

## LEGAL AID AND DEVELOPMENT

On September 23, 1972, martial law was imposed on the Philippines. The more than eight years of martial rule that have ensued have had an unintended, but nonetheless profound, effect on legal aid in my country.

Before martial rule, Philippine society was far from perfect. But it had a political system that was outwardly democratic; a constitution and laws that, at least in theory, recognized the rights proclaimed in the Universal Declaration as legal rights; an independent and generally upright judiciary; a Congress that seemed to be making efforts, though haltingly and mostly unsuccessfully, to solve some social ills; and a press that was among the most liberal in the world. Given these conditions, relatively few lawyers and laymen questioned the system; what they sought was to make the system work as it should. So legal aid concentrated on enforcing legal rights, with occasional proposals to amend the law. Legal aid was, in a word, apolitical.

\* On January 17, 1981, martial law was lifted. However, this did not substantially change the situation. The writ of *habeas corpus* remains suspended, the practice of preventive detention continues, and abuses by the military have increased. Martial law may have been lifted, but martial rule continues.

Martial law changed that. By destroying all semblance of democracy; by abolishing Congress and impairing both the independence and the powers of the Judiciary; by controlling all communications media and managing the news; by stifling criticism except when it was ineffective; by outlawing strikes, peaceful public meetings, and student councils; by hounding and harassing lawyers, leaders and organizers of trade unions and of student, peasant and slum dweller organizations; by resorting to arbitrary arrests, prolonged detention under inhuman conditions without charges or trial, torture, degradation and executions formally unofficial but officially sanctioned of what it is pleased to call "subversives"; by justifying itself with the assertion that "western-style" democracy is not fitted to the Philippine temperament, needs, traditions and values, although that system had functioned, with more or less success, for the past 70 years — in short, by spreading a chilling climate of fear over the nation and by steadily militarizing social institutions, martial law has led lawyers and laymen to question not only the political system of martial rule, but even the social, economic, military, and cultural structures, national and international, that led to martial law and nurture, sustain and prolong it. As a consequence, martial law added a new dimension to legal aid: by politicizing lawyers and laymen, it has politicalized legal aid.

It is from this perspective — the perspective of legal aid practice in a neo-colonial, dependent, developing society under authoritarian rule — that I shall try to answer the questions suggested by the organizers of this seminar:

"1) *Legal aid can be looked upon as a resource of development, as it opens up ways for the obtaining of more control over their own development by the people. How do you view this? Which are, in your opinion, the possibilities and the limitations of legal aid, considering your own activities and experiences?*"

1.1. Legal aid has traditionally viewed its function as providing legal solutions to legal problems of the poor by vindicating

their legal rights. This is a valuable function in itself: every triumph of justice is cause for celebration. Unfortunately, legal aid limited to this traditional function contributes little, if anything, to development. The reason is not that legal aid of this type operates entirely within the existing legal order: legal aid of all types must do so to remain legal. The reason is that traditional legal aid accepts uncritically the basic rightness of the legal order and of the social system and institutions within which it operates. Its premise is that injustice is caused by the frailties of the men who make or enforce law, not by the inequity of the social system itself. Its thrust is to uphold the law, not to transform society. Its method for legal change is gradual and incremental, not abrupt and radical. But development is social change, often fundamental and rapid. So traditional legal aid is of limited value to development.

1.2. Traditional legal aid is, in fact, the lawyer's way of giving alms to the poor. Like alms, which provide temporary relief to the poor but do not touch the social structures that keep the poor poor, traditional legal aid redresses particular instances of injustice but does not fundamentally change the structures that generate and sustain injustice. And like alms, traditional legal aid carries within it the germ of dependence that can prevent those it serves from evolving into self-reliant, inner directed, creative and responsible persons who think for themselves and act on their own initiative. Unless this danger is guarded against, traditional legal aid can retard rather than promote development: for above all else, development is human development.

1.3. To contribute effectively to development, legal aid should politicalize its traditional function. Legal aid lawyers should determine whether their clients' legal difficulties are personal problems or social problems, that is, whether they affect only their clients or an entire social sector or community. If the latter, they should involve their clients in seeking the specific social cause of the legal problems, the particular social structure and social forces that generate them, and together attempt to work out both legal and social solutions. The resulting awareness of the social causes of injustice will evoke the determination on the part

of lawyer and client alike to change law and society to correct injustice. And that is the beginning of development.

1.4. Social awareness can be heightened if legal aid makes full use of its educative function. By publishing legal primers in the language of the people, by training paralegals, by conferences with clients, and, insofar as possible, by the way litigation is conducted, legal aid lawyers can teach people not only what their legal rights are, but also what these rights should be; and, equally important, how inadequate existing legal processes and institutions often are to vindicate those rights, and why they are inadequate.

