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ARTICLE

Neoliberalism and state terrorism in the Philippines: the fingerprints of Phoenix

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State terrorism is a form of terrorism which sometimes occurs when governments implement neoliberal policies lacking widespread support. From 2001 to 2010, the Philippines experienced a wave of assassinations implemented to destroy the infrastructure of the New People's Army, a Maoist group engaged in warfare against the state. These killings, reminiscent of the Phoenix Program in Vietnam, were initiated to eliminate the articulation of a counter-hegemonic project. In studying terrorism, it is essential to examine terrorism carried out by the states. Terrorism must not be confined to acts committed by non-state groups acting against the neoliberal order.

Keywords: Philippines; neoliberalism; state terrorism; Phoenix Program

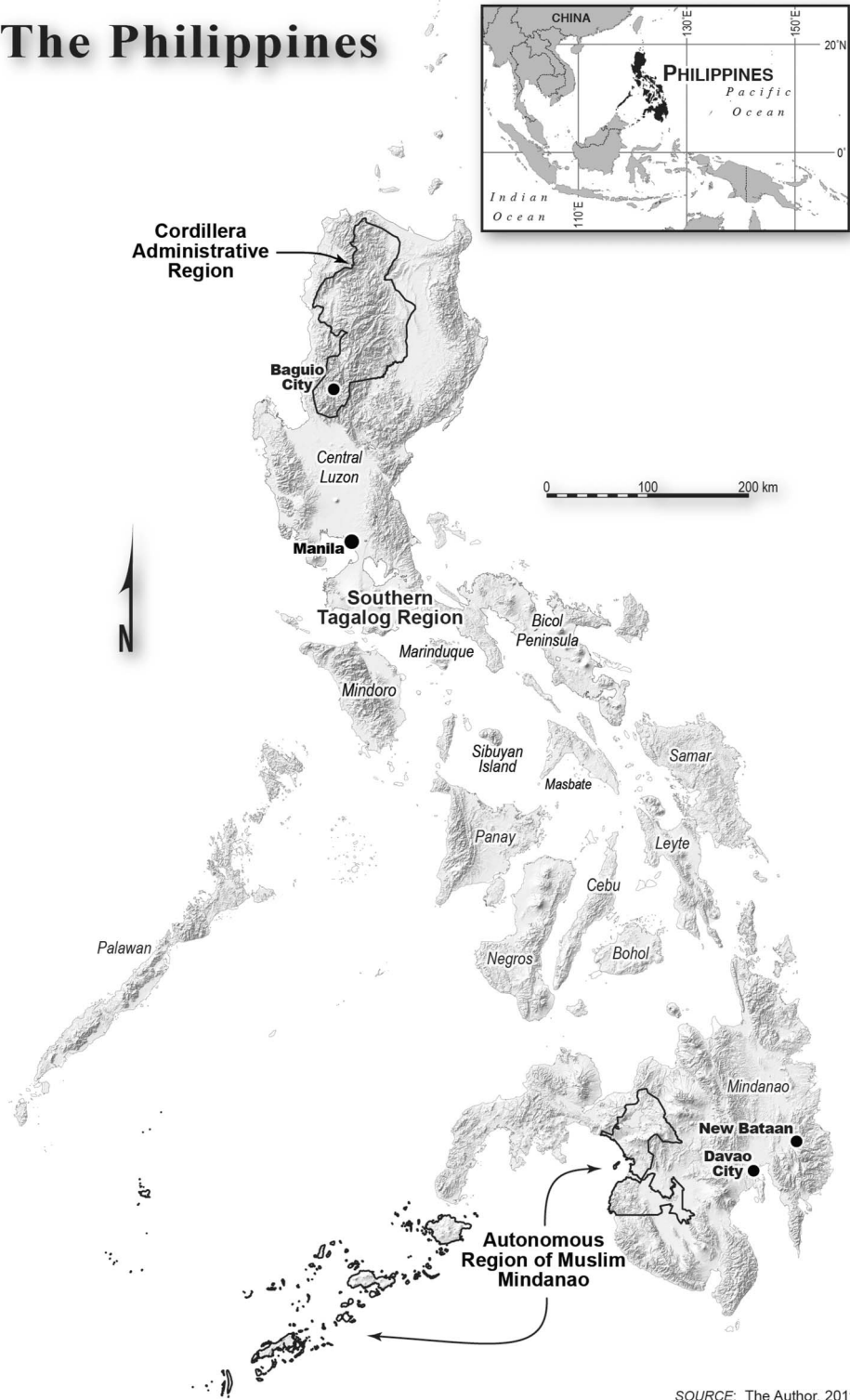
Introduction

On 23 December 2008, Fernando Sarmiento was shot and killed by unidentified men in New Bataan on the island of Mindanao in the Philippines (see Figure 1) (Pinoy Press 2008). Sarmiento was the Secretary General of Defend – New Bataan, an organisation engaged in activism against the entry of Canada's PhilCo Mining Corporation into New Bataan. Five months earlier, Sarmiento had been detained and interrogated by the Armed Forces of the Philippines (AFP) regarding his activism, and during this interrogation he was accused of being a supporter of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP). The killing of Sarmiento is emblematic of a phenomenon that became widespread in the Philippines during the presidency of Gloria Macapagal-Arroyo (2001–2010): the killing of activists by members of the AFP. This article discusses the killing of activists in the Philippines during this time period and examines how these killings constituted state terrorism.

Specifically, this article looks at how the killing of activists during the Macapagal-Arroyo administration bore all the hallmarks (or as the title suggests 'fingerprints') of the Phoenix Program, which was implemented by the United States during the Vietnam War to eliminate the Viet Cong, through the terrorisation of communities where the Viet Cong were active. The article also seeks to show how the use of state terrorism in the Philippines from 2001 to 2010 was intended to thwart alternative political projects that were perceived as constituting a threat to the neoliberal project in the Philippines.

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The Philippines



SOURCE: The Author, 2011

Figure 1. The Philippines, an archipelago of approximately 7100 islands located in Southeast Asia.

