021, Secretary of State Antony Blinken and Secretary of Defense Lloyd Austin engaged with their Philippine counterparts to reaffirm U.S. support to the country. The United States subsequently reiterated this support in November following the Chinese coast guard's repulsion of Philippine civilian ships ferrying supplies to Filipino troops stationed at the BRP Sierra Madre in the Ayungin Shoal (also known as the Second Thomas Shoal).⁷² Regardless, expectations for rapprochement should be tempered in the context of China's gray-zone maritime activities. Aggression from Chinese maritime militias is not new in the West Philippine Sea, and provocations such as the 2019 sinking of a Philippine fishing ship by a Chinese militia vessel did not result in the Duterte administration moving closer to the United States.⁷³ At most, the Philippines' national security strategy has gradually shifted from appeasing China to soft balancing through U.S. and Japanese security arrangements and regional diplomacy in Southeast Asia.⁷⁴

From this perspective, a major diplomatic breakthrough on EDCA or other mutual defense initiatives is unlikely to be forthcoming. With defense cooperation between the United States and the Philippines proceeding at a glacial pace, Southeast Asia is the "soft underbelly" of the U.S. Indo-Pacific Command's strategic posture. Due to this potential vulnerability, the forward defense and deterrence capabilities of the Philippines in the first island chain are widely regarded as central to U.S. regional strategies.⁷⁵

Under the Biden administration's 2021 Interim National Security Strategic Guidance, the promotion of "a favorable distribution of power to deter and prevent adversaries from directly threatening the United States and our allies, inhibiting access to the global commons, or dominating key regions" through reinvigorating and modernizing partnerships and alliances

⁷² "Readout of Secretary of Defense Lloyd J. Austin III Phone Call with Philippines Secretary of National Defense Delfin Lorenzana," U.S. Department of Defense, April 10, 2021; "Secretary Blinken's Call with Philippine Secretary of Foreign Affairs Locsin," U.S. Department of State, April 8, 2021 ~ <https://www.state.gov/secretary-blinkens-call-with-philippine-secretary-of-foreign-affairs-locsin-2>; and Bernadette E. Tamayo and Dempsey Reyes, "U.S. Eyes Reinforced Defense Ties with PH," *Manila Times*, November 22, 2021 ~ <https://www.manilatimes.net/2021/11/22/news/national/us-eyes-reinforced-defense-ties-with-ph/1823179>.

⁷³ Steven Stashwick, "Chinese Vessel Rams, Sinks Philippine Fishing Boat in Reed Bank," *Diplomat*, June 14, 2019 ~ <https://thediplomat.com/2019/06/chinese-vessel-rams-sinks-philippine-fishing-boat-in-reed-bank>.

⁷⁴ See Renato Cruz De Castro, "From Appeasement to Soft Balancing: The Duterte Administration's Shifting Policy on the South China Sea Imbroglia," *Asian Affairs: An American Review* (2020): 1–27

⁷⁵ Mira Rapp-Hooper, *Shields of the Republic: The Triumph and Peril of America's Alliances* (Cambridge: Harvard University Press, 2021), 48–66, 180–84.

is identified as essential to U.S. national security.⁷⁶ Deterring Chinese violations of international maritime law, including the use of force against allies and partners in the Pacific theater, is therefore a top priority. However, without the ability to deploy forces from the Philippines, the United States will be forced to rely primarily on its bases in Okinawa and Guam, each over a thousand nautical miles away. While the United States can seek to establish smaller bases in the Pacific, such as in Palau, these bases would only partially mitigate this logistical problem. Air force deployments from the second island chain would require overflight permissions from the Philippines, which may not be guaranteed under the next administration.⁷⁷ In addition, land-based integrated air and missile defense systems in the first and second island chains conceived under the United States' \$27 billion Pacific Deterrence Initiative will likely face significant political resistance in the Philippines, as these systems have in other U.S.-aligned states in the region.⁷⁸

U.S. rotational deployments and overflight permission in the Philippines are also vital to contingency planning for Chinese military action against Taiwan as well as in the South China Sea. Located between Taiwan and the Philippines, the Luzon Strait is significant as a maritime gap within the island chain. Its width, depth, undersea thermal layers, and turbulent weather conditions make it conducive for submarine warfare. Recognizing the strategic salience of the Luzon Strait as a vital access point to the northern Pacific, the Chinese navy has invested substantially in submarine warfare capabilities, constructing 12 nuclear submarines in the past fifteen years.⁷⁹ It is projected to maintain 65–70 submarines through the end of the current decade, including

⁷⁶ Joseph R. Biden Jr., *Interim National Security Strategic Guidance* (Washington, D.C., March 2021)
 ~ <https://www.whitehouse.gov/wp-content/uploads/2021/03/NSC-1v2.pdf>.