1.5. Heightened awareness of problems and causes, however, will not lead to action — in fact, it can lead to apathy — unless it is coupled with awareness of possessing power to act. So legal aid lawyers should encourage the people they serve to organize themselves and act collectively with others similarly situated; and to invent and use metalegal tactics, mass actions that transcend ordinary legal procedures without openly defying existing law, in order to exert pressure for change in law and society.

1.6. Above all else, legal aid lawyers in developing societies under authoritarian rule should realize that by serving their clients, they are in fact serving the people. For the poor, the dispossessed, and the oppressed they defend are the people. That is so in my country and, I believe, in other developing countries in Asia. In determining their conduct, therefore, legal aid lawyers in such countries must strive to be constantly aware of what the people want, and constantly seek the most effective ways in which they, as legal aid lawyers, may use their knowledge and their skills, on the occasions of legal aid, to help the people get what the people want.

1.7. What the people of the Philippines and of the rest of Asia want is not much different from what people everywhere want. They want to have enough to live, of course, but with as much fervor, they also want freedom from abuse and from foreign domination. For Asians, freedom from want is not enough. Asians must have respect for their dignity and control of their own lives as well.

1.8. To support the people's strivings for these goals, legal aid must become critical and creative — and yet remain humble. Like traditional legal aid, critical legal aid cannot — and must not — operate either outside or against the law, regardless of how restrictive and repressive existing law may be. But it can and must devise new tactics and forms of legal action. And it must defend basic human rights even when — indeed, specially when — they are denied recognition as legal rights or are systematically violated. In such cases, legal aid must take advantage of every occasion to arouse the conscience of those in power to the inhumanity of the system they maintain and how it contradicts the very values they proclaim; and by thus weakening their belief in their righteousness, to dispose them to do justice and accept change.

1.9. Moreover, legal aid should not limit its advocacy to individual rights. It should seek to vindicate collective rights as well: the sovereignty of the people, and the rights of national and local communities, both functional and territorial, to survival, to development and to self-determination which, in the case of subnational communities, should be as broad as is consistent with the common good. In short, the proper scope of legal aid in developing nations is to protect and vindicate both the rights of man and the rights of the people.

1.10. One danger should zealously be guarded against: the tendency to direct the activities of legal aid clients. Legal aid lawyers must always be conscious that their role is purely supportive. Their task is to carry out decisions of those they serve to the extent that this can be done legally, not to make decisions for them.

1.11. Legal aid of this kind is much more difficult — and dangerous — than traditional legal aid. Apart from the vicissitudes inherent in the very nature of legal aid, some factors that restrict its effectiveness are:

- The perennial problems of lack of time, of funds, and of manpower, aggravated by the danger of reprisal from an authoritarian government that does not respect human rights;

- Snarled communications between lawyers and legal aid clients, caused by differences in their social standing, training, experience, and ways of life and of thought, aggravated by the fact that law in developing countries has often been adopted from the law of the former colonial sovereign, and is written in a foreign tongue which is also the language of the courts and government agencies, a language which lawyers are thoroughly familiar with but which often cannot be read or understood by the very people who need legal aid;

- The impotence of legal processes when confronted by military force; and

- The sharpening of the painful dilemma that lies at the core of the practice of the law. For a lawyer to seek justice from a regime that systematically violates human rights is to recognize the legitimacy of that regime; yet to forbear is to leave the oppressed defenseless, and to acquiesce in the rule of repression. Every defeat a lawyer suffers is a rape of justice by force; yet every victory he gains polishes the image of the regime and prolongs its reign. This excruciating dilemma has led some lawyers to abandon the practice of law and adopt other roles, occasionally at the cost of imprisonment or death.

1.12. These are some of the lessons we Philippine lawyers have learned about legal aid under martial law. Taken together, they are a humbling experience, for they teach us that, although legal aid can contribute to development, its contribution will not be decisive. Yet the lesson in humility may be the most valuable contribution that legal aid can make to development: the lesson that to win justice, the poor, the dispossessed and the oppressed — who are the people — must rely not on legal aid, but on their own organized efforts. In the end, justice will be won only by social liberation. And, to be real, liberation must be self-liberation.

