

**a brief report**

**Permanent Peoples' Tribunal**  
**SESSION ON THE PHILIPPINES**  
29 Oct — 3 Nov 1980  
U.I.A. University . Antwerp . Belgium

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**A BRIEF REPORT**

The Permanent Peoples' Tribunal  
Session on the Philippines

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Permanent Peoples' Tribunal  
Session on the Filipino People  
and  
The Bangas Moro People  
Antwerp, Belgium  
29 Oct — 3 Nov 1980

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# INTRODUCTION

**“The Tribunal finds that the Marcos regime.... is deprived of legitimate standing as a government... and lacks the legal competence to act on behalf of the Filipino or Bangsa Moro peoples.”**

**“It is also affirmed... as a matter of legal right that... the National Democratic Front (NDF) and the Moro National Liberation Front (MNLF), enjoy legal status in international society. They are empowered... to enforce the rights of their peoples, by armed struggle if necessary... (they) are recognised as enjoying the international status of being legitimate representatives of their respective peoples.”**

**Permanent Peoples' Tribunal  
Session on the Filipino People  
and**

**The Bangsa Moro People**

**Antwerp, Belgium**

**29 Oct — 3 Nov 1980**

The decision of the Permanent Peoples' Tribunal is a historic step in the struggles of the Filipino and Moro peoples. It marks the first formal application of established international legal norms in assessing the record of the Marcos regime. By forcefully condemning the US-Marcos dictatorship and declaring it illegitimate by international law standards, the Tribunal decision contributes an important legal instrument to the arsenal of resistance of the Filipino and Moro people.

The recognition of the National Democratic Front (NDF) as legitimate representative of the Filipino people is a significant first step in establishing the legal basis of a future provisional revolutionary government. For the Moro people, the formal recognition of the Moro National Liberation Front (MNLF) contributes to the recognition already accorded to it by the governments in the Islamic Conference.

The affirmation of the authority of the NDF and the MNLF to "enforce the rights of their people, by armed struggle if necessary..." is a key step in acquiring legal status as "belligerents" fighting a civil war against the Philippine government. Having acquired "belligerency status" the two fronts would then be able to legally receive assistance from established governments and other international bodies.

The international status of the NDF was personified by the appearance before the tribunal of NDF spokesperson Luis Jalandoni and New Peoples Army spokesperson Victoria de los Reyes. Through their presentations at the Tribunal, through their interviews with major European print and broadcast media, through a superb slide show on the NPA in Samar, and through a wide variety of books, pamphlets and other materials in six different languages, the reality of the national democratic movement was brought forcefully before the five hundred people present at the tribunal and the European people as a whole through the extensive media coverage of the proceedings.

The political process of the tribunal did not begin in

Antwerp, Belgium on 30 Oct 1980. When the appeals of the Filipino and Moro peoples were accepted by the PPT in Bologna, Italy on 24 June 1979, the case of the Filipino and Moro peoples against the US-Marcos dictatorship began to be discussed in the Philippines and in other places throughout the world. The result of this process was more than 9000 petitions from the Philippines and more than 6000 letters and petitions from all over Europe, the US, Canada, Hongkong, Australia, New Zealand and Japan, all of them calling for the condemnation of the US—Marcos dictatorship and for the recognition of the NDF and MNLF. This outpouring of solidarity culminated in a solidarity meeting held at the time of the tribunal session when, at this point, solidarity messages from liberation movements, political parties, labour unions, women's movements and other activist groups, solidarity organizations, and development agencies including some that are church related were either read or delivered by official representatives.

# JUDGEMENT

## on the appeals of The Filipino People and The Bangsa Moro People

*The Tribunal considered the joined complaints separately, yet in view of the interlocked character of the struggle, framed its judgement on behalf of the Filipino people and the Bangsa Moro people in identical terms.*

**1** The tribunal finds that the Marcos regime by its reliance on 'permanent' martial law and numerous blatant abuses of state power is deprived of legitimate standing as a government in international society and lacks the competence to act on behalf on the Filipino or Bangsa Moro peoples;

**2** The Tribunal finds the treaties and agreements imposed by the United States on the Philippines, admittedly with the complicity of successive Philippine governments, are null and void as 'unequal treaties', and that all obligations incurred under them should cease forthwith. In this connection, the Tribunal declares invalid the latest international trade agreement, signed in Oct 1979 and known as the Collantes-Murphy Agreement, being a replacement for the expired Laurel-Langely Agreement of 1954. It also finds null and void the Military Bases Treaty of 1947 and its recent extension in 1979 by Executive Agreement;

**3** The Tribunal condemns in the most rigorous terms the programme of displacement and physical extinction that is now being waged by the Marcos regime against the Bangsa Moro people and has already deprived them of much of their ancestral land and made roughly half of their number refugees and exiles; the cumulative effect of this programme has been the commission of the crime of genocide;

**4** The Tribunal considers that the abuses of the Marcos regime have contributed excessively to the degradation of women and to their economic and sexual exploitation;