⁷⁷ Paul McLeary, "As U.S. Military Moves into Palau, China Watches Intently," *Breaking Defense*, October 23, 2020; and Graham Jenkins, "Sailors, Sailors Everywhere and Not a Berth to Sleep: The Illusion of Forward Posture in the Western Pacific," *War on the Rocks*, July 14, 2021 ~ <https://warontherocks.com/2021/07/sailors-sailors-everywhere-and-not-a-berth-to-sleep-the-illusion-of-forward-posture-in-the-western-pacific>.

⁷⁸ U.S. House of Representatives, *Indo-Pacific Deterrence Initiative*, HR 6613, 116th Cong., 2nd sess., April 23, 2020 ~ <https://www.congress.gov/bill/116th-congress/house-bill/6613/text>. See also Ryo Nakamura, "U.S. to Build Anti-China Missile Network along First Island Chain," *Nikkei Asia*, March 5, 2021 ~ <https://asia.nikkei.com/Politics/International-relations/Indo-Pacific/US-to-build-anti-China-missile-network-along-first-island-chain>; and Joseph Trevithick, "This Is the Pentagon's \$27 Billion Master Plan to Deter China in the Pacific," *Drive*, March 5, 2021 ~ <https://www.thedrive.com/the-war-zone/39610/this-is-the-pentagons-27-billion-master-plan-to-deter-china-in-the-pacific>.

⁷⁹ Toshi Yoshihara, and James R. Holmes, "The Strategic Geography of Chinese Sea Power," in *Red Star Over the Pacific, Revised Edition: China's Rise and the Challenge to U.S. Maritime Strategy* (Annapolis: Naval Institute Press, 2018), chap. 3.

nuclear-powered ballistic missile submarines and conventional submarines armed with anti-ship cruise missiles.⁸⁰

China has the ability to pursue several courses of action against Taiwan, including air and maritime blockades, limited and disruptive kinetic actions, air and missile campaigns against key targets, and an amphibious invasion to force concessions or capitulation to unification, though likely at great cost.⁸¹ With Chinese weapons systems growing more sophisticated, numerous, and therefore threatening to Taiwan and other regional actors, it is vital that the United States and partner nations improve their capacities to monitor and respond to Chinese assets moving through the Luzon Strait. Ultimately, both the advancement of Chinese military capabilities and the unique geography of the strait contribute to the importance of maintaining U.S. defense ties to the Philippines.

The fact that there are currently few alternatives to military access in the Philippines vis-à-vis U.S. force projection and deterrence in the first island chain pressures Washington to refrain from criticizing the Philippine government. Duterte is keenly aware of this reality, and as already discussed, has taken advantage of these conditions in pursuing his domestic and foreign policy agendas. Even so, there are still policies that the United States can pursue to encourage necessary democratic reforms in the Philippines without sacrificing the security dimensions of the alliance.

U.S. ASSISTANCE AND THE ROAD AHEAD

When considering policy options for the Biden administration, it is important to bear in mind previous congressional efforts to curb human rights violations in the Philippines. Whereas President Donald Trump's response to deteriorating conditions in the Philippines was sparse but approving, the reaction of the U.S. Congress was more critical.⁸² In 2016, Senator Ben Cardin successfully halted the sale of 26,000 assault rifles to the Philippine National Police because of the human rights violations committed by officers while

⁸⁰ U.S. Department of Defense, *Military and Security Developments Involving the People's Republic of China 2020* (Washington, D.C., September 2020), 44–49 ~ <https://media.defense.gov/2020/Sep/01/2002488689/-1/-1/1/2020-dod-china-military-power-report-final.pdf>.