Theoretical framework

Neoliberalism: a hegemonic project

Neoliberalism is both an ideology and a political and economic project promoting an aggressive form of capitalism which ‘proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong property rights, free markets, and free trade’ (Harvey 2005, p. 2). Neoliberalism involves ‘the opening up of previously closed economies to the forces of economic competition, macroeconomic discipline, globalised rather than national economies and foreign direct investment’ (Blakeley 2009, p. 5). This is an ideology ‘radically opposed to communism, socialism, and all forms of active government intervention beyond that required to secure private property arrangements, market institutions, and entrepreneurial activity’ (Harvey 2003, p. 157).

Since the collapse of communism, and the associated ‘end of history’ (Fukuyama 1989, p. 4), neoliberalism has become a hegemonic ideological, political and economic project (Peet 2003). Neoliberalism’s hegemony has become so complete that any ‘protest against the actually existing, neoliberal globalization is taken as an offence against reason, progress, order and the best world ever known’ (Peet 2003, p. 4). Nevertheless, notwithstanding neoliberalism’s hegemony among institutions such as the International Monetary Fund, the World Bank and the World Trade Organization, a paralleling growth of social movements has emerged challenging its unimpeded spread (Harvey 2003, 2005). These challenges have been particularly acute in the developing world where multinational corporations, enthusiastically welcomed by neoliberal advocates, have encountered opposition from people adversely affected by their activities. Neoliberalism has seen conflict between agribusiness corporations and peasants; oil companies and indigenous peoples; and mining companies and adjacent communities. Many of these social movements have established linkages with groups similarly opposed to neoliberalism in the developed world.

How neoliberalism suppresses opposition

Around the world, various states have engaged in repression designed to thwart activist movements challenging neoliberalism, and protest movements have been suppressed by state powers (Harvey 2003, 2005). Where efforts to entrench neoliberalism have confronted resistance, state terrorism has often been used to ensure that people comply (Blakeley 2009). In Bolivia, people protesting the privatisation of water supplies were killed by security forces (Dangl 2007), in Guatemala anti-mining activists have been killed by mining security personnel (Holden and Jacobson 2009), and in India, villagers have been fired upon for opposing proposed steel plants (Mehra 2011). Indeed, state terrorism has been extensively used to exploit the productive capacity of land and resources by terrorising local populations into giving up their land to multinational corporations (Blakeley 2009). Attention now turns to the core characteristics of terrorism itself.

Terrorism: instrumental violence

A good starting point in the discussion of terrorism is the United Nation’s International Convention for the Suppression and Financing of Terrorism (1999), which defines terrorism as:

Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.

According to Blakeley (2009) terrorism has three key features: first, there is threatened or perpetrated violence directed at some victim; second, the violent actor commits the acts of violence to induce terror in some witness who is generally distinct from the victim; and third, the violent actor intends that those who witness the violence, and become terrorised, will alter their behaviour. What sets terrorism apart from other types of violence is its instrumental nature. The victims of terrorism are not injured or killed just for the sake of bringing injury or death to them, but for the sake of sending a message to others that they too may be next.

State terrorism: instrumental violence committed by the state

Although much of the discussion surrounding terrorism pertains to acts of violence committed by amorphous non-state actors (such as Al Qaeda), it must be acknowledged that governments also employ terrorism against their own citizens. Blakeley (2009, p. 1) defines 'state terrorism' as 'a threat or act of violence by agents of the state that is intended to induce extreme fear in a target audience, so that they are forced to consider changing their behavior in some way'. To Blakeley (2009), state terrorism has four elements and these are set out in Table 1. As with non-state terrorism, a defining feature of state terrorism is its instrumentality in that it 'involves the illegal targeting of individuals that the state has a duty to protect in order to instill fear in a target audience beyond the direct victim' (Blakeley 2009, p. 21). This is what Heryanto (2006) refers to as the reproduction of fear: members of an audience targeted by a state hear that one of their kindred has been killed by the state and they repeat the news of this among themselves, thus spreading the fear and reproducing it.

Operation Phoenix: a notorious example of state terrorism

One of the most notorious examples of state terrorism was the Phoenix Program carried out by the United States during the Vietnam War. The United States found that it was vastly superior to the Viet Cong militarily; however, as long as the Viet Cong were

Table 1. The four elements of state terrorism according to Blakeley (2009).

Element	What this entails
Deliberate acts of violence	Deliberate acts of violence are committed against individuals that the state has a duty to protect. This may be threatened violence if a climate of fear has already been established through preceding acts of state violence
State perpetration of violence	The acts of violence are perpetrated by actors on behalf of, or in conjunction with, the state. This includes paramilitaries and private security agents
Intended to induce extreme fear	The actual, or threatened, violence is intended to induce extreme fear in a target audience identifying with the victims
Acts directed towards a target audience	The target audience is forced to consider changing their behaviour in some way

able to maintain their infrastructure (their presence among the Vietnamese population) they could never be defeated (Andrade 1990, Valentine 2000, Moyar 2007). Accordingly, the Americans initiated the Phoenix Program, a well-developed programme of selective assassinations, in 1968. This resulted in between 26,000 (Andrade 1990, Moyar 2007) and 40,000 (Chomsky and Herman 1979, Blakeley 2009) deaths until its termination in 1972.

Phoenix was an instrument of state terrorism designed ‘to bring danger and death to the Viet Cong functionaries themselves, especially in the areas where they felt secure’ (Valentine 2000, p. 59). This was a programme of selective violence and it generated fear among members of the Viet Cong making them feel that they were always being watched, could trust no one and were never safe (Kalyvas 2006). ‘Phoenix’, wrote Valentine (2000, p. 13), was ‘an instrument of counter terror – the psychological warfare tactic in which [Viet Cong] members were brutally murdered along with their families or neighbors as a means of terrorizing the neighboring population into a state of submission’.

Although the United States ultimately lost the Vietnam War, a perception developed within the US military that this defeat came at the hands of the conventional forces of the North Vietnamese Army, not at the hands of the Viet Cong, and that by the end of American involvement in Vietnam the Viet Cong was a spent force (Andrade 1990, Moyar 2007). Indeed, as Chomsky and Herman (1979, p. 328) wrote, ‘The Phoenix Program and other techniques of “pacification” were not without impact on the southern resistance movement. In fact, they may have been so successful as to guarantee North Vietnamese dominance over the wreckage left by the US war.’