**5** The Tribunal condemns, also, the United States Government for its role in sustaining, supporting and encouraging the Marcos regime to act on behalf of its economic and global strategic interests in violation of the rights of the Filipino and Bangsa Moro peoples and calls upon it to cease such activities in support of state crime forthwith and to renounce all of its 'rights' obtained by way of unequal treaties and to respect from now on the full sovereignty of the country, including the status of the National Democratic Front (NDF) and the Moro National Liberation Front (MNLF) as legitimate representatives of their respective peoples;

**6** The Tribunal, in this regard, calls on world public opinion to be especially vigilant of possible attempts by the United States government to replace the Marcos dictatorship with another dependent, neo-colonial regime during this period of increasing popular resistance to a government that has lost its credibility and capability;

**7** The Tribunal also notes that the International Monetary Fund, the World Bank and the Asian Development Bank, despite the stated purpose "to help raise the living standards of the developing countries",

are playing a crucial role in sustaining, supporting and encouraging the Marcos regime, despite its commission of systematic state crimes and calls upon these international financial institutions to terminate these relationships that abet the violation of the rights of peoples and are responsible for disrupting the life and threatening the very existence of such tribal peoples as the Igorot and Kalinga through their support for high-technology hydro-electric projects;

**8** The Tribunal censures a series of American, Japanese and European multinational corporations for their role in violating the sovereign rights of the Filipino and Bangsa Moro peoples, including their legally protected right to sovereign control over natural resources and calls upon these corporations to cease their activities, compensate the Filipino and Bangsa Moro peoples for the depredation of their resources, and to avoid all further interference in the internal life of the Philippines;

**9** The Tribunal censures also the transnational commercial banks for their role in sustaining the illegal and criminal activities of the Marcos government and of multinational corporations and calls upon these banks to cease their lending activities that reinforce criminal undertakings harmful to the Filipino and Bangsa Moro peoples;

**10** The Tribunal also denounces the various actions of non-governmental organisations, including the educational, religious and trade union organisations to the extent that they lend support to the Marcos regime by supporting economic projects reinforcing the existing social order, by training local elite and by misleading workers and peasants, through the formation of fake organisations that pretend to work for the people but are in reality tools of the regime;

**11** The tribunal finds Ferdinand Marcos guilty of grave and numerous economic and political crimes against his own people and against the Bangsa Moro people and declares him unfit to govern and subject to severe punishment for his past wrongs, including economic plunder and failure to protect the sovereignty of his country from neo-colonial interventions;

**12** The Tribunal finds the corrupt and plundering Marcos 'entourage' guilty as accomplices and perpetrators of numerous political and economic crimes and declares them subject to punishment by an appropriate criminal tribunal;

**13** The Tribunal acknowledges that the Bangsa Moro people are entitled to the right of self-determination; it welcomes also the guarantee by the MNLF that should the Bangsa Moro people decide to establish a separate state all minorities are entitled to entirely equal rights irrespective of race, religion or national origin; further, the Tribunal welcomes the common position of the NDF and of the MNLF on the crucial issue of self-determination;

**14** The Tribunal concludes that the armed struggle between the Marcos regime and the Filipino and Bangsa Moro peoples qualifies in international law as a condition of belligerency and that, accordingly, the parties should respect fully the provisions of the Geneva Conventions on the laws of war, an observation made necessary by the numerous atrocities committed by the Marcos soldiers over the years;

**15** The Tribunal calls upon world public opinion, progressive governments, organisations and individuals to lend their support to the struggle of the Filipino and Bangsa Moro peoples to achieve national self-determination, liberation from the Marcos regime and the neo-colonial system of repression.

# THE DECISION

The judgement of the tribunal on the appeals of the Filipino people and the Moro people is framed in identical terms. According to the introduction to the judgement:

Both the Filipino and Bangsa Moro peoples are joined in a common struggle against the Marcos government and against a wider neo-colonial system dominated by the United States. Their analysis of the issues is identical. The Bangsa Moro people, living in the Southern Philippine islands, have a long history of separate cultural and political identity, have been victims of a particularly vicious campaign of genocide, and are devoted to the goals of national self-determination for their 5 million or so people. In these respects, their circumstances are different from those of the Filipino people in general and appear, on balance, to justify two distinct judgements by the Tribunal.

As such, although the documentation and legal basis of the judgement is identical, the tribunal ruled that it had in fact rendered two separate judgements. In this report, the judgement on the two appeals is treated as one together with the legal basis and some of the evidence presented in the introductory sections of the decisions.

1. The Tribunal finds that the Marcos regime by its reliance on 'permanent' martial law and numerous blatant abuses of state power is deprived of legitimate standing as a government in international society and lacks the com-

petence to act on behalf on the Filipino or Bangsa Moro peoples.

In making this judgement, the tribunal pointed out in explanatory sections, that the Marcos regime "contravenes virtually every provision of the Algiers Declaration, suggesting the severity of the situation facing the Filipino and Bangsa Moro people." The Tribunal also pointed out that:

It should be understood, however, that the Marcos regime and the neo-colonial support system would be multiply indictable under traditional international law and punishable for international crimes without reliance under the Algiers Declaration. That is, these defendants would be equally culpable if a proper international court was convened, as indeed it should be, by the United Nations or by the concerted action of foreign governments...