*"2) Do you regard legal aid as a tool for change in the legal, social and economic spheres? Which is the role of culture?"*

*Which is in your opinion, the interrelationship between 'universal' legal standards (e.g. human rights) and the sense of justice of the groups you are working with?"*

2.1. I have discussed the value of legal aid as a tool for change in answering the first question.

2.2. As to the role of culture, I believe the sense of injustice is universal. Every human being knows when he is being unjustly treated. What acts are unjust and under what circumstances, however, may vary from one society to another, depending upon the historical experience of each, and the kind of structures and institutions each has evolved. In matters of fundamental rights, most differences between people are differences in degree rather than in kind, in emphasis or ranking rather than in recognition or outright rejection. Take the right to life, for example. I know of no people, however primitive, that approve of murder. But what is not murder — that is, what reasons justify the taking of human life — may differ from one society to another. Or take the right to freedom of expression. Some cultures inhibit criticism or disagreement because of debts of gratitude, deference to age, or to avoid confrontation. This inhibition, however, holds only when the matter is not deemed important enough to risk social disapproval. So the right to free expression is universally felt; what varies only are the occasions proper for its exercise.

2.3. I have not come across any fundamental divergence between the concept of human rights as expressed in the Universal Declaration and the sense of justice of the groups I have been working with, except for one group: a group of tribal Filipinos who, on occasion, still resort to head hunting and who settle differences between and within tribes by procedures of customary law. These procedures differ so radically from those of lowland Christian Filipinos, that the procedural safeguards in criminal cases set out in the Universal Declaration are inherently inapplicable. Nevertheless, the substantive aspects of their customary law accord full respect to fundamental rights.

*"3) How do you relate your legal aid activities to structural conflicts? What is meant here are both conflicts with privileged groups and government authorities and conflict arising from international economic structures (for instance the activities of foreign corporations)? Could you indicate in this context which is or might be the significance of:*

- a) the working methods of an organization for development cooperation.*
- b) the role of human rights and legal aid in the foreign policy of development cooperation of a (developed) country.*

3.1. I have discussed the role of legal aid in structural conflicts in answering the first question.

3.2. Whether organizations for development cooperation can have good or bad effects on legal aid programs in the Third World depends upon whether the working methods of the development cooperation organization:

- Foster a sense of self-reliance or of dependence on the part of the legal aid groups who are recipients of cooperation; and
- Constitute attempts to control or direct the programs or merely to review the progress made.

The working methods of the development cooperation organization should be premised, not on its having extended assistance, but on its being as interested as the recipient legal aid group in achieving the objectives of legal aid. This should lead the assisting organization to recognize that the legal aid group has better knowledge of conditions in the country in which it operates, and defer to the latter's determination of goals and choice of methods. On their part, legal aid groups should strive to make the most effective use of whatever cooperation they receive, and as rapidly as possible supplant it with cooperation from local groups and organizations.

3.3. I am reluctant to discuss the role of human rights and legal aid in the foreign policy of industrialized countries. Of course, human rights are a legitimate international concern; but the cause of human rights is debased when it is used to promote the selfish interests of developed nations.

3.4. As to development cooperation, I believe that aid from a foreign government usually hurts, rather than helps, the people of developing nations. This is because, unlike non-governmental organizations, foreign governments do not extend development aid for purely disinterested reasons; they can apply a variety of sanctions to erode the sovereignty of the recipient nation; and the aid they extend helps to sustain existing social structures.

3.5. Since it is unlikely, however, that present governments of developing countries would reject foreign aid or that governments of developed nations would stop such aid, I suggest that:

- Developed nations should cut off all military aid to governments who hold power through military force.

- Developed countries should cut off all aid to governments that prohibit legal aid by lawyers in private practice, or who threaten, harass or imprison lawyers for extending legal aid.

- Developed countries should limit development aid to projects or programs which are likely to bring about changes in social structures that inflict injustice.

- Developed countries should channel more and more of their development aid to responsible non-governmental institutions, like church groups and non-profit foundations, that are free of government control, and are actively engaged in projects and programs to eliminate poverty or at least provide the poor, the dispossessed and the oppressed with the means to meet their basic needs.

## THE MYTHS OF MARTIAL RULE

Thank you for inviting me to address you tonight. It is an honor wholly undeserved; and it comes on a date specially significant to me: for six years ago tonight, martial rule was imposed upon my country, the Philippines. Night fell on our land, and we have yet to glimpse the dawn. But now and then, a spark lights up the darkness. The lamp of freedom flickers still, despite every effort to quench it. You of Amnesty International have helped us keep it alive. For that, we Filipinos, owe you a debt we can never repay. But we can, and we do, say "Thank you."

Martial rule came to the Philippines, as it had come to other developing countries, with solemn assurances to a stunned people that, though drastic, it was temporary; that it was needed to preserve our democracy from communist subversion; and that from its crucible would emerge a new society.