As a result of the perceived success of the Phoenix Program, the United States began institutionalising its tenets within its counterinsurgency doctrine (Valentine 2000). The first place where this became apparent was Latin America, where thousands of army officers received training at the School of the Americas (SOA) operated by the US Army (Blakeley 2006, 2009). The destruction of insurgent infrastructure has been exhibited by many Latin American armed forces such as those of Bolivia, Colombia, El Salvador, Guatemala and Peru (Menjívar and Rodríguez 2005). In Bolivia, Jun Ricardo Pantoja (a former major in the Bolivian army) stated that at the SOA he was taught that ‘a dead subversive was better than a prisoner’ (Dangl 2007, p. 46). In Colombia, wrote Dugas (2005, p. 235), the basic strategy ‘was to target individuals who constituted the support network of the guerrillas, as well as anyone who was believed to sympathize with them’. There are clear parallels between the training at SOA and the doctrines central to the Phoenix Program (Blakeley 2006). Training at the SOA advocated many of the same techniques used in Phoenix, such as assassination, blackmail, intimidation of the family members of suspected insurgents and torture (Blakeley 2006). Clearly, the United States ‘encouraged the use of state terrorism by its allies in the region’ (Blakeley 2009, p. 86). Perhaps the best evidence of Phoenix being reproduced in Latin America was the statement by General Paul Gorman (the commander of US forces in Central America during the 1980s) that counterinsurgency is ‘a form of warfare repugnant to Americans, a conflict which involves innocents, in which non-combatant casualties may be an explicit objective’ (Valentine 2000, p. 425).

The importance of destroying insurgent infrastructure began to receive further institutionalisation when the United States Army Command and General Staff College *Field Circular: Low Intensity Conflict* (1986, p. 3-3) stated: ‘A major consideration of national strategy is eliminating or neutralizing the insurgent leadership and the insurgent organization.’ Then the United States Army and United States Air Force (1990, p. E-2) emphasised, in their *Military Operations in Low Intensity Conflict Field Manual*, the importance of ‘rendering the insurgent leadership and organization ineffective by persuasion, prosecution, or destruction’. This Field Manual highlighted the importance of ‘neutralizing’ insurgents

through ‘physically or psychologically separating insurgents from the people, converting their members, disrupting their organization, or capturing or killing them’ (United States Army and United States Air Force 1990, p. E-2). Clearly, by the early 1990s, the destruction of insurgent infrastructure had become an established component of American counterinsurgency doctrine.

Neoliberalism and state terrorism in the Philippines

Neoliberalism in the Philippines

The Philippines has long been reputed to be among the most accommodating in Asia to the prescriptions of neoliberalism (Holden *et al.* 2011). The acceptance of neoliberalism is widely attributed to the presidency of Fidel Ramos (1992–1998), which implemented a programme entitled ‘Philippines 2000’ aimed at making the Philippines a developed country by the year 2000 (Bello *et al.* 2009). One person instrumental in implementing neoliberalism in the archipelago was (then) Senator Gloria Macapagal-Arroyo who sponsored several neoliberal reforms such as the Senate ratification of the General Agreement on Tariffs and Trade and the Philippine accession to the World Trade Organization (Senate Resolution No. 97); laws facilitating comprehensive foreign investment liberalisation (Republic Act 8179); banking law reform (Republic Act 7721); laws creating export processing zones (Republic Act 7916); oil industry deregulation (Republic Act 8479); and mining law liberalisation (Republic Act 7942). During her presidency (2001–2010), Macapagal-Arroyo also issued Executive Order No. 270, ordering an expedition of the mine permitting process; signed the Japan–Philippines Economic Partnership Agreement; and removed all size limits on banana plantations (International Coordinating Secretariat of the Permanent People’s Tribunal and IBON Books 2007).¹ Perhaps the best example of how neoliberalism has been embraced is the government’s aggressive promotion of mining by foreign multinational corporations (Holden and Jacobson 2007, Holden *et al.* 2011). In the words of an unnamed mining company president quoted by the Fraser Institute (2008, p. 24), ‘The Philippines has taken great strides in the last two years to attract investors through policy and promotion.’²

Opposition to neoliberalism in the Philippines

The archipelago, however, contains a vibrant civil society and many organisations have been involved in activism against neoliberal policies, and this has constituted a significant barrier to the implementation of neoliberalism. The opposition of social movements to mining, for example, has emerged out of concerns that mining’s environmental effects will degrade the natural resources relied upon by subsistence farmers and fisherfolk and will exacerbate poverty (Holden 2011). This has included protests, litigation, administrative proceedings and implementation of mining moratoriums by local governments (Holden 2011). One unnamed exploration company president was quoted by the Fraser Institute (2008, p. 24) stating: ‘[In the Philippines], local interest groups stop mining with backing from NGOs supported by European Greenies.’ Another unnamed mining company president was quoted by the Fraser Institute (2011, p. 49) stating: ‘[In the Philippines], NGOs, peasants and church groups override [the] government constantly. You can spend millions developing a property in the Philippines, only to have it swept away by peasants, lobby groups [and] churches.’ Clearly, the government’s enthusiasm for neoliberalism is not shared by the entirety of the archipelago’s population.

The extrajudicial killings in the Philippines

In the Philippines, Supreme Court Administrative Order No. 25-2007 defines extrajudicial killings as 'killings due to the political affiliation of the victims; the method of attack; and involvement or acquiescence of state agents in the commission of the killings' (Parreno 2010, p. 39). Extrajudicial killings are nothing new in the Philippines and have gone on since the American colonial period (McCoy 2009) and extrajudicial killings are also something that is not confined to people involved in social activism, as demonstrated by the killing of street children, petty criminals and drug dealers in Davao City by what is widely believed to be the 'Davao death squad' (Human Rights Watch 2009). However, upon the ascension to power of President Gloria Macapagal-Arroyo, there was 'an alarming spike in extrajudicial killings' (Hutchcroft 2008, p. 141), and most of those killed were activists representing groups such as peasants campaigning for land reform, labour organisers, activists against illegal logging and human rights activists (McCoy 2009).

Most of the killings seemed to follow a similar methodology wherein the victims were shot in broad daylight by men riding motorcycles (Parreno 2010). After being shot, nothing was taken from them and they were left to die where they had been shot. The brazen nature of these attacks indicated that the assailants had little fear from any police or government reaction (Human Rights Now 2008). According to the Melo Commission (2007, p. 5), an independent commission created by the government³ to address the killings, 'victims were generally unarmed, alone, or in small groups and were gunned down by two or more masked or hooded assailants, oftentimes riding motorcycles'.