2. The Tribunal finds the treaties and agreements imposed by the United States on the Philippines, admittedly with the complicity of successive Philippine governments, are null and void as 'unequal treaties', and that all obligations incurred under them should cease forthwith. In this connection, the Tribunal declares invalid the latest international trade agreement, signed in Oct 1979 and known as the Collantes-Murphy Agreement, being a replacement for the expired Laurel-Langely Agreement of 1954. It also finds null and void the Military Bases Treaty of 1947 and its recent extension in 1979 by Executive Agreement.

In support of this stipulation, the tribunal noted Article 25 of the Algiers Declaration which says that "any unequal treaties, agreements or contracts concluded in disregard of the fundamental rights of peoples shall have no effect." The tribunal also pointed out that while

“the situation of the Filipino people is.... common to most of the Third World countries... the Philippines is also in some ways unique. It is a *former colony of the USA* and continues to live in an unfinished process of decolonisation; it is tied by a number of treaties and agreements of a political and economic nature to the United States of America.

The Tribunal, in the explanatory sections of the decision, quotes extensively from the testimony of expert witnesses in showing the impact of these treaties on the people's livelihood and in establishing the distorted and crisis-ridden structures of the Philippine economy. On the US military bases, the Tribunal declares that “the military presence of the US (in the Philippines) also has *international dimensions*, the US bases serving to control the Pacific and the Indian Oceans and even to intervene in the Middle East. This close relationship between the Marcos regime and the US government belies the former's claim of being a ‘non-aligned’ state.”

3. The Tribunal condemns in the most rigorous terms the programme of displacement and physical extinction that is now being waged by the Marcos regime against the Bangsa Moro people and has already deprived them of much of their ancestral land and made roughly half of their number refugees and exiles; the cumulative effect of this programme has been the commission of the crime of genocide.

Having examined the extensive supporting documentation and the testimony of an academic observer and from MNLF representatives, the Tribunal carefully traced the process of displacement of the Moro people from their lands and the “planned and accelerating programme... of physical extinction” of the Moro people by the Marcos regime. “To put it plainly, the Moros are felt to be ‘in the way’ in their own homeland; and a policy of displacement and extermination is in progress, reminiscent of that which involved the American In-

dians when they got in the way of the Western expansion of the white population of the United States.”

In noting the legal culpability of the Marcos regime for the crime of genocide, the Tribunal, apart from noting relevant articles of the Algiers Declaration, also pointed out that:

One category of substance dealt with in the Nuremberg Principles are Crimes Against Humanity and acts and activities involving gross brutality against the civilian population. Although restricted by Principle 6(c) to those acts arising in connection with Crimes against Peace or War Crimes, the independent criminality of actions against the civilian population in one's own country has by now come to be established in general international law.

Particularly applicable in relation to the complaint of the Bangsa Moro people, but also relevant for the situation of tribal peoples in the Northern Philippine islands, is the Convention on the Prevention and Punishment of the Crime of Genocide. Of course, the basic rights of peoples arise from a natural foundation, often expressed as *the conscience of humanity*, that exists quite independently of any formulation of these rights in positive law documents such as treaties and other international agreements.

4. The Tribunal considers that the abuses of the Marcos regime have contributed excessively to the degradation of women and to their economic and sexual exploitation.

The Tribunal's judgement on the condition of Filipino women was based on documentary evidence and the testimony of a witness from the Philippines. This showed that not only are Filipino women oppressed and exploited as a result of traditional sexist attitudes in Philippine society but also that the policies of the US-Marcos



dictatorship have made for a worsening of the situation. The regime's active promotion of tourism and in particular, only thinly disguised sex tours, has led to tremendous increases in the number of prostitutes and women working in sexually exploitative jobs. Besides, two main manufacturing industries in the government's export-oriented industrialisation program, the garment and electronics industries, mainly employ women. Wage rates and working conditions in these industries are among the worst in the country.

5. The Tribunal condemns, also, the United States Government for its role in sustaining, supporting and encouraging the Marcos regime to act on behalf of its economic and global strategic interests in violation of the rights of the Filipino and Bangsa Moro peoples and calls upon it to cease such activities in support of state crime forthwith and to renounce all of its 'rights' obtained by way of unequal treaties and to respect from now on the full sovereignty of the country, including the status of the National Democratic Front (NDF) and the Moro National Liberation Front (MNLF) as legitimate representatives of their respective peoples.

The tribunal points firstly to "the support given by the US government (which) has internal security dimensions, such as financial contributions for military build-up, training for counter-insurgency, legal authority for military units to perform security activities off military bases in Philippine territory." It then details dramatic increases in US military assistance to the Marcos regime in the period immediately after the declaration of martial law, and then after the conclusion of the US military bases renegotiation in 1979.

The character and extent of US economic penetration and outright control of the Philippine economy is carefully outlined in the explanatory sections of the decision. It is pointed out, for example, that "US in-

vestments represent 80% of total foreign investments in the Philippines and 60% of total US investment in Southeast Asia." "...unequal treaties," the Tribunal states, "gave the US virtual control over the Philippine government and opened the door to such treaties with other countries, including especially Japan." Other aspects of US economic control are included in other parts of the decision.

