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I. Gearing for 2013: Legal issues, political realignments

As the Senate impeachment of Supreme Court Chief Justice Renato Corona took a back seat during Congress break this summer, much of the political news dealt with the coming congressional and local elections in 2013. As in every poll, the next elections – 13 months away – are as critical but more so given that the polls for the Autonomous Region in Muslim Mindanao (ARMM) – considered as a “cheating capital” – will also be synchronized under the country's fragile election system.

On April 10, a citizens' petition to stop the execution of a new deal signed on March 30 between Comelec and technology supplier Smartmatic-TIM was filed before the Supreme Court (SC). The petition, which called for a temporary restraining order (TRO), was filed by the Automated Election System Watch (AES Watch), a broad multi-sector citizens' election watchdog, through nine individuals. The petitioners, who were represented by volunteer lawyer Felix Carao, Jr., were former Vice President Teofisto Guingona, Jr., Manila Auxiliary Bp. Boderick Pabillo, Dr. Pablo Manalastas (senior fellow of CenPEG), Prof. Solita “Winnie” Monsod, Dean Georgina Encanto (president of Transparency International-Philippines), Nelson J. Celis, Maricor Akol, Fr. Jose Dizon, and Anna Leah E. Colina of WE Watch.

The petition cited the Comelec for grave abuse of discretion in entering into a new contract with the foreign company based on an “option to purchase” which had expired. Likewise, because the precinct count optical system (PCOS) machines were proven to be defective and

fraught with program errors then Comelec should have instead called for a public bidding as the procurement law mandates under these circumstances.

The AES Watch petition was preceded by two similar legal actions filed with the SC on the same day by other groups and reports show more petitions will be filed. But the legal moves are not the only issues facing Comelec as it prepares for the 2013 elections. Based on the numerous lessons of the first automated election in May 2010 – ranging from the technology system's lack of minimum system capabilities such as source code review, voters' verification, and digital signature, as well as machine breakdowns, transmission failures, and voters' disenfranchisement – the glaring concern is how to look for the right technology that is compliant with the automated election law (RA 9369) and with Philippine conditions.

Even if the right technology is found it will address only part of the problem. Given the widespread cases of transmission errors in 2010, it remains a formidable challenge whether the country's telecommunications system and other infrastructure would be ready in 2013. Likewise, by next year more cheats would have developed their secret capabilities backed by powerful connections in order to make election results favorable to them unless accuracy, security, and verifiability safeguards are put in place to plug the system's vulnerabilities.

In June 2011, the country's leading IT groups, practitioners, and scholars, among other multi-

stakeholders, gathered for the first Filipino IT for Election (FIT4E) Conference and agreed, among others, to help in the search for an appropriate and Filipino-designed election technology. The FIT4E search, which was organized by CenPEG, AES Watch, and other groups including the office of the UP president, was supported publicly by the Comelec itself, through its chairman. Somehow, the fixation over contracting the same technology provider regardless of its poor record prevailed and this led to the March 30 deal.

Early birds

Meantime, looming in the election horizon is a build-up not just for the 2013 polls but for the 2016 presidential race. A spokesperson of President Benigno S. Aquino III (Liberal Party), has predicted a split between him and Vice President Jejomar Binay of PDP-Laban. Supporters of Aquino III did not sit well with the inclusion of allies of discredited former president, Gloria M. Arroyo in the senatorial ticket of United Nationalist Alliance (UNA, a new coalition of PDP-Laban and the political party of deposed President Joseph Estrada). (Under hospital arrest, Arroyo has been charged by the Aquino administration of election plunder involving the 2007 elections.) Binay,

whose political ascendancy was made possible by Aquino III's mother, the late President Corazon C. Aquino, was asked pointedly whether he still supported the incumbent president.

The falling-out between the presidential and vice-presidential camps speaks of early shifts and realignments of key political forces as they gear for the 2013 elections whose outcome will likely decide the configuration of the presidential contest three years later. Except for the fact that there may be new and old faces in the next elections not much excitement is expected. And this is because being fielded for the congressional and local elections are mainly the same figures that have been in the seats of power over the past 100 years – family dynasties. In recent elections, pro-reform aspirants like Grace Padaca (Isabela), Among Ed Panlileo (Pampanga), and Glenn Chong (Biliran) succeeded in replacing traditional politicians courtesy of organized public support. But their term was cut short in 2010 with the return of dynasty figures they had once unseated. This has generated a rethinking on the viability of reform politics. Right now, the traditional or mainstream political parties have kept their doors closed to political groups and potential candidates espousing politics of change. (More on this in the next Issue Analysis)

II. Philippine-China territorial row through a different eye

There are far bigger forces that are at play in South China Sea (or West Philippine Sea). There are bigger yet unseen interests at work. Either President Benigno S. Aquino III is incognizant of these or is not receiving the full range of political intelligence. Whatever it is, there are striking contradictions in the Aquino administration's handling of the Philippine-China territorial feud in South China Sea and underneath such differences are unseen vested interests.