There is anything but consensus regarding the exact number of victims. This is consistent with the observation of Kalyvas (2006, p. 48) that 'any study of violence must face the thorny problem of data'. The human rights NGO, Karapatan, an organisation believed to be sympathetic to the CPP (Franco and Abinales 2007), estimated that from 21 January 2001 until 30 June 2010, there were 1206 victims of extrajudicial killings (Karapatan 2010). In contrast to this, Attorney Al Parreno, from the University of the Philippines College of Law, estimated that over the same time period there were only 390 extrajudicial killings (Parreno 2010). Nevertheless, notwithstanding the controversy regarding the exact number of killings, Parreno (2010, p. 5) commented that the 'real number of extrajudicial killings in the Philippines escapes exact determination. Regardless, however, of the true body count, the mere fact that there are so many extrajudicial killings is by itself a cause for alarm.'

Most extrajudicial killings involved leftist activists who belonged to organisations affiliated with the CPP (Parreno 2010). Both men and women were targeted and the victims included community organisers, church workers, human rights activists, local government officials and political activists (Amnesty International 2006). The majority of targets were people who were lawfully criticising governmental policies by means of peaceful measures such as speeches, writing and mobilising people (Human Rights Now 2008). There is a widespread consensus that these killings could be attributed to the government (in general) and to the AFP (in particular) as opposed to just being random acts of violent crime. Human Rights Watch (2007, p. 25) held the state responsible concluding that 'our research, based on accounts from eyewitnesses and victims' families, found that members of the AFP were responsible for many of the recent unlawful killings'. Franco and Abinales (2007, p. 315) concluded, 'agreement is widespread that the killings have AFP written all over them'.

Girlie Padilla, the International Liaison Officer of Karapatan, stated that before someone was killed they were subjected to 'target research' by the AFP (personal communication, 3 June 2007). Audrey Beltran is the Public Information Officer of the Cordillera

Human Rights Alliance. According to Beltran, there was usually a 3-month surveillance period and the victims experienced extensive surveillance during this time (personal communication, 30 May 2007). Usually, the AFP conducted this surveillance by attending rallies and photographing those who spoke and she was personally photographed at mobilisations. Santos Mero, the Deputy Secretary General of the Cordillera People's Alliance, indicated that members of the AFP wearing civilian clothes would attend rallies and would photograph speakers and they always confirmed the names of those they photographed; the presence of these men was obvious in that they were strangers who were never known in the communities where the rallies occurred, yet they would attend numerous rallies (personal communication, 31 May 2007). Mero took photographs of them and the Philippine National Police confirmed to him that they indeed were members of the AFP.

The genesis of these killings was the conflict between the AFP and the armed wing of the CPP, the NPA. Although media reports on violence in the Philippines tend to focus on the Moro Islamic Liberation Front, a Muslim group engaged in a secessionist conflict in, and adjacent to, the Autonomous Region of Muslim Mindanao, or on the Abu Sayyaf Group, an Islamic fundamentalist group, widely alleged to have ties with Al Qaeda, the NPA, with approximately 7000 armed cadres and a nationwide presence, is considered the most serious threat to the security of the archipelago (Rutten 2008). According to Espuelas (2008, p. 1), 'the CPP/NPA is considered the most dangerous because of the breadth of its influence and the seriousness of its political struggle'. Similarly, Hastings and Mortela (2008, p. 106) also regard the NPA as the most serious threat because 'it affects a considerably large portion of the Philippine territory'.

Since December 1968, when the CPP was re-established along Maoist lines, replacing the old Marxist *Partido Komunista ng Pilipinas* (CPP or PKP), this conflict has claimed over 40,000 lives and has become the longest-running Maoist insurgency in the world (Rutten 2008). Indeed, the end of the twentieth century saw no abatement of this conflict and from 2000 to 2010 there were 1850 confrontations between the AFP and the NPA resulting in 3609 fatalities (IBON 2001, 2011). There is a substantial amount of NPA activity across the archipelago, particularly in the Bicol Peninsula, Central Luzon, the Southern Tagalog Region, the Eastern Visayas (the islands of Leyte and Samar) and along the eastern side of the island of Mindanao (Holden and Jacobson 2007).

To eliminate the NPA, the government of President Macapagal-Arroyo implemented Operational Plan (OPLAN) *Bantay Laya* (Freedom Watch) in 2002 and followed it up with OPLAN *Bantay Laya II* in 2006 (McCoy 2009). OPLAN *Bantay Laya* was a plan focusing on dismantling organisations 'purported to be "CPP front groups"' (Alston 2007, p. 8). These organisations were the targets, because the AFP considered them the 'political infrastructure of the revolution and the NPA's intelligence network' (Alston 2007, p. 12).

A noteworthy observation about three of the leading regions for extrajudicial killings (Southern Tagalog, Eastern Visayas and Central Luzon) is that they were all areas where Major General Jovito Palparan, an AFP officer, was assigned (Melo Commission 2007). From May 2001 until April 2003, (then) Colonel Palparan was the commander of the 204th Infantry Brigade on the island of Mindoro. While Palparan was in command on Mindoro, he implemented OPLAN *Habol Tamaraw* (Buffalo Hunt) and this led to so many killings that he earned the moniker *Berdugo sa Mindoro* (the Butcher of Mindoro). After his promotion from Colonel to Major General, Palparan was assigned to the Eastern Visayas and given command of the 8th Infantry Division from February 2005 until August 2005. In September 2005, Palparan was transferred from the Eastern Visayas to Central Luzon and given command of the 7th Infantry Division, a posting held until his retirement from the AFP in September 2006. Wherever Palparan has been assigned, successive killings have

taken place and there have been cases where witnesses have identified soldiers under his command as the perpetrators of killings (McCoy 2009). Even though Palparan has never admitted responsibility for any killings, he has made it clear that he may have inspired them (Melo Commission 2007). Having discussed where the killings occurred, and who was behind them, attention now turns to how these killings demonstrated the potential for violence inherent in neoliberalism.