As the shock wore off, we Filipinos learned to our sorrow, as other people had learned to theirs, that martial rule is self-perpetuating; that it is needed only to install dictatorship; and that it serves only to fortify the very structures of external dependence and internal colonialism, of privilege and exploitation, that had made ours a society of the greedy and the needy.

Since tonight is the sixth anniversary of martial rule, it is appropriate to tell you something of what it has done to my people, and how we are striving to free ourselves from its yoke. Perhaps our experience may be useful to others.

There is much to tell, and little time to tell it. So I shall limit myself to one area of our experience: the field of political prisoners. I do so not just because this is the area of your special concern, but because, more clearly than any other area, it reveals the ugliness of martial rule.

## I

The problem of political prisoners is not new to us Filipinos. But martial rule gave it new dimensions.

*First*, the number of political prisoners was unprecedented. In the first few weeks of martial rule, not less than 30,000 were thrown into military stockades. A year and three months later, 10,000 still languished behind barbed wires, without charges or trial.

*Second*, it was obvious that many, if not most, of these political prisoners were not subversives in the sense of having taken up arms against the government or being members or supporters of the Communist Party. Most, in fact, eschewed violence; their crime consisted mainly of having criticized the corruption and inefficiency of the government before martial law, and in advocating reforms or changes in our social structures. Since most citizens agreed with those criticism and reforms, most citizens were poignantly aware that they too were vulnerable to arrest.

*Third*, the conditions of detention were wretched. Detention centers were overcrowded; medical attention, inadequate; sanitary facilities, poor; food, meager and unpalatable.

*Fourth*, many political prisoners had been tortured — particularly the poor, the young, the illiterate, the obscure. Several were kept for long periods in solitary confinement. Others died

under brutal questioning. Torture had three objectives: to extract information; to extort confessions; and to instill terror. It achieved all three.

*Fifth*, most political prisoners were married. When the husband was detained, his wife was reduced to living on charity, and his children forced to drop out of school. When the wife was detained — and in some cases, both husband and wife were — the children were left motherless.

The regime tried to deny or disguise the facts. "No one, but no one," it insisted, "has been tortured". And no one arrested without "sufficient evidence of guilt". Detention was not imprisonment, it said: it was rehabilitation. However, the fact that political prisoners were so numerous made it impossible to hide the truth for long.

Once known, the facts clamored for remedies. Efforts by individuals on behalf of individual prisoners would not be enough. Such efforts inevitably neglected those without money, influence, connections or friends, yet they were the ones who most needed attention. To be effective, efforts had to be planned, persistent, coordinated and concerted — in a word, organized — to seek justice for all political prisoners, and not only for one or some.

Yet any attempt to organize such efforts appeared doomed to failure. Martial rule seemed all powerful; its definition of subversion, all-embracing; and this combination instilled such fear of arrest — not only because of the consequences to oneself, but more so because of the consequences to one's family — that erstwhile friends of political prisoners turned their backs on them; some relatives went so far as to deny their kinship; and families of political prisoners hesitated to work together: they were not sure they could trust each other, and were apprehensive that the military might taint them with guilt by association, and prevent or delay the release of their loved ones. In this climate, who would dare join an organization for political prisoners? Who would support it with funds?

Besides, what could such an organization do? It could not appeal to the press, for all mass media were controlled; it could not demonstrate, because peaceful assembly was forbidden; it could not petition Congress, because Congress had been shut down; and it could not go to law, because the courts had been emasculated. What power, then, could the organization hope to have? How could it exert pressure on the regime?

To make matters worse, martial rule was supported by the government of the United States, which doubled both military and economic aid, trained many of the officers who interrogated and tortured prisoners, and supplied sophisticated weapons of surveillance and repression. How could any organization hope to prevail against so formidable an alliance?

### III

One institution could: the Catholic Church. However, the Catholic hierarchy made no move to organize efforts on behalf of political prisoners. Apart from warning against the use of torture, the Bishops' Conference did not touch the problem. It adopted a policy of "critical collaboration" with the regime, a policy which in practice, turned out to be, for most bishops, very active collaboration and very little criticism.

Fortunately, another group within the Church — the Association of Major Religious Superiors in the Philippines — not so powerful as the Bishops' Conference, but still a significant part of the Church, saw the gravity and urgency of the need. The Association created Task Force Detainees, and called for volunteers from religious orders. Response was immediate. One year and three months after martial law was imposed, the problem of political prisoners would, at last, receive organized attention.

That it took so long is an index of how much martial law had stunned our people. That the Church, as an institution, failed to act indicates the depths to which institutions can become compromised by the establishment. But that a group of valiant priests and

nuns did act, gives hope that, in areas where ordinary citizens may fear to tread, men and women of religion will dare.