⁸¹ *Ibid.*, 112–20; and Tong Zhao, "Tides of Change: China's Nuclear Ballistic Missile Submarines and Strategic Stability," Carnegie Endowment for International Peace, 2018, 25–28, 35–44 ~ https://carnegieendowment.org/files/Zhao_SSBN_final.pdf.

⁸² David E. Sanger and Maggie Haberman, "Trump Praises Duterte for Philippine Drug Crackdown in Call Transcript," *New York Times*, May 23, 2017 ~ <https://www.nytimes.com/2017/05/23/us/politics/trump-duterte-phone-transcript-philippine-drug-crackdown.html>.

perpetrating the war on drugs.⁸³ In 2019, Senators Dick Durbin and Patrick Leahy authored a Senate resolution, sponsored by Senator Edward Markey, that passed in 2020. The resolution called on Trump to impose sanctions on the Philippines consistent with U.S. human rights standards for security assistance, which resulted in the three senators being banned from the Philippines.⁸⁴ In September 2020 and June 2021, Representative Susan Wild introduced versions of a bill known as the Philippine Human Rights Act in the House of Representatives that would suspend security assistance and bar Philippine security forces from accessing development bank loans until the security sector is reformed and human rights violators are held accountable.⁸⁵

Given the strong personal and familial ties that Philippine officials often have to the United States, there is merit to Representative Wild's legislation and to measures such as travel sanctions on culpable officials that could potentially deter others from supporting atrocities. Reforms to foreign military financing should be first considered, however, to problematize the military's human rights violations before targeted sanctions are considered.

Generally, military aid is negatively associated with state actors' use of lethal violence against noncombatant civilians. Although policymakers often justify the disbursement of military aid as an incentive for partner nations to professionalize their security forces, such improvements rarely occur in practice.⁸⁶ Readjusting U.S. military aid to the Philippines will not halt the decline of democracy, but revising the terms of disbursing aid could curb human rights abuses being committed or abetted by the military by making such atrocities barriers to assistance. The success of conditionalities will be contingent on the ability of U.S. legislators, diplomats, and defense officials to frame these terms as a compromise between the legal human rights standards that govern the disbursement of all U.S. assistance, including military aid, and the desire of the United States to honor the Mutual Defense Treaty. This would allow Washington to appeal to common

⁸³ Patricia Zengerle, "Exclusive: U.S. Stopped Philippines Rifle Sale that Senator Opposed—Sources," Reuters, October 31, 2016 ~ <https://www.reuters.com/article/us-philippines-usa-rifles-exclusive-u-s-stopped-philippines-rifle-sale-that-senator-opposed-sources-iduskbn12v2am>.

⁸⁴ U.S. Senate Committee on Foreign Relations, *A Resolution Condemning the Government of the Philippines for Its Continued Detention of Senator Leila De Lima, Calling for Her Immediate Release, and for Other Purposes*, SR 142, 116th Cong., 2nd sess., April 4, 2019 ~ <https://www.congress.gov/bill/116th-congress/senate-resolution/142>.

⁸⁵ U.S. House of Representatives, *Philippine Human Rights Act*, HR 8313, 116th Cong., 2nd sess., September 17, 2020 ~ <https://www.congress.gov/bill/116th-congress/house-bill/8313/text>; and U.S. House of Representatives, *Philippine Human Rights Act*, HR3884, 117th Cong., 1st sess., June 14, 2021 ~ <https://www.congress.gov/bill/117th-congress/house-bill/3884>.

⁸⁶ Mariya Omelicheva et. al. "Military Aid and Human Rights: Assessing the Impact of U.S. Security Assistance Programs," *Political Science Quarterly* 132, no. 1 (2017): 119–44.

security and mitigate perceived asymmetries between conditionalities and U.S. support for Philippine security.⁸⁷

To re-evaluate military aid, a thorough audit of U.S. military assistance to the Philippines is needed. Because the aim of revising foreign military financing is to avert state-sponsored killings and the intimidation and detention of activists and opposition politicians, military aid should be tailored to curtail the procurement of arms used in those activities. Specifically, foreign military financing should be reviewed in terms of the following categories specified in the Directorate of Defense Trade Controls' U.S. Munitions List:

1. firearms, close assault weapons, and combat shotguns
2. guns and armament
3. ammunition/ordnance
4. launch vehicles, guided missiles, ballistic missiles, rockets, torpedoes, bombs, and mines
5. explosives and energetic materials, propellants, incendiary agents, and their constituents⁸⁸