6. The Tribunal, in this regard, calls on world public opinion to be especially vigilant of possible attempts by the United States government to replace the Marcos dictatorship with another dependent, neo-colonial regime during this period of increasing popular resistance to a government that has lost its credibility and capability.

This point was emphasized strongly in the testimonies. The presentations of the witnesses from the Philippines and the basic reports pointed out that the problems of the Philippines are not only the result of the policies of the Marcos regime but are the outcome of basic economic and political structures. If the Marcos regime is replaced without basic alterations in this structure, the problems will again surface.

7. The Tribunal also notes that the International Monetary Fund, the World Bank and the Asian Development Bank, despite the stated purpose "to help raise the living standards of the developing countries", are playing a crucial role in sustaining, supporting and encouraging the Marcos regime, despite its commission of systematic state crimes and calls upon these international financial institutions to terminate these relationships that abet the violation of the rights of peoples and are responsible for disrupting the life and threatening the very existence of such tribal peoples as the Igorot and Kalinga

through their support for high-technology hydro-electric projects.

The basic report on the Philippine economy noted the key role played by international financial institutions such as the IMF in providing the financial resources necessary for the maintenance of the Marcos regime. The Tribunal also pointed out that "The economic policies followed by the Philippine government have been increasingly guided and even framed by international financial institutions... The principal features of such policies particularly since 1972 (martial law) are: unrestricted flow of foreign investment and profit; dismantling of the protective tariff structure; industrialization of the export sector through centralization of the marketing of several export commodities; provision of cheap unorganised labour."

In noting the role of the World Bank in supporting Marcos regime infra-structure projects affecting tribal Filipinos, the Tribunal emphasized the fact that: "In implementing its policies, the Marcos government has particularly infringed the rights of *ethnic minorities*, like the Kalingas and Bontocs for instance, who have been deprived of their lands, without proper compensation or relocation, and culturally destroyed. Several leaders of minorities have been assassinated and tortured."

The Tribunal pointed out that "there exist blatant violations of those rights of minority peoples which are specified in Articles 19 to 21 of the Algiers Declaration, for which the Marcos regime, its multinational corporate and international financial institutional accomplices are mainly responsible. By dispossessing minority people from their ancestral lands, the Marcos regime has carried out discriminatory policies of a criminal character which have inevitable genocidal effects."

8. The Tribunal censures a series of American, Japanese and European multinational corporations for their role in violating the sovereign

rights of the Filipino and Bangsa Moro peoples, including their legally protected right to sovereign control over natural resources and calls upon these corporations to cease their activities, compensate the Filipino and Bangsa Moro peoples for the depredation of their resources, and to avoid all further interference in the internal life of the Philippines.

In support of its censure of multinational corporations in the Philippines, the Tribunal pointed out that:

The *economic exploitation* of local resources including natural capital and local agricultural and industrial manpower, has been increasing in recent years. This comes from the role played by outside economic powers, particularly transnational corporations and foreign commercial banks.

Among the multinational corporations and foreign owned corporations singled out by the Tribunal were the American owned agribusiness multinational corporations Del Monte and Dole, the mining corporation, Benguet Consolidated, the Japanese *zaibatsu* Mitsui, and in the banking field, the American based Chase Manhattan Bank.

The Tribunal also stipulated that:

The evidence also demonstrates that multinational corporations violate Article 16 of the Algiers Declaration, to the extent that they locate polluting industries in the Philippines. These offences are particularly serious in those cases where the industry is not permitted to operate for environmental reasons in its country of origin (e.g. Kawasaki Sintering Plant in Mindanao).

"In more concrete terms," the Tribunal adds, "in relation to economic matters, Article 8 (of the Algiers Declaration) calls for every people to have "an exclusive right over its natural wealth and resources." Such a fun-

damental legal assurance is completely inconsistent with the elaborate Marcos-US transnational economic structure that deprives the Filipino and Bangsa Moro peoples of their rights and illegally confers economic benefits on foreign imperial powers and their accomplices in the corporate and banking world.”

9. The Tribunal censures also the transnational commercial banks for their role in sustaining the illegal and criminal activities of the Marcos government and of multinational corporations and calls upon these banks to cease their lending activities that reinforce criminal undertakings harmful to the Filipino and Bangsa Moro peoples.

10. The Tribunal also denounces the various actions of non-governmental organisations, including the educational, religious and trade union organisations to the extent that they lend support to the Marcos regime by supporting economic projects reinforcing the existing social order, by training local elite and by misleading workers and peasants, through the formation of fake organisations that pretend to work for the people but are in reality tools of the regime.

In these two sections of the decision, the Tribunal takes note of the multiplicity of forms of imperialist control over the Philippines. The basic report on the economy, for example, noted the way in which multinational banks follow the lead of the IMF in making decisions on loans to the Philippines. In this manner, the leverage of the IMF is strengthened. The increased role of foreign banks in the Philippine commercial banking system, moreover, facilitates multinational access to domestic capital resources. Studies show that up to 80% of the operating capital of foreign corporations in the Philippines comes from local sources.