Neoliberalism and the extrajudicial killings

The extrajudicial killings exemplified the potential for violence inherent in neoliberalism in two ways. The first, and most obvious way, is that the NPA are, quite simply, bad for business. It is difficult to attract foreign direct investment with an armed group espousing an anti-capitalist ideology waging war against the state (Holden and Jacobson 2007). Not only does the NPA engage in confrontations with the AFP, but it also extracts approximately US \$1.6 million per month in revolutionary taxes from various businesses across the Philippines (Hasting and Mortela 2008). There have also been instances where the NPA have attacked logging firms, mining companies and plantations (Hasting and Mortela 2008). On 1 January 2008, the NPA attacked a mining project on the island of Mindanao and caused almost \$300,000 in damages to its facilities (Hasting and Mortela 2008). The Joint Foreign Chambers of the Philippines (2010, p. 355), an organisation representing a number of different foreign investment groups, stated that, 'The communist insurgency remains a security problem.' In the 2010/2011 Fraser Institute Survey of mining companies, 64% of the 494 respondents stated they found the security situation in the Philippines to be a deterrent to investment, while 28% stated that they would not invest in the islands due to the security situation (Fraser Institute 2011). Clearly, one motivation behind eradicating the political infrastructure of the NPA is that it has been 'foreseen that a communist-free Philippines would be the launch pad of the country's surge to First World status' (Parreno 2010, p. 26).

The second, and more insidious, way by which the link between violence and the entrenchment of neoliberalism is demonstrated is by the fact that those targeted were activists campaigning against neoliberal policies. To Audrey Beltran, those killed were often critical of development projects and development policies; the killings were an attempt to silence criticism of these projects and policies by killing their opponents (personal communication, 30 May 2007). Girlie Padilla stated that the AFP was often deployed in areas where multinational corporations have projects; this was done to eliminate opposition to these projects (personal communication, 3 June 2007). Kelly Delgado, the Karapatan Representative for Southern Mindanao, stated that there were instances where union representatives at banana plantations were killed (personal communication, 28 June 2007). Indeed, on 16 May 2009 Karla Apat, a banana packing union representative, narrowly survived an assassination attempt on the island of Mindanao (Arguillas 2009). To Carlos Conde, a journalist writing for the International Herald Tribune, the advocacies of the victims were a glaring example of how neoliberalism creates violence; whenever activists were killed one would find a powerful neoliberal interest being opposed (personal communication, 12 November 2009).

It appears that no distinction was made between members of the armed left (the NPA itself) and members of the left affiliated with the CPP, but who refrained from engaging in the armed struggle against the state. As Alston (2007, p. 29) observed, it appears that whether people are killed is 'due more to their association with leftist groups than to their particular activities'.⁴ A striking example of this lack of differentiation between the armed

left and unarmed activists can be found in an Australian Broadcasting Corporation (2007) interview of Major General Palparan conducted by Karen Percy:

Percy: Do you accept that there is a difference between people who are waging the armed battle and those who are unarmed, who may just be students who are trying to advise farmers of their rights, they're trade unions trying to advise workers of their rights?

Major General Jovito Palparan: There is a difference somehow in the approach but eventually it's the same because they are talking to people, assisting them for the purpose of inviting them to revolution.

Earlier, the hegemony of neoliberalism was discussed. In many ways, the extrajudicial killings represent the violent elimination of a counter-hegemonic project. Some see neoliberalism to be so well established that any objection to it is an offence against reason. By acting to eliminate those who do not share the principles of neoliberalism, the state was quelling a competing, and discredited, school of thought undeserving of being heard: 'The military objective is not merely the elimination of insurgency but more broadly the elimination of any counter-hegemonic mode of political representation' (Tadiar 2006, p. 181).

The fingerprints of Phoenix

There are many who hold a view that the AFP was set upon eliminating the NPA by replicating the Phoenix Program and targeting not just its underground guerrilla organisations and rural mass bases but also legal organisations alleged to be 'communist fronts'. Roneo Clamor, the Deputy Secretary General of Karapatan, regards the Phoenix Program as the template for OPLAN *Bantay Laya* (personal communication, 9 January 2010). To the International Coordinating Secretariat of the Permanent People's Tribunal and IBON Books (2007, p. 147), OPLAN *Bantay Laya* 'evokes memories of Operation Phoenix conceived by the Pentagon and Central Intelligence Agency during the Vietnam War'. To Revelli (2008, p. 8), the AFP had copied its counterinsurgency doctrine from 'the Phoenix Program that the United States used during the Vietnam War. They target suspected civilian support for rebel groups.' This 'is reminiscent of the counterinsurgency operations in Vietnam dubbed as OPLAN Phoenix. Identified peasants suspected of being sympathetic to the Vietcong were liquidated to effect fear in the community and discourage support for the rebels' (Alamon 2006, p. 164).

What makes the influence of Phoenix so likely is the heavy influence of the United States upon the AFP. The AFP 'was possibly more oriented toward and influenced by the United States than the armed forces of any other country in the developing world' (Thompson 1996, p. 66). In the Philippines, 'the military establishment is steep in US support, strategies, and tactics' (Alamon 2006, p. 153). Military, paramilitary and police forces from the Philippines have all received extensive training from the United States (Blakeley 2009). From the end of World War II until the present, virtually all senior AFP officers would receive advanced training in the United States (McCoy 2009). From 1970 to 1979, for example, more than 3000 AFP officers received advanced military training in the United States (Hawes 1987). Major General Jovito Palparan, for example, received training in the United States (McCoy 2009). Since the destruction of insurgent infrastructure became an important component of American military thinking, and since Latin American militaries also appeared to replicate this, it is eminently reasonable to believe that the AFP was also inculcated in the tenets of Phoenix.

The influence of the United States increased substantially as American aid poured into the Philippines to assist the Philippine government in the ‘war on terror’ after the events of 11 September 2001. In 2000, the United States supplied the Philippines with \$2.4 million of military aid; by 2009, this had increased to \$16.9 million, an annual average increase of approximately 18% a year (United States Department of State 2011). According to McCoy (2009, p. 538), the ‘infusion of US aid and military advisers under the war on terror allowed the Arroyo administration to curtail negotiations and crush social activists through aggressive policing and covert assassinations’.