### IV

How did Task Force Detainees surmount the obstacles I have mentioned: the fear of arrest, the absence of means to exert effective pressure on the regime, the alliance between the regime and the government of the United States?

The answer is that it didn't. It simply went ahead in spite of the obstacles. And in doing so, it found that the obstacles somehow no longer looked so formidable. For the sources of strength of martial rule are also sources of weakness.

Take fear, for example. When a regime relies exclusively or mainly on fear to maintain itself in power, it becomes weakest when it looks strongest. For in time, people learn that, even if they are afraid, they can nevertheless do what they should, and when they do, fear's power over them is lost.

That is what happened to Task Force Detainees. Fear of arrest still assails members of the task force. Everyone who works for Task Force Detainees knows that he may, for that reason alone, be arrested. No one wants to be arrested — particularly those who have been arrested before. But they have all learned to live with their fear, and not to let it stop them from doing their job — a job they believe is worth doing and has to be done. That there are lawyers who are ready to defend them, and that their families will be helped if they are detained, relieves them of some anxiety. But they draw strength, most of all, from each other's determination.

Inspired by their example, families of political prisoners flocked to the task force; information poured in; political prisoners, upon release, volunteered their services; donations trickled in; other groups offered help. Fear is contagious, but courage is not less so.



In a similar fashion, Task Force Detainees learned that, although martial law gave the regime total control over the instruments of power, there was one source of power martial law could not provide: truth. Truth is the power of the powerless; and it becomes increasingly powerful as the regime, grown arrogant, begins to underestimate the intelligence of the people, to continue to deny or distort reality, to exaggerate accomplishments — in short, to lose all credibility.

How Task Force Detainees exposed and spread the truth on behalf of political prisoners I shall discuss in a moment. But first let me take up the last of the obstacles: the alliance between martial rule and the government of the United States.

That alliance continues despite the Carter policy on human rights which, in my country, is subordinated to the economic and security interests of the United States. Economic and military aid still flow from the United States to the dictatorial regime; and if symbolic cuts have been made in the amount of military aid, these have been more than made up for by increased assistance loans granted by international agencies over which the United States exercises decisive influence.

But continued support of the regime by the United States has also meant greater dependence by the regime on the United States; and dependence impairs freedom of action. It is this dependence that gave Task Force Detainees an unexpected weapon.

By exposing the wretched conditions of detention, the widespread, systematic use of torture on political prisoners, and the rampant violation of their basic rights, Task Force Detainees helped awaken public opinion in the United States to the iniquity and injustice, the hardship and degradation, that support by their government helps the martial law regime perpetrate on the Filipino people. American public opinion has exerted pressure on the United States government; and has caused the latter, in turn, to exert pressure on the martial law regime to curb its excesses. What had seemed to be a bar to one path, turned out to be a gate to another.

In dealing with the problem of political prisoners, Task Force Detainees viewed its role as being not so much to solve problems as to arouse and heighten consciousness: the consciousness of political prisoners and their families, the consciousness of the military, and the consciousness of the people.

This view of its role implied certain norms of conduct that limited the scope of its work but which also increased its effectiveness.

The objective of arousing the consciousness of political prisoners and their families required Task Force Detainees, first, not to make decisions for them, but to support the decisions they themselves made, to the extent compatible with its capabilities and the scope of its ministry; and second, to perform only such functions as they could not do themselves, and to turn over such functions to them as soon as they were ready to perform them.

Consequently, Task Force Detainees set its priorities according to what political prisoners and their families considered their most pressing needs. This led to a more effective use of its limited resources, and created stronger bonds of trust between it and those it sought to help. More important, the knowledge this gave political prisoners that they could make decisions and that their decisions would be respected, that the Task Force viewed them as human beings and not as mere objects of charity, enhanced their dignity and reduced one of the worst effects of prolonged detention: the feeling of impotence, of being a non-person that assails every political prisoner.

In time, political prisoners adopted their own rules of conduct within prison; organized and assigned common chores among themselves; devised means of letting the outside world know if anything untoward was happening within the prison, even when visits were curtailed; produced their own handicrafts; and secured better prison conditions by concerted action ranging from making demands on prison officials to hunger strikes.



In these matters, Task Force Detainees played a purely supportive role: to make the public aware of the conditions of detention, the prisoners' demands for improvement, and the sacrifices and hardships they were undergoing in pursuit of those demands.