The basic report on Philippine politics pointed to a

number of organisations, some manipulated by the CIA., others with social democratic and even communist pretensions. Organisations linked to the old Communist Party of the Philippines have attempted to organise workers and peasants but in fact work closely with the Marcos government which victimises them. Right-wing factions of the United Social Democratic Party seek to destabilize the Marcos regime, but only in an attempt to persuade the US to replace Marcos with a politician allied to them.

11. The tribunal finds Ferdinand Marcos guilty of grave and numerous economic and political crimes against his own people and against the Bangsa Moro people and declares him unfit to govern and subject to severe punishment for his past wrongs, including economic plunder and failure to protect the sovereignty of his country from neo-colonial interventions.

12. The Tribunal finds the corrupt and plundering Marcos “entourage” guilty as accomplices and perpetrators of numerous political and economic crimes and declares them subject to punishment by an appropriate criminal tribunal.

In its discussion of “The Fundamental Grievances of the Filipino People,” the Tribunal said:

Part of the Filipino *dominant classes* are associated with this exploitation process, building up their wealth and power by participating in political power and through subervient functions in the local operations of international corporations. They have even accumulated massive fortunes through corrupt economic practices. For instance, Defence Minister Juan Ponce Enrile has been able to acquire control over the entire coconut industry, through his influence in government. At the same time, coconut workers (who, with their

dependents, number 15 million) became the category of workers most affected by real wage/income decreases. The same Mr Enrile has also accumulated a great amount of real property.

In warning Mr. Marcos and his 'entourage' of the consequences of their crimes, the Tribunal said that "... the commission of these violations is held by Article 27 (of the Algiers Declaration) to 'constitute international crimes for which their perpetrators shall carry personal penal liability.'" The Tribunal regards it important to conclude that the Marcos-US neo-colonial system amounts to a continuing criminal enterprise under emerging international law and that the respective leaders and agents of these governments should properly be held personally responsible."

13. The Tribunal acknowledges that the Bangsa Moro people are entitled to the right of self-determination; it welcomes also the guarantee by the MNLF that should the Bangsa Moro people decide to establish a separate state all minorities are entitled to entirely equal rights irrespective of race, religion or national origin; further, the Tribunal welcomes the common position of the NDF and of the MNLF on the crucial issue of self-determination.

In establishing the Bangsa Moro People's right to self-determination, the Tribunal pointed out that:

For centuries the southern islands existed as separate sultanates. Even during the American colonisation of the Philippines, in spite of formal integration, the separate status of the Moros was recognised by special arrangements and policies. It was lost only in the treaty of independence from the US in 1946, which merged the southern islands, in spite of Moro protests, into one entity with the northern Philippines.

"The southern islands," the Tribunal added, "have

had a distinct culture. At the beginning of US colonial rule at the turn of the century, the population of Mindanao and Sulu was 98% Muslim." It was only the US government's and later, the Philippine government's deliberate policy of displacement of the Moro people through resettlement that the population balance in the Bangsa Moro homeland has changed.

Apart from pointing to the relevant articles in the Algiers Declaration of self-determination, the Tribunal also noted that "Particularly relevant in this regard are Article 55 and 56 of the UN Charter calling upon the United Nations and its members to assure respect for the principle of self-determination of peoples..."

14. The Tribunal concludes that the armed struggle between the Marcos regime and the Filipino and Bangsa Moro peoples qualifies in international law as a condition of belligerency and that, accordingly, the parties should respect fully the provisions of the Geneva Conventions on the laws of war, an observation made necessary by the numerous atrocities committed by the Marcos soldiers over the years.

"Having lost most of the democratic means of defence and of expression," the Tribunal said, "the Filipino and Bangsa Moro peoples... have organised themselves in underground resistance movements and even in armed struggle, the legitimacy of such resistance arising from the oppression itself."

"The struggle of the Bangsa Moro people, as represented by the MNLF and the Bangsa Moro Army," the Tribunal adds, "has achieved significant international recognition. In this context, reference should be made to the recognition of the MNLF by the Islamic Conference which led to negotiations between the MNLF and the Philippine Government. In Dec 1976 the two parties signed the Tripoli Agreement, but last April 1980 the Philippine government announced that this agreement was no longer valid. The MNLF in turn,

changed its goal from political autonomy to complete independence.

While the level of armed clashes between the Armed Forces of the Philippine and the New Peoples' Army is still lower than that involving the Bangsa Moro Army, its geographic spread over 26 guerilla fronts in Luzon, Visayas and Mindanao represents a condition of nationwide belligerency.

15. The Tribunal calls upon world public opinion, progressive governments, organisations and individuals to lend their support to the struggle of the Filipino and Bangsa Moro peoples to achieve national self-determination, liberation from the Marcos regime and the neo-colonial system of repression.

Even before the call was issued, there have been governments, organisations and individuals who have supported the struggle of the Filipino and Bangsa Moro peoples. Just as they have been part of the larger process that the Tribunal's session and verdict represent, so also they are the ones who will immediately translate this call into action.

## WHAT IS THE PERMANENT PEOPLES' TRIBUNAL

The Permanent Peoples' Tribunal was established following the historic Algiers Declaration on the Rights of Peoples on 4 July 1976. It enjoys a juridical status in the international community similar to that of the International Court of Justice in The Hague: its decisions are legally and morally binding but unenforceable by administrative means.