Possibly the best evidence demonstrating the influence of the Phoenix Program upon OPLAN *Bantay Laya* was revealed when a compact disc prepared by President Macapagal-Arroyo’s Cabinet Oversight Committee on Internal Security was leaked to the public. On this compact disc was a PowerPoint presentation entitled, *Knowing the Enemy: Are We Missing the Point* (Cabinet Oversight Committee on Internal Security 2005). According to Philip Alston (2007), the United Nations Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, this PowerPoint presentation listed a number of prominent civil society organisations considered to be ‘front organisations’ of the CPP–NPA, and many members of those organisations had been the victims of extrajudicial killings. This public listing of organisations as ‘fronts’ of the CPP is similar to the blacklists used by the Phoenix Program; no one wanted to find their name on a Phoenix blacklist as it meant almost certain death (Valentine 2000).

While organisations were listed in *Knowing the Enemy: Are We Missing the Point*, individuals were also listed in the AFP’s ‘order of battle’, which was a prioritised list of those who were to be assassinated (Alston 2007). The order of battle listed numerous individuals classified as members of illegitimate organisations (Alston 2007). While officials formally denied that being on the order of battle constituted being classified as an enemy of the state, the widespread understanding was it constituted precisely that (Alston 2007). In 2009, a PowerPoint presentation purportedly prepared during 2007 by the Philippine Army’s Tenth Infantry Division became publically available.⁵ This PowerPoint presentation listed a number of targeted individuals, such as Carlos Conde and Kelly Delgado, the former for authoring stories about human rights violations in the Philippines and the latter for human rights activism with Karapatan.

The government’s response: an NPA internal purge

The government was aware of the international attention drawn to the Philippines as a result of the killings (Alston 2007). Since foreign commentators cannot be silenced or killed, a government engaging in such activities must provide a counterargument to explain the events occurring within its territory (Heryanto 2006). In this case, the response of the government to the allegation that it was behind the killings was its claim that they were the result of a purge within the NPA and that cadres were killing each other (Sales 2009). The government offered this explanation because, at various times (and in various places) during the 1980s, the NPA, concerned that AFP deep-penetration agents had infiltrated it, conducted an internal purge costing the lives of hundreds of its own members (Garcia 2001, Abinales 2008). According to some in the government, the NPA was again displaying its tendency to engage in intramural violence and this explains what it called the ‘unexplained killings’.

Observers of the killings found this explanation incredible. Alston (2007, p. 13) wrote that the evidence supporting this explanation was ‘strikingly unconvincing’, and this was a ‘cynical attempt to displace responsibility’. According to Human Rights Watch (2007, p. 71), ‘experts on the NPA have found no evidence that large-scale intra-NPA killings

have persisted beyond the early 1990s'. Also, the killings associated with the internal purge tended to occur in NPA mass bases deep in remote mountainous areas and the bodies of those killed were disposed in mass graves (Garcia 2001, Abinales 2008). The extrajudicial killings during 2001–2010 (motorcycle-riding gunmen assassinating their victims and then riding away) were methodologically quite different from the killings during the internal purge.

The NPA does indeed kill people, but the way in which it kills is substantially different from the extrajudicial killings. The NPA has had a long-time practice of liquidating civilian informers and other 'bad elements' of society such as cattle rustlers, drug dealers and rapists (Santos 2010). In Table 2, some recent killings committed by the NPA are outlined and there are substantial differences between these and the way in which the extrajudicial killings occurred. First, the NPA will issue public statements indicating that someone has been found guilty by a 'people's court' and that this person owes a 'blood debt to the revolutionary movement'. Then, after the person has been killed, the NPA will claim responsibility for that person's death. Since the NPA is vocal when it does kill, if the extrajudicial killings were the result of the NPA one would have heard numerous statements from the NPA accepting responsibility for them; the fact that such statements were not forthcoming dispels this explanation (Human Rights Watch 2007).

Discussion

The extrajudicial killings as state terrorism

The killings of activists such as Fernando Sarmiento were clearly acts of state terrorism. In the Philippines, 'terror is being used as a weapon by the state against its own population' (Sales 2009, p. 331). Table 1 stipulated the four elements of state terrorism according to Blakeley (2009) and Table 3 shows how these elements were met in the Filipino context. Earlier, it was established that a defining feature of state terrorism is its instrumentality. This is precisely what was happening in the Philippines. When Sarmiento was interrogated by the AFP, released by them, and then killed by them 5 months later, it was made clear who killed him. If the AFP's only objective was to kill Sarmiento, they could have dispensed with his detention and interrogation and just quietly killed him. However, by detaining, interrogating and accusing him of being a supporter of the NPA (and then letting him live another 5 months before killing him), they used him as an instrument through which they could spread fear. During his last 5 months, he almost certainly told others about his detention, interrogation and accusation at the hands of the AFP. When he was finally killed, it sent a message to other members of Defend–New Bataan that they could be next should they continue in their activism.

Similarly, the AFP PowerPoint presentation, *Knowing the Enemy: Are We Missing the Point*, also served an instrumental role. When people heard that certain organisations had been accused of being communist fronts and then heard that members of those organisations had been killed, they were served notice that they could be next should they continue to belong to those organisations. The 'leaking' of this PowerPoint presentation was almost certainly done by the AFP to incite fear among members of the targeted group. The objective of state terrorism was not so much a silencing of dissent by killing those who objected to neoliberal policies as it was a process of scaring others into silence by using acts of violence in an instrumental manner to indicate that the same fate would befall others, should they dare to challenge the wisdom of neoliberalism. Indeed, the Human Rights Watch (2007) report on the extrajudicial killings in the Philippines was entitled *Scared Silent: Impunity for Extrajudicial Killings in the Philippines*.

Table 2. Recent killings committed by the New People's Army.