According to the Security Assistance Monitor, U.S. exports from categories 1, 2, and 3 were approved at the value of \$56 million in 2019, the most recent year on record, and represent priority areas for the Biden administration to reassess its arms transfer policies.⁸⁹ An audit of arms exports to the Philippines would align with ongoing efforts to revise the United States' Conventional Arms Transfer Policy, which aims to promote human rights, principles of restraint and responsible use, and good security-sector government among U.S. allies and partners.⁹⁰ Last, if the Duterte administration turns to Russia to circumvent any potential arms sanctions, the United States should also be prepared to uphold sanctions intended to deter the large-scale purchase

⁸⁷ Stephen D. Biddle, "Building Security Forces and Stabilizing Nations: The Problem of Agency," *Daedalus* (2017) ~ <https://www.amacad.org/publication/building-security-forces-stabilizing-nations>.

⁸⁸ U.S. Customs and Border Protection, "CBP Automated Export System Trade Interface Requirements: Appendix L-DDTC USML Category Codes," October 3, 2014 ~ <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/ACE%20Appendix%20L%20E2%80%93%20DDTC%20USML%20Category%20Codes.pdf>.

⁸⁹ Elias Youisif, "Arms Sales and Security Aid in the Time of Duterte," Center for International Policy, Security Assistance Monitor, May 2020 ~ <https://securityassistance.org/wp-content/uploads/2020/10/Arms-Sales-and-Security-Aid-in-the-Time-of-Duterte-2.pdf>.

⁹⁰ Timothy Allen Betts (remarks to the Defense Trade Advisory Group, Washington, D.C., November 4, 2021) ~ <https://www.state.gov/remarks-to-the-defense-trade-advisory-group>.

of Russian military equipment as required by the Countering America's Adversaries Through Sanctions Act.⁹¹

Limiting security assistance in this way preserves U.S. interests in the Philippines' external security, which is contingent on military modernization. The Philippines has underfunded and overtasked its military, and the purchase of updated weapons systems, surveillance equipment, and newer vessels and aircraft for the air force and navy has been long delayed.⁹² The logistical difficulty and expense of overhauling its U.S.-subsidized military infrastructure in favor of incompatible Chinese or Russian systems are still too large a hurdle for the Duterte administration to surmount, and therefore this option is unlikely to be supported by the Department of National Defense.⁹³ Despite Duterte's overtures to China and Russia, security assistance from these states did not progress beyond low-scale small arms transfers in 2017, which were a response to modest U.S. efforts to restrict the supply of weapons sent to agencies such as the national police.⁹⁴ As the primary patron of the Philippines' military modernization, the United States has a unique capability to prevent the illegal use of U.S.-supplied military equipment against civilian targets without seriously endangering inter-military relations.

Philippine military modernization initiatives are also forestalled by counterinsurgency efforts against insurgent groups, including Moro separatists, Communist guerrillas, private armies, and transnational jihadists. Regardless of the disputed efficacy of the more than \$2 billion in counterterrorism assistance provided by Washington to Manila since September 11, additional support through an overseas contingency operation has failed to make a substantial difference in the internal security environment of the southern Philippines.⁹⁵ With the termination of that contingency operation, Washington can refocus on development assistance supporting the

⁹¹ *Countering America's Adversaries Through Sanctions Act*, Public Law 115-44, 115th Cong. (August 2, 2017) ~ <https://www.congress.gov/115/plaws/publ44/PLAW-115publ44.pdf>.

⁹² Frances Mangosing, "PH Shelves P9.4B Defense Modernization Projects for Now Due to Pandemic," *Philippine Daily Inquirer*, July 22, 2020 ~ <https://newsinfo.inquirer.net/1310360/ph-shelves-p9-4b-defense-modernization-projects-due-to-covid-19-pandemic#ixzz6jviYvHZO>.

⁹³ Wong and Tan, "The Philippines' Institutionalised Alliance with the U.S.," 10-13.