The Algiers Declaration, drafted by leading jurists from all over the world, is guided by the principle that governments and international institutions created by governments should not enjoy a monopoly over lawmaking. It is committed to the notion that individuals, as citizens of the world as well as of their own country, have the right and obligation to shape emerging law in accordance with human needs and human values. Such an obligation according to the Declaration, is especially significant in the present historical period where crimes of state are widespread and intense, go unpunished, and are often committed in concert with international institutions, especially those operating in the economic sphere.

The Permanent Peoples' Tribunal is also a response to what the Algiers Declaration felt to be substantive gaps in international law, particularly in the area of economic and civil rights. The Algiers Declaration, for instance, tried to fill the void in the area of international law dealing with neo-colonialism, which is described as "a common reality of economic control by foreign interests, often spearheaded by multinational corpora-

tions and their banking partners, that is made effective by a militaristic apparatus that combines internal and international elements of repression."

Equally, the Tribunal is an answer to the need of oppressed groups for an international forum to publicise their grievances, with the failure of established forums in the international community, like the United Nations and the International Court of Justice, to look into these.

Most relevant for the judgement of the US-Marcos dictatorship are the following articles of the Algiers Declaration:

*Article 6* specifically states that "every people has the right to break free from any colonial or foreign domination, whether direct or indirect.

*Article 25*, the question of juridico-legal dominators, states that "any unequal treaties, agreements or contracts concluded in disregard of the fundamental rights of peoples shall have no effect."

*Article 8*, which asserts that every people has "an exclusive right over its national wealth and resources," covers the activities of multinational corporations as well as "development" agencies such as the IMF and the World Bank.

*Article 7* implies a condemnation of the fascist character of the Marcos regime: "Every people has the right to democratic government representing all the citizens without distinction as to race, sex, belief, or colour, and capable of ensuring effective respect for human rights and fundamental freedoms for all."

Finally, *Article 4* is relevant to the condition of the Moro people: "None shall be subjected, because of his national or cultural identity, to massacre, torture, persecution, deportation, expulsion, or living conditions such as may compromise the identity or integrity of the people to which he belongs."

The appeal for a hearing on the Marcos dictatorship was presented by the National Democratic Front and the Moro National Liberation Front, and accepted by the Permanent Peoples' Tribunal in Bologna, Italy on 24 June, 1979. The appeal was backed by 9000 signatures from the Philippines and 6000 from the rest of the world. It was subsequently decided that the Tribunal would be held in Antwerp. The jurors were then selected from a list of internationally recognised legal experts and civil rights personalities. The ten were:

*Sergio Mendes Arceo*, Archbishop of Cuernavaca, Mexico; and a leading figure in the progressive wing of the Roman Catholic Church;

*Richard Baumlin*, legal expert and Swiss parliamentarian;

*Harvey Cox*, Professor of Theology at Harvard and author of several books including the influential *Secular City*;

*Richard Falk*, Professor of International Law at Princeton University and well known environmentalist;

*Andrea Giardina*, Professor of International Law at the University of Naples, Italy;

*Francois Houtart*, Professor of Sociology at the University of Louvain;

*Ajit Roy*, well known Indian writer for the *Economic and Political Weekly*;

*Makoto Oda*, noted Japanese novelist and vice-president of the Permanent Peoples' Tribunal;

*Ernst Utrecht*, Professor at Sidney University and fellow of the Transnational Institute in Amsterdam;

*George Wald*, Professor of Biology at Harvard University and Nobel Prize Winner, who served as president of the jury.

As prosecutor, the Permanent Peoples' Tribunal chose Ms. Muireann O'Briain, a barrister-at-law in

Ireland. Both the Philippine government and the US government were invited to present a defence, but neither responded, a point stressed by President George Wald.

As the staff of the Permanent Peoples' Tribunal set in motion the legal machinery of the Tribunal, the Komite Ng Sambayanang Pilipino (K.S.P) was set up to publicize and gain international support for the trial. Headquartered in Antwerp, the KSP was assisted in the preparation work by the Belgian Steering Committee. By the time the trial started at the University of Antwerp on 30 Oct, scores of people and organisations from all over the world had contributed energy, time and money to make it a reality.

About 500 people attended various sessions of the trial, which extended from 30 Oct to 3 Nov — most of them coming from the Netherlands, Belgium, Sweden, Germany, Italy, England, Ireland, France and Spain. The case for the NDF was presented on 30 and 31 Oct, followed by the MNLF case on 1 Nov. The Tribunal's verdict was announced at press conferences in Antwerp and Brussels on Monday, 3 Nov.