As I mentioned earlier, families of political prisoners were hesitant about working together and apprehensive about meeting with military authorities. So at the start, it was the Task Force that notified relatives of arrests reported to it; inquired about the whereabouts of political prisoners not taken to detention centers; verified from the military what were the charges against them; and followed up petitions and papers for their release. The Task Force also initiated conversations among families, and they came to know each other better, to trust each other, and eventually to work closely together. Lately, families of political prisoners formed an association called *Kapatid* (Brother); and the association has not only taken over the functions I have just mentioned, but it is, at the same time, waging a campaign for a general and unconditional amnesty for all political prisoners.

The objective of arousing the consciousness of the public and of the military itself required Task Force Detainees, first, to document, with care and thoroughness, the injustices and abuses done to political prisoners, and to disseminate the facts as widely as possible; and second, to make sure that all actions on behalf of political detainees were non-violent and clearly moral, regardless of whether the regime considers them lawful or not.

Following these norms, Task Force Detainees developed sources of information, encouraged the making of reports to it of all violations of rights of detainees, made sure they were accurate, and, if the victims agreed, made the information public. Normally, this was done by filing complaints or reports with the officers concerned and their superiors, furnishing copies to the ministry of defense, and to the local and international press, reproducing the complaints and documentation in church publications, and discussing them in seminars held in schools and colleges, in reflection meetings in religious houses, and in every other available forum.

In 1976, Task Force Detainees printed a volume describing the situation of political detainees in the Philippines. The second volume appeared in 1977; the third is in preparation. Since 1977, the task force has also published bi-weekly up-dates and quarterly reports on the situation.

These publications are not flattering to the regime and, of course, are not authorized by it. But so far, it has not taken punitive action against Task Force Detainees. I suppose it has weighed the adverse reactions that arrests based on the publications would cause locally and internationally, together with the limited circulation of the publications, and has decided, so far, to leave Task Force Detainees alone.

In addition to publications, Task Force Detainees has tried to keep public attention focused on political prisoners by organizing mass public prayers for them and by seeing to it that mass actions organized by other victims of martial rule learn of the plight of political prisoners and the connection between that plight and other injustices under martial rule.

The regime, of course, considers these demonstrations unlawful, even if they are peaceful. To organize them, to address the crowd, or just to be in the crowd, invites arrest or even bodily injury, for on occasion, the regime has used water cannons, clubs and electrically charged cattle prods to disperse demonstrators. But this is a risk that has to be taken — and it is being taken.

## VI

How successful has Task Force Detainees been? An honest answer is: not half as successful as it would like to be.

The tasks of supplying political prisoners with the food, medicines, clothes, blankets, pillows, and other things they need that prison authorities do not supply, of helping families of needy political prisoners set up small businesses to provide for themselves, and of seeing their children through school have not proved too difficult. They are mainly matters of organization and funds, with funds the critical element.

Task Force Detainees obtained seed funds from the Association of Major Religious Superiors in the Philippines. However, its attempts to raise additional funds from lay sources in the Philippines have not been quite successful. Perhaps this is because the wealthy, who have the money, are afraid of reprisals from the regime; perhaps there are other demands upon them they cannot ignore; perhaps they are reluctant to help persons who have been branded as subversives; or perhaps they are simply selfish: after all, it is hardly possible to claim deductions from income taxes for contributions for political detainees.

Whatever the reasons may be, the result has been that Task Force Detainees has had to cut its administrative expenses to the bone, and to appeal to the generosity of foreign non-governmental groups and of men and women of good will abroad to finance particular programs. I am told that less than ten per cent of Task Force Detainees' funds have come from Filipino sources. The picture is not flattering to us, but it would be a disservice to you and to the Filipino people to gloss over or distort this fact.

As you of Amnesty International know, the problem of funds plagues all who seek justice for political prisoners. But it is a problem that we must never stop trying to solve.

In the task of providing legal services to political prisoners, Task Force Detainees was helped by a group of lawyers, members of a union for civil liberties, who learned of the task force's existence and offered their services without compensation.

In the beginning, the legal aid group had only five members clustered around the nation's capital. Today, it counts some 50 members, with at least one in every region of the country. The group defends not only political detainees but also slum dwellers, laborers, farmers, tribal people and students — anyone who has been victimized by martial rule and can find no one to defend him. Task Force Detainees assisted the growth of the legal aid group by co-sponsoring seminars to hone their skills, financing travelling expenses, assuming the cost of equipment for reproducing legal materials, and the like.

Recently, the legal aid group published a pamphlet explaining the legal rights of political prisoners under martial rule, and excerpting relevant Philippine laws and international accords. Task Force Detainees helped find funds for printing the pamphlet and has distributed copies to lawyers, judges, political prisoners, persons whose work with the disadvantaged makes them peculiarly liable to arrest, and to the military themselves, particularly those in charge of detention centers and military prisons.