⁹⁴ Prashanth Parameswaran, "What's in the New China Military Aid to the Philippines?" *Diplomat*, October 5, 2017 ~ <https://thediplomat.com/2017/10/whats-in-the-new-china-military-aid-to-the-philippines/>; and Chandler Sachs and John Parachini, "Is Political Balancing Good for Philippine Defence Acquisition, Asks RAND Corporation?" *Asian Military Review*, May 7, 2020 ~ <https://asianmilitaryreview.com/2020/05/is-political-balancing-good-for-philippine-defence-acquisition-asks-rand-corporation/>.

⁹⁵ U.S. Department of Defense, "Operation Pacific Eagle-Philippines: Quarterly Report to the United States Congress," Lead Inspector General Report, April 1, 2020-June 30, 2020 ~ <https://www.dodig.mil/Reports/Lead-Inspector-General-Reports/Article/2308255/lead-inspector-general-for-operation-pacific-eagle-philippines-i-quarterly-repo>.

recently created Bangsamoro Autonomous Region in Muslim Mindanao and local governments in the southern Philippines in lieu of a myopic focus on military aid.⁹⁶ With the exception of a few initiatives, such as the U.S. Agency for International Development's 2018 Marawi Response Project, very little U.S. development funding has been obligated to peace, stability, and governance projects in conflict-affected areas in recent years.⁹⁷ Since internal security will remain a strategic priority for the Philippines for the foreseeable future, the Biden administration should consider more robust peacebuilding approaches instead of blanket counterterrorism operations to support the Philippines' domestic security.⁹⁸

That said, economic and development assistance is not inherently conducive to democratizing autocratic regimes or liberalizing illiberal ones. Without mutually acceptable conditionalities that take into account human rights conditions in the receiving country, an influx of capital can exacerbate rights violations by supporting the Duterte administration's national patronage networks.⁹⁹ Historically, foreign capital from investments or aid was essential to autocracies during the Cold War, including the Marcos regime, whose failed attempts at tax reform and patronage arrangements with national elites rendered the state dependent on foreign loans and assistance.¹⁰⁰ During the war on terrorism, U.S. economic aid also played a role in enabling the deterioration of human rights conditions under President Gloria Macapagal Arroyo. Under the Benigno Aquino III administration, however, U.S. aid came to play a more productive role in improving human rights protections and the quality of Philippine democracy. Both governments worked together to seek a peaceful resolution to internal conflict in Mindanao, grow the economy, and refocus the AFP toward external defense against China.¹⁰¹ So long as human rights and democracy are established as mutually shared interests between the United States and the Philippines, economic assistance and trade fostered through U.S. institutions such as the International Development Finance

⁹⁶ See Zachary Abuza and Luke Lischin, "The Challenges Facing the Philippines' Bangsamoro Autonomous Region at One Year," United States Institute of Peace, June 10, 2020.

⁹⁷ USAID, "U.S. Foreign Aid by Country: Philippines" ~ https://explorer.usaid.gov/cd/PHL?fiscal_year=2014&implementing_agency_id=1&measure=Obligations.

⁹⁸ Haroro J. Ingram, "Stigma, Shame, and Fear: Navigating Obstacles to Peace in Mindanao," RESOLVE Network, Policy Note, March 4, 2021 ~ <https://doi.org/10.37805/pn2020.14.vedr>.

⁹⁹ Abel Escribà-Folch, "Foreign Direct Investment and the Risk of Regime Transition in Autocracies," *Democratization* 24, no. 1 (2017): 61–80.

¹⁰⁰ Dan Slater, *Ordering Power: Contentious Politics and Authoritarian Leviathans in Southeast Asia* (Cambridge: Cambridge University Press, 2010), 163–68.

¹⁰¹ Salvador Santino F. Regilme Jr., "A Theory of Interest Convergence: Explaining the Impact of U.S. Strategic Support on Southeast Asia's Human Rights Situation, 1992–2013" (PhD diss., Department of Political and Social Sciences, Freie Universität Berlin, 2014), 99–198.

Corporation and the Millennium Challenge Corporation (MCC) can serve as effective inducements for reform.