#### **NDF Testimony**

A number of the dramatic high points of the Tribunal were provided by witnesses from various social sectors represented in the National Democratic Front. Particularly effective was Victoria de los Reyes (pseudonym), a member of the New People's Army, who presented a vivid description of landlord abuses and militarization in Samar. This experience led to her joining the New People's Army, a decision fully supported by her family. "It was a warm evening in summer," she recounted at the poignant conclusion of her testimony, "that I kissed my parents goodbye. With their blessings and hugs of endearment, they entrusted me to the waiting comrades. 'I cannot,' my father said, 'join you anymore in the mountains because my legs are already weak. I have only one child to do the task for

me, but my heart goes with you in the struggle for justice and democracy.' "

Wada Taw-il, from a cultural minority in Northern Luzon, provided a thorough account of the disastrous effects of World Bank and Asian Development Bank projects on the Kalinga people in Mountain Province and the Tinggian people in Abra. Perla Silangan, a representative of the student sector, described the militarization of the Philippine educational system over the last eight years. "In my school, University of the Philippines, hordes of military agents, informers, and police prowl the campus to spy and harass student militants," she asserted. "Quasi-fascist groups like YADO, the Vanguard, Kabataang Barangay chapters, government projects to organize the students for the government have also been set up to buttress the network of suppression."

A very thorough description and analysis of the government's manipulation of the mass media and culture was presented by Salud Torres, a defector from the government's Ministry of Public Information. After citing methods utilized by the regime, such as the use of photography to convey a benevolent image of the dictator and his wife and the routine guidelines to describe NPA members as 'terrorists' or 'amazons', she concluded: "As a whole, Philippine mass media are allowed to talk if it is for lies, lies, but it is silenced, muzzled, when it is for truths."

Antonio de la Cruz, a former union leader at an appliance manufacturing firm in Manila, spoke on the conditions of labour in the New Society, underlining the fact that these resulted from the dictatorship plan to provide cheap labour for multinational corporations. The network of controlling mechanisms, he noted, included Presidential Decree 823, which took away the right to strike and freely organize unions; 'preventive suspension' of stubborn workers and labour leaders; and the creation of a 'labour aristocracy' to divide workers. "Most companies" he said, "do not pay the

minimum wage. The employers confederation of the Philippines reports that only 30% of employers pay the minimum wage, and the Ministry of Labour admits that it is only 10%." Both government and employer repression, however, has failed to stem the tide of worker resistance, something clearly revealed by the fact that 90% of the more than 400 strikes in the period 1975 to 1978 were 'illegal', or in defiance of Presidential Decree 823 which allows strikes only in 'non-vital' industries.

The lot of women workers and other women was the subject of the second testimony by Perla Silangan. "Our sister workers are exploited as cheap labour relative to men workers. Their wages... are generally lower than those of men." Prostitution, she noted, has been systematically cultivated by the regime to attract foreign exchange, especially from Japanese tourists. Peasant women, she revealed, were especially the victims of militarization in the countryside: "When soldiers commit abuses, women suffer the additional assault of being sexually abused.

Given these conditions, Perla asserted, the National Democratic movement provides the only hope for hundreds of thousands of Filipinos. "The National Democratic struggle cannot be a total people's effort without the participation of women who compose half of the population. But we, women, also believe that aside from waging with the men and children, a people's common struggle, we should persevere in a distinct struggle which will liberate women from the double exploitation: principally as part of the exploited toiling masses and secondly from male authority in a semi-colonial and semi-feudal society."

Concluding the NDF section of the Tribunal was NDF spokesperson Luis Jalandoni who presented the NDF as the framework of unity and coordination of a fast growing mass movement aimed at the armed overthrow of the US-Marcos dictatorship and the establishment of a united front government.

The NDF also represents the main organised force of

the Filipino people's resistance, comprising a mass membership of over one million, with the following underground organizations as members: the Communist Party of the Philippines, the NPA, the Revolutionary Movement of Peasants, the Revolutionary Movement of Workers, Kabataang Makabayan (Nationalist Youth), the Association of Nationalist Teachers, the Christians for National Liberation, and the Nationalist Association for Health. The NPA alone, claimed Jalandoni, can count on five million peasants, farmworkers, fishermen, and members of cultural minorities to give it active support in the 26 guerilla fronts it has established.

Jalandoni also noted that while the NDF adheres to the principle of self-reliance, "we find it nevertheless an imperative to seek international support and solidarity in the face of increasing assistance given by US imperialism to the Marcos dictatorial regime." The significance of the Tribunal was underlined thus by Jalandoni: "The effect of a positive verdict on the Filipino people cannot be underestimated. We must recall that more than 9,000 signatures were gathered from different sectors in the Philippines to petition for this trial. The eyes of the whole national democratic movement are on Antwerp. Especially as we intensify our efforts to bring the struggle to a higher level of the strategic defensive, the proceedings here are an added blow to US imperialism."

#### **MNLF Testimony**

Following the NDF to the witness' stand were representatives of the MNLF. The case for the MNLF was presented by Abdurasad Asani, and Hatimil Hassan, and Parouk Hussein.

Asani traced the historical basis for the Moro people's claim to national sovereignty, claiming that at no point during the Spanish colonial presence in the Philippines was the Sulu Sultanate successfully placed under Spanish rule, and that with the Bates Treaty of 1899 the Americans recognized the sovereignty of the Sultanate.



The inclusion of the Bangsa Moro homeland into the Philippines Republic in 1946, Asani asserted, was the product of a joint manoeuvre by American colonialism and the neo-colonial Filipino political elite.'