Other needs of political prisoners have not been as simple to meet.

In detention centers away from the nation's capital, conditions remain wretched. In some areas, Task Force Detainees has discovered that military authorities use political prisoners as household servants without pay. Conditions under detention in those areas are so bad that detainees found even this type of bonded servitude preferable.

Torture continues. The regime has been forced to admit that acts of torture have been committed, to issue statements condemning and disavowing torture, and to go through the motions of prosecuting some soldiers whom prisoners have pointed to as having tortured them. Since these prosecutions take place in military courts, most cases are ultimately dismissed or result in acquittals. Where penalties have been imposed, they have been light, little more than slaps on the wrist. Nevertheless, the incidence of torture has declined.

But as torture declined, a more terrible tactic emerged: unofficial executions. Suspected dissidents are arrested and vanish. Sometimes, the military claim they were killed in armed encounters, but in these cases, when relatives claim their bodies, they bear marks of torture. In other cases, the military simply deny having arrested them, and maintain they "went underground" to evade arrest.

Task Force Detainees has yet to find a way to prevent or minimize unofficial executions. Where witnesses have seen the ar-

rest, they are too frightened to testify. Where bodies are recovered with telltale signs of torture, it is often impossible to identify the torturers. And in some cases, where responsibility might have been fixed, families have refused to prosecute. Task Force Detainees still has much to do to arouse public consciousness.

Yet a glimmer of hope came last April. Task Force Detainees received a report that a political prisoner had been taken to a military hospital where he had died shortly after admission, apparently from severe maltreatment under questioning. Though the caller did not give his name, he identified himself as a military man; and his knowledge of the facts, including his description of the injuries, left no doubt that he was telling the truth. So perhaps the efforts of Task Force Detainees to arouse public consciousness, including that of the military, have not been totally unsuccessful.

## VII

It is time to summarize the lessons experience with political prisoners under martial rule has taught us Filipinos that may be useful to others.

The most encouraging lesson is that dictatorship can be fought without resort to arms. Whether it can be defeated is, unfortunately, another matter. But some of its excesses can be curbed, some of its rigors mitigated, through organized, determined and intelligent efforts of those who are not dismayed by the apparent hopelessness of the task, who are willing to run risks to extend the limits of what freedom the regime allows, who force the regime to face the immorality of its conduct, who draw strength, not from the power of violence, but from the power of truth.

## VIII

Another lesson we have learned is that the fear martial rule instills would not be half as effective — indeed martial rule itself might not have been successfully imposed — had the people not harbored an earlier fear that martial rule fed on.

In my country, this was the fear of communism. It distracted us from noticing and aborting the militarization of our society that started in the 1950's. It was exploited to discredit nationalist demands for reform in the 1960's, and to justify the imposition of martial law in 1972. Today, it hampers efforts to help political prisoners and to act in unity against the oppression that is martial rule.

Fear need not be of communists: it may be of terrorists, or of a militant minority seeking secession or independence, or of gangsters or mere non-conformists. Whatever its cause, fear — carefully nurtured by the establishment — hardens into the belief that communists, terrorists, secessionists, gangsters, dissenters, anarchists — call them what you will — have forfeited their humanity, and so have forfeited their rights. Seen as posing extraordinary dangers, they justify extraordinary remedies; national defense becomes national security; military values infiltrate civil society; the inevitable result is military rule or some other variant of dictatorship; and in the process, human rights blur and evanesce.

Please do not misunderstand me. The point I wish to make is not that the danger feared is imaginary — it may well be very real. The point is that there are dangers we do better to live with than to try to eliminate. Fear is a powerful motive, but an unreliable guide. It can create evils more monstrous than those it seeks to avoid. It can kill freedom while trying to preserve it.

## IX

Two justifications for authoritarianism in Asian developing countries are currently fashionable.

One is that Asian societies are authoritarian and paternalistic and so need governments that are also authoritarian and paternalistic; that Asia's hungry masses are too concerned with providing their families with food, clothing, and shelter to concern themselves with civil liberties and political freedoms; that the Asian conception of freedom differs from that of the West; that, in short, Asians are not fit for democracy.

Another is that developing countries must sacrifice freedom temporarily to achieve the rapid economic development that their exploding populations and rising expectations demand; that, in short, government must be authoritarian to promote development.

The first justification is racist nonsense. The second is a lie; authoritarianism is not needed for developing; it is needed to perpetuate the status quo.

Development is not just providing people with adequate food, clothing, and shelter; many prisons do as much. Development is also people deciding what food, clothing and shelter are adequate, and how they are to be provided. Authoritarianism does not let people decide: its basic premise is that people do not know how to decide. So it promotes repression, not development, repression that prevents meaningful change, and preserves the structure of power and privilege.