Compared to its predecessor, the Overseas Private Investment Corporation, the International Development Finance Corporation has a stronger human rights mandate due to its prohibition on providing support to government or government-owned entities that have engaged in a consistent pattern of committing gross violations of internationally recognized human rights as determined by the secretary of state.¹⁰² Foreign investment is a priority issue in the Philippines, especially given the pandemic. After several years of contentious debate, Duterte signed into law the Corporate Recovery and Tax Incentives for Enterprises (CREATE) Law on March 26, 2021. The CREATE Law aims to stimulate the economy by lowering corporate income tax rates and reforming tax incentives granted to companies to be more performance-based and time-sensitive.¹⁰³ The law will open new opportunities for trade and investment in the Philippines that could be mutually beneficial to both countries, and investment and economic aid can also serve as inducements for improving human rights and civil liberties there. Regardless of whether the instruments of economic cooperation are bilateral or multilateral, Washington should use economic statecraft to push governance reform in Manila as the Philippines economically decouples from China to avoid dependence on any single trade partner.¹⁰⁴

Development assistance delivered through a new MCC compact could also serve as an inducement for the Philippines to improve its record of anti-democratic policies and human rights violations, especially considering the precedent set by the proposed second compact, which was “declined” by the Duterte administration. In 2016 the MCC did not renew its first \$433.9 million compact with the Philippines from 2010 over concerns regarding the decline of the rule of law under the Duterte administration and

¹⁰² *The Build Act of 2018*, 115th Cong., 2nd sess., January 3, 2018, Sec. 1453. See also Shayerah Ilias Akhtar and Marian L. Lawson, “BUILD Act: Frequently Asked Questions about the New U.S. International Development Finance Corporation,” Congressional Research Service, CRS Report for Congress, R45461, January 15, 2019, 15–16.

¹⁰³ *Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act*, Republic Act 11534 (Philippines), 18th Cong., 2nd sess., July 27, 2020 ~ <https://taxreform.dof.gov.ph/bills/republic-act-no-11534-create-law>.

¹⁰⁴ Yuichi Shiga, “Philippines Explores Joining TPP to Expand Free Trade Network,” *Nikkei Asia*, April 2, 2021 ~ <https://asia.nikkei.com/Economy/Trade/Philippines-explores-joining-TPP-to-expand-free-trade-network>.

instead opted to negotiate a second compact.¹⁰⁵ These negotiations concluded with the Philippines leaving the table and its officials claiming that the terms of the compact did not coincide with their priorities. However, the Philippines remains an MCC candidate as of 2021, and a new compact may prove enticing to a new administration in Manila tasked with overcoming the economic fallout of the pandemic.¹⁰⁶ To make a fresh start with the next administration, the United States should raise the prospect of a second MCC compact in a manner that recalls the pitfalls of the previous renewal process while seeking to avoid their repeat. These policy options are not a complete U.S. strategy for the Philippines; they are rather a nonexhaustive selection of avenues for engagement that should be considered and developed as the final days of Duterte administration approach and a new government is on the horizon.

Contrary to conventional depictions of the Philippine presidency as a highly personalized institution, recent scholarship argues that strong presidencies initiate new government systems and structures that impose constraints on subsequent administrations. Duterte is not exceptional in this regard, but his administration has transformed domestic politics to an extent not witnessed in Philippine politics in decades. It is therefore unwise for the United States to place its faith in the pro-U.S. inclinations of the Philippine military while awaiting a better status quo in government after the presidential election. Many of the systemic issues that challenge the alliance today are likely to remain after June 2022.

By demonstrating opposition to the breakdown of democracy in the Philippines and seeking to support its recovery through reformed assistance programs and other policies directed at the next government, the Biden administration can make a long-term investment in the U.S.-Philippines alliance. Although supporting democracy in this way is a complicated endeavor, one laden with risks, advocating for democratic reform in the Philippines is in both the strategic and the moral interests of the United States. ◆

¹⁰⁵ Sarah Rose, “The Future of the Philippines and MCC,” Center for Global Development, November 20, 2017 ~ <https://www.cgdev.org/blog/future-philippines-and-mcc>; and Pia Ranada, “PH Withdraws from Second Cycle of U.S. Aid Packages,” *Rappler*, December 19, 2017 ~ <https://www.rappler.com/nation/philippines-withdraw-second-cycle-millennium-challenge-grant>.

¹⁰⁶ Millennium Challenge Corporation, “Report on Countries that Are Candidates for Millennium Challenge Compact Eligibility for Fiscal Year 2021 and Countries that Would Be Candidates but for Legal Prohibitions,” September 8, 2020 ~ <https://www.mcc.gov/resources/doc/report-candidate-country-fy2021>.