The MNLF, according to Asani, is the vanguard organization of the Moro people against Philippine colonialism. It is now also a de facto government, he noted, since it "has been assuming civil functions in its controlled zones all over the Bangsa Moro homeland, acting in that manner as if it were, to all intents and purposes, a regularly organized government."

Asani expressed the MNLF's deep appreciation for the NDF's recognition of the Moro people's right to self-determination. He stressed that the MNLF is not a member of the NDF but added, "as to whether or not it (the MNLF) will become a member of the NDF in the future, has to be the subject of discussions at the highest level".

Hassan provided an overview of the history, and policies of the MNLF and the Bangsa Moro Army. Among other things, he stressed the MNLF's positive policy towards Filipinos found in the Bangsa Moro homeland: "... those Filipinos who may wish to remain in the Bangsa Moro national homeland after independence shall be welcomed and entitled to equal rights and protection with all other citizens of the Bangsa Moro Republic, provided that they formally renounce their Filipino citizenship and wholeheartedly accept Bangsa Moro citizenship..."

The genocidal proportions of the military campaign being waged by Marcos against the Moro people was outlined by Parouk Hussein: "More than 100,000 innocent Moro lives, mostly children, women and the aged, have already perished, about 300,000 dwellings burned down, incalculable worth of properties wantonly destroyed and almost half of the entire population... uprooted from their homes, including the over 200,000 refugees now in the neighbouring state of Sabah." Hussein also documented the participation of the US in the

war with his presentation, as evidence, of parts of an American-supplied F-86 Saber Jet shot down over Mindanao and the charred plaque of a V-150 commando mini-tank — an episode which constituted one of the dramatic high points of the trial.

### **Basic Economic and Political Reports**

The basic reports on the economic repression of both the Filipino and Moro peoples was delivered by Dr Joel Rocamora of the Southeast Asia Research Center in Berkeley, while that on the political repression of the Filipino people was given by Dr Walden Bello of the University of California at Berkeley.

Describing the sharp decline in the living standards of Filipinos under the martial law dictatorship, Rocamora said that this phenomenon must be seen as the result of the 'export-led development strategy' imposed by the World Bank and the International Monetary Fund. "Each intervention by the IMF-WB combination is supposed to be for the purpose of providing remedies for the Philippines' chronic balance of payments and other structural problems. In practice, IMF-WB intervention has exacerbated these problems because the full thrust of IMF-WB policies has been to strengthen US control over the economy.

The displacement of Moros in Mindanao and Sulu by northern settlers and multinational firms backed up by the repressive force of the Marcos government has created, according to Rocamora, a condition whereby "the Moro people have literally been pushed to the brink. Many have been marginalised and impoverished by the very same political and economic forces which are unleashing at an unprecedented pace the productive potential of the region. With a single stroke, imperialism has completely disrupted the pre-existing social order while replacing it with the order of production for the world market; it has made the Moro and other peoples into squatters in their own homeland."

Political repression, according to Bello, must be seen

in the context of a fundamental shift in the form of neo-colonial control from formal democracy to authoritarianism... a move necessitated by the current economic and political needs of imperialism. "It was not Marcos that produced the dictatorship; it was the all-sided crisis of neo-colonial control that demanded and produced the Marcos dictatorship." Bello also noted that, with Marcos' support of the maintenance of the US bases in the Philippines at a time when the latter have become a springboard for the counter-revolutionary offensive of the US in the Middle East, Marcos has become a threat to the Third World as well. Finally, he warned of possible US attempts to replace Marcos in the event the situation becomes unmanageable, though he expressed his doubt that any US-imposed successor could avoid having to resort to terrorist dictatorship to contain the effervescent, escalating mass movement against inequality and foreign domination."

By the time the Tribunal concluded, jurors had been presented with about 3000 pages of personal testimonies, basic reports, political positions and supporting documents. As President George Wald put it, "We have here a very, very thorough indictment of the Marcos regime and US complicity."

### **Solidarity**

A tremendous outpouring of solidarity from all over the world greeted the Tribunal. 5000 cards supporting the appeals of the Filipino people and the Bangsa Moro people from individuals flowed into Antwerp in the months preceding the Tribunal.

About 500 messages of solidarity from labour, political, social, feminist, and cultural organizations were also received.

Messages also came in from Philippine support groups throughout the world, including: Hong Kong, Australia, the US and Canada. Support groups in the Netherlands, Belgium, Germany, Italy, England,

Ireland, France and Sweden were directly represented at the Tribunal.

Finally, messages came from the Philippines from the New People's Army (NPA), the Revolutionary Movement of Workers, Christians for National Liberation (CNL), and Philippines political detainees. "The NPA," read the message from the People's Army, "wishes to express its profound gratitude for the keen interest you have shown in our life-and-death struggle against the brutal, corrupt, and puppet Marcos clique and its US imperialist masters. Your sincere support for this just and noble cause lightens our hearts and further strengthens our determination to carry on the fight, no matter what the sacrifices may be... may our unity and friendship continue to flourish! May the solidarity and material support among our peoples and the peoples of the whole world continue to grow strong and bear more magnificent fruits."