Date of incident	Location	Details of incident
June 2007	Bukidnon, Mindanao	Manpaanod Diwangan was killed by the Rexan Perez Command of the NPA for crimes against the people including murder, livestock theft and marijuana cultivation ¹
July 2007	Sorsogon, Luzon	Captain Patrick Baesa, Intelligence Officer of the 901st Infantry Brigade, Philippine Army, was killed by the NPA for organising death squads that killed mass leaders and civil society activists ²
October 2007	Northern Samar	Marcos Anquilo, an AFP Intelligence Officer, was killed by the Rodante Urtal Command of the NPA for his involvement in the killing of legal civil society activists ³
October 2007	Western Samar	Elizabeth Gutierrez, Barangay Captain of Barangay Cancayias, in the Municipality of Basey, was killed by the Arnulfo Ortiz Command of the NPA for espionage against the revolutionary movement ⁴
December 2007	Albay, Luzon	Rodolfo Alvarez was killed by the Santos Binamera Command of the NPA for engaging in surveillance on behalf of the AFP ⁵
February 2008	North Cotabato, Mindanao	Albert Senanon, a member of a paramilitary group organised by the AFP, was killed by the Herminio Alfonso Command of the NPA for espionage against the revolutionary movement ⁶
August 2008	Bukidnon, Mindanao	Manjonald Loquindo was killed by the Rexan Perez Command of the NPA for interference in its administration of people's justice against Mentino Lenario who had raped two teenaged girls. Mentino Lenario was also killed by the Rexan Perez Command ⁷
August 2008	Bukidnon, Mindanao	Reynaldo Delamance was killed by Rexan Perez Command of the NPA for being a criminal and a member of a bandit group ⁸
May 2009	Davao del Norte, Mindanao	Evelyn Pitao was killed by the Ka Paking Guimbaolibot Red Partisan Brigade of the NPA for her direct and clear complicity in three state-instigated political crimes against the people and the revolutionary movement ⁹
July 2010	Eastern Samar	The Efren Martires Command of the New People's Army in Eastern Visayas carried out the death sentence by the people's court on Mateo Biong, Jr., a corrupt former mayor of Giporlos, Eastern Samar. Biong was punished on 13 July 2010 for selling methamphetamine, appropriating public funds and engaging in illegal logging ¹⁰

Sources: ¹*Ang Bayan* (2007a), ²*Ang Bayan* (2007b), ³*Ang Bayan* (2007c), ⁴*Ang Bayan* (2007c), ⁵*Ang Bayan* (2007d), ⁶MindaNews (2008a), ⁷MindaNews (2008b), ⁸MindaNews (2008b), ⁹Merardo Arce Command (2009), ¹⁰Philippine Revolution Web Central (2011).

A new president: an opportunity for change?

On 30 June 2010, President Benigno Aquino III (son of former President Corazon Aquino) became president of the Philippines and 'made it clear that his administration is taking a resolute stand in preventing extrajudicial killings' (Parreno 2010, p. 29). Will the

Table 3. The four elements of state terrorism in the Filipino context.

Element	How this occurred
Deliberate acts of violence	The killings of left-wing activists who were Filipino citizens
State perpetration of violence	The killings were perpetrated by the members of the AFP
Intended to induce extreme fear	The killings were designed to convince left-wing activists to discontinue their activism
Acts directed towards a target audience	Left-wing activists were made to believe that continuing with their activism could have fatal consequences

assumption of a new president signal the end of the pattern of killings? The answer to this (admittedly rhetorical) question discourages optimism. According to Amnesty International (2011, p. 2), 'Reports of political killings, enforced disappearances and torture continued during President Aquino's first year in office.' Amnesty International (2011, p. 3) also wrote that 'during President Aquino's first year, dozens of cases of extrajudicial executions have been reported in the Philippines'. Although the AFP replaced OPLAN *Bantay Laya* with OPLAN *Bayanihan* (Communal Unity), a population-centric counterinsurgency programme orientated towards the 'winning of hearts and minds' and less focused on the destruction of insurgent infrastructure, 'state security forces continue to be implicated in grave human rights violations' and civilians 'suspected of supporting the insurgents are still subject to extrajudicial executions' (Amnesty International 2011, p. 5). The departure of Macapagal-Arroyo from office in June 2010 also does not seem to have impacted the government's enthusiasm for neoliberal policies, and in December 2010, Aquino declared his full support for the mining industry, which in the Philippines operates according to neoliberal principles (Philippine Star 2010).

A culture of impunity within the AFP

Perhaps the cornerstone of the extrajudicial killings has been the culture of impunity that has developed within the AFP. This culture of impunity goes back to the Marcos dictatorship when the AFP engaged in human rights abuses as the praetorian guard of Marcos (McCoy 1999, 2009). When Corazon Aquino became president she was beset by nine coup d'état attempts in 5 years and abandoned any attempt to prosecute the AFP for past crimes. Corazon Aquino was followed by Fidel Ramos, a former Philippine Constabulary commander under Marcos, who elevated many AFP officers with records of human rights abuses into positions of power. Ramos was followed as president by Joseph Estrada who 'perfected the process of impunity by offering the dictator's surviving cronies both legal and symbolic absolution for their crimes' (McCoy 1999, p. 301). When People Power II removed Estrada from power, in January 2001, the AFP supported the installation of Macapagal-Arroyo (with her neoliberal agenda) and many viewed her as beholden to the AFP, and prevented by it, from disciplining its members who committed human rights violations (Franco and Abinales 2007).

The Philippines is an authoritarian society with a democratic facade that has sought a shortcut to democracy without pausing to assess, let alone purge, the legacy of the Marcos years (McCoy 1999): 'Freed from judicial review, the torturers of the Marcos era have continued to rise within the police and intelligence bureaucracies, allowing martial law's

legacy of military abuse and corruption to persist unaddressed' (p. 335). The Marcos dictatorship may have ended in 1986, but the second lieutenants of 1986 are now the generals of today and these men have been socialised into a culture of impunity where the AFP has never been held responsible for its human rights abuses. This impunity appears to be continuing under Benigno Aquino where, despite his promises to the contrary, not one person has been convicted with respect to killings occurring during the Macapagal-Arroyo administration (Amnesty International 2011).

The domination of society by a powerful oligarchy

The domination of Filipino society by a powerful oligarchy is a factor that greatly augments the scope for extrajudicial killings, particularly when taken into account with the adoption of neoliberalism by the state. Harvey (2005, p. 19) described neoliberalism as a project to 'restore the power of economic elites'. The archipelago has always been dominated by an oligarchy that established its power through the production and export of agricultural products (Hawes 1987). President Aquino is well ensconced within this oligarchy with his family owning Hacienda Luisita where seven sugar workers protesting for land reform were killed, while 72 others were injured, during 2004 (Sales 2009). This oligarchy stands to benefit immensely from neoliberalism with its disdain for redistributive policies such as land reform (Bello *et al.* 2009). The 'economic freedom' that comes with neoliberalism offers a tremendous opportunity for the enhancement of the power in society held by this oligarchy. As Peet and Hartwick (2009, p. 100) wrote:

Clearly the neoliberals [were] not talking about workers in factories, nor women in families, nor peasants on plantations. They [meant], by the free individual, the entrepreneur, the capitalist, the boss. And they [meant], by freedom, the opportunity to make money, which buys everything (except happiness). These theorists [were] against the state because it may limit the freedom of the rich to make more money, and it might redistribute existing wealth.