The Philippine experience under martial rule is a case in point.

Before martial rule, despite formal independence, the Philippines was essentially a colonial society. It still is.

The hub of economic, political and social activity was Manila. It still is.

Wealth and power were concentrated in a few hands. They still are.

The distribution of income was extremely uneven. It has become worse. 39% of our families, then lived — if one could call it living — below the poverty threshold. Today 48% do — more than 20 million Filipinos.

Before martial rule, there had been some industrialization based on the import substitution model, but the economy was still basically an export economy. Martial rule intensified the export orientation of the economy. It based its entire development program on export promotion. So our land, labor, raw materials and

capital are increasingly devoted to meeting the requirements of foreign markets instead of domestic needs; we export food though our children are underfed.

Under martial rule, our foreign debt swelled from \$2 billion in 1972 to \$7 billion in 1978. The major cause of the increase is the infrastructure program of the regime, a program designed to enable the military to deploy its forces quickly and to provide exporters and foreign investors with public facilities that reduce their costs, but which the people pay for in increased taxes and higher commodity prices. And naturally, increased foreign debt means increased foreign influence over national policy.

Before martial rule foreign capital dominated strategic sectors of our economy, and the national policy was to eliminate or at least reduce that domination. Martial rule reversed the policy. It opened the economy to foreign investment; and, as consequence and inducement, decreed that labor become competent while remaining docile and cheap. The economy, it is true, has expanded but wages have contracted; real per capita GNP has grown 14% since 1972; but in the same period, real wages declined 29%. Today, 90% of all workers in all sectors of our economy are paid wages that the regime itself describes as "below the minimum subsistence level." Under martial rule, the rich have become even richer, and the poor hungrier.

Martial rule, then, has maintained the status quo with a vengeance. To do so, it has used its power of arrest and detention, not only on those suspected of subversion, but on little people of our society seeking a better life: laborers struggling for just wages, farmers striving for land, slum dwellers hungering for a home, students pursuing academic freedom, tribal peoples protecting ancestral lands, traditions and culture, and recently, urban voters marching peacefully to protest the insolent frauds that had made a mockery of what the regime had promised would be a free election.

Little people — not suspected communists — have made up the bulk of political prisoners in the Philippines. They are living

proof that you cannot enforce economic and social rights unless you have civil and political rights.

The experience of the Philippines has also been the experience of other developing nations in Asia. A recent book on South-east Asia reports that:

"In each state, the governing elite has established a more or less authoritarian political structure making it impossible for opposition groups to capture power by constitutional means. Opposition leaders are arrested or absorbed; newspapers are controlled; and potentially independent mass organizations undermined and supervised, when not banned. Elections, when they are held, always take place in circumstances ensuring victory for the government . . . In the absence of effective constitutional opposition, the most serious resistance comes from insurgents . . . "1

And it also reports that:

"In spite of the growth in aggregate output and the rise in average per capita incomes in real terms, mass poverty and unemployment remain acute problems."2

Regardless of what dictators and social scientists may say, Asians know that loss of freedom does not lead to a better life. On the contrary, Asians know that life cannot become better — it cannot even be good — unless people are free.

## X

Asians harbor no illusions that freedom will lead automatically to a good life. We Filipinos, for example, had freedom before martial law; yet, as I have indicated, life for the masses of our people was far from good, though it was better than it is today.

For our people to have a good life, the structure of our economy must change: our resources must be used and developed

to meet first the needs of the majority, before supplying the demands of foreign countries for our products, and of the well-off at home for luxuries. Such a change will hurt vested interests, Filipino and foreign alike. Naturally, they will try to prevent it. That is why martial rule was imposed in the first place.

To make the change, then, the people must wrest power; but unless the people are free, there may be only one way to do so: the way of violence and bloodshed.

Even after the people have gained power, change will be possible only if the government that the people install is not destabilized by foreign capital or foreign governments which may find their interests threatened by the change.

Is it realistic to hope for such forbearance? At one time, I confess, I was certain it was not. Today, I am not so sure.

For I have seen you of Amnesty International and other people throughout the world unselfishly help us vindicate human rights despite martial rule: some with funds, some with moral support, others with manifestations of solidarity, and still others risking their safety to learn and report the truth about my country.

I have witnessed the international press accurately report events that the martial law regime had tried to conceal or distort.

These things have made me realize how much people need each other and how willingly people respond to people across the boundaries of nations and states.

And they have given me hope that, just as people around the world helped us struggle against the oppression perpetrated by our government against us, they will also help us fight the oppression perpetrated by other governments against us, even, perhaps when