For weeks, there has been some muscle flexing as both the Philippine and Chinese governments staked their claims over the Spratlys and the Scarborough Shoal – or Huangyan island, according to Beijing. Tensions and near-skirmishes have erupted in these areas – known to contain rich oil, natural gas, and marine resources – involving the two countries and other claimant states for the past 12 years. The sea also serves as a major trading route that links Asia with the rest of the world.

Current regional and global conditions shed light on why bigger tensions have surfaced in these areas in recent years. For one, China, currently the world's second largest net oil importer, is moving tooth and nail to secure its access to this energy source and for which it is forced to modernize its maritime force and engage as well in muscle-flexing particularly in Asia Pacific.

In the U.S., President Barack Obama last year announced that American military projection will increase in Asia Pacific while boosting bilateral and regional defense partnerships and interoperability operations. The U.S. and Australia were firming up the deployment of U.S. military facilities in the latter to enhance the Pentagon's containment and encirclement of China. As this developed, U.S. arms trade, Obama said, will likewise increase particularly in Southeast Asia in order to boost America's export industry.

Numerous high-level talks have been held between the Philippines and the U.S. since the beginning of the Aquino presidency in July 2010. Topping the agenda in these talks are the Spratlys territorial dispute, U.S. military assistance, arms acquisitions and purchases including two second-hand U.S. frigates, and joint war exercises. This week, the U.S. commander in the war exercises confirmed that the exercises are part of Obama's national security directive to increase American military and naval presence in Asia Pacific. Aquino III said he was willing to help the U.S. in this context and that America's military assistance and exercises would help secure oil exploration and increase the AFP's capability in disputed territories.

Despite denials by both sides, the Washington Post last January reported that talks between Philippine and U.S. defense panels included installing permanent U.S. military facilities in the Philippines aside from "rotating and more frequent" U.S. presence in the country.

The confluence of these events should lead one to look at the territorial disputes from a different lens. Are fears and tensions in the South China Sea being stirred up in order to justify the increase of U.S. military presence in the Philippines and the whole region? Are these designed to boost U.S. arms trade in the Philippines and the whole region as well as to justify bigger a military budget for the AFP modernization? Can't Aquino's strategic policy makers see the option of using diplomatic negotiation however attritive since it opens a bigger universe of possible solutions vis-a-vis the military option which ties your hands to just precisely it – the use of arms?

Military hawks may prefer an armed option and others would invoke international law like the toothless UN Convention on the Law of the Sea (Unclos). But contemporary politics dictates that most territorial feuds including those involving China have been resolved in the bargaining table.

For related reading, see: CenPEG Issue Analysis 03, Living in the Past: Mishandling the Spratlys Territorial Row, June 24, 2011.

III. Development models debunked: A lesson for PNoy

A major reason for President Benigno S. Aquino III's drop in public trust rating is poor economic performance. This public perception is fueled by inflation, unemployment, as well as surveys showing a rise in the state of hunger among majority of Filipinos.

Aquino III may find comfort in the fact that such decline in the public trust rating is true with all presidents: They begin their term with relatively high ratings which then slide midway and collapse at the end when most Filipinos begin to see the disparity between election promises and harsh realities on the ground.

Outside the Philippines, the whole world is rising up to demystify the "development" paradigms prescribed by industrialized countries and through powerful multi-lateral institutions led by the World Bank, IMF, and World Trade Organization. Instead of "economic paradise" these development models that were instituted beginning post-World War II, the latest of which is neo-liberal globalization, have only wrought income inequalities, unemployment, and lack of social services, among many

others. So devastating and long-term has been the impact of these models on billions of people – not to mention the frequent global economic recessions or stagflations – that "occupy movements" have proliferated across continents while the re-study of radical theories is on the rise once more.

Even the WB and other global financial institutions have confirmed the fatal flaws of such models. But this week at the United Nations Council on Trade and Development (Unctad), former secretaries general and other top officials are raising an outcry against attempts by the centers of capitalism to neutralize if not completely dissolve the council. This is the rich countries' response to efforts initiated by council members from developing countries to regularly review and conduct a macro-economic analysis of the globalization paradigm insofar as it impacts negatively on trade and development especially among the poor or peripheral states.

More pronounced has been the role played by elite-driven states in ramming through these models ending up

in resistance by the people through street protests or armed revolutions. In both aspects of development – its economic and institutional components – the Philippines has been cited as a typical country where such models were imposed by the ruling oligarchs with implementing policies crafted by technocrats and so-called economic experts schooled in neo-liberalism or other western economic ideologies.

Development failure is closely linked to a dysfunctional democracy. A recent book about the Philippines launched by the UNDP last March sums it up: “A process of democratization can hardly be sustained in the absence of significant improvements in the material welfare and socio-economic political conditions of the people.” The book proffers that the weaknesses of the state such as elite politics, patronage, poor political party system, and election fraud account for the poor quality of life among the people. It also notes that in the past 50 years poverty remains high and resource distribution is highly inequitable. (The book, Chasing the Wind: Assessing Philippine Democracy, is written by Felipe B. Miranda, Temario C. Rivera, Malaya C. Ronas, and Ronald D. Holmes.)

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