When activists object to neoliberal policies, such as trade liberalisation, they are also attempting to thwart the power of the oligarchy and this makes them vulnerable to acts of state terrorism, because 'the Philippine state operates in the interests of the bourgeoisie and against the interests of workers and small landowners' (Hawes 1987, p. 133). A crucial function of the capitalist state is ensuring the political disorganisation of subordinate classes so they are unable to overcome economic isolation and are therefore unable to threaten the interests of the dominant class (Blakeley 2009). Consequently, state terrorism is 'primarily and illegitimately, a means of protecting the interests of elites' (Blakeley 2009, p. 164).

The AFP: armed forces of the elite

The AFP has had no problem with allowing the interests of the oligarchy to be strengthened through neoliberalism's disregard for redistributive policies, because the AFP has always acted as the armed forces of the elite and has never displayed any economic nationalism or acted on behalf of the poor and marginalised (McCoy 2009). The old Philippine Constabulary was the principal mechanism of law enforcement in the islands from American colonial times until its replacement by the Philippine National Police in 1991; Kerkvliet (1977, p. 54) described the Philippine Constabulary as 'practically an army for the landed elites'.

State terrorism: a necessary corollary to neoliberalism?

Is state terrorism necessary for neoliberalism? It has not been uncommon for state repression to accompany efforts to implement neoliberal policies where there has been substantial opposition to these. Nevertheless, there are many developing countries where neoliberal policies have been implemented without the state resorting to assassinations of its citizens. What sets the Philippines apart from these other countries is that the Philippine government is attempting to implement neoliberal policies concomitant with eliminating a Maoist insurgency.⁶ Maoism is antithetical to neoliberalism and the latter regards the former as an ‘anachronism’ that should no longer exist now that ‘history has ended’ (Fukuyama 1989, p. 12). This is where Phoenix, with its prescription of destroying insurgent infrastructure, can be appealing to neoliberals as it facilitates the destruction of an orthogonal political programme. As Moyer (2007, p. 336), a Phoenix apologist, stated, ‘Implementing a political program before destroying the enemy’s infrastructure, in fact, is quite difficult because the enemy cadres can obstruct it through intimidation, violence, and propaganda.’ Given such use of Phoenix, it is no surprise that Valentine (2000, p. 429) wrote that one can ‘look for Phoenix in the imaginations of ideologues obsessed with security, who seek to impose their way of thinking on everyone else’.

Conclusion: state terrorism, a critical study of terrorism

Terrorism is often portrayed as being the product of amorphous non-state groups acting to undermine the freedom and prosperity associated with the social order established under neoliberalism. A classic example of this was the statement by George W. Bush, on 11 September 2001, that ‘today, freedom was attacked’. In contrast to this, terrorism is often carried out by states acting to implement neoliberalism as opposed to non-state groups acting to destroy it. Neoliberalism is an ideology with no regard for anything even resembling communism. In the Philippines, the government has pursued a neoliberal agenda and has engaged in ruthless state terrorism to crush those perceived as impediments to its implementation. The template for this was the Phoenix Program, a programme of selective assassinations designed by the United States to destroy the infrastructure of the Viet Cong. Tactics used by the Phoenix Program were replicated in US counterinsurgency tactics in Latin America. They have also found their way into the methods of the AFP. This is through the heavy influence of the US military upon the AFP. There are striking similarities between Phoenix and OPLAN *Bantay Laya*. Indeed, it appears that elements of Phoenix were being replicated by the AFP during the 2001–2010 time period; as the title of the article suggests ‘the fingerprints of Phoenix’ are obvious. The extrajudicial killings were an example of state terrorism.

State terrorism requires a critical reappraisal of the way terrorism is approached. Terrorism is not just designed and implemented by nebulous and nefarious ‘others’ acting to undermine and destroy the best social order ever known. Terrorism can also be designed and implemented by those advocating neoliberalism. In conclusion, one must consider the words of Oslender (2007, p. 127):

It is therefore necessary to stand up against the simplification of the ‘terror concept’ in contemporary dominant geopolitical discourses that define terrorism exclusively as directed against the Western neoliberal democratic state, while at the same time hiding ‘other terrorisms’, including those applied by these very same Western neoliberal democracies. It seems ironic, to say the least, that the ‘War on Terror’, led by the United States and its changing allies, actually helps to produce and sustain landscapes of fear and regimes of terror.

Notes

1. Macapagal-Arroyo ceased being the President in July 2010 but, in a highly unusual move, ran for the House of Representatives and became a Congressional representative.
2. The Fraser Institute is a neoliberal think-tank located in Vancouver, British Columbia. Every year it surveys the firms of the global mining industry to assess the investment attractiveness of various jurisdictions.
3. While the creation of an independent commission to investigate the killings by the very government allegedly responsible for carrying out the killings may sound bizarre, one must bear in mind that contradictions often occur within the context of state terrorism with some state agencies masterminding state terrorism and other agencies of the same state simultaneously working on improving human rights conditions. As Blakeley (2009, p. 37) wrote, 'No state or government can be seen as a single decision maker, or as a homogenous group. Rather it is a complex web of connections between numerous entities that have varying degrees of autonomy.'
4. There were also many victims of extrajudicial killings who are people who have little, if anything, to do with the CPP or the NPA but who ran afoul of some powerful interest in society, such as mining companies, logging companies, plantation owners or local politicians. As Parreno (2010, p. 42) stated, 'Activists are among the most passionate advocates for reform and change. Their work takes them more often than not, bitterly at odds with the advocates of the status quo and who incidentally occupy the pinnacles of power in Philippine society.' Accurately differentiating these victims from those killed by the AFP is very difficult.
5. This PowerPoint presentation is entitled 'JCICC AGILA 2007'.
6. India, with its Naxalite insurgency, is another country implementing neoliberal policies while coping with a Maoist insurgency (Mehra 2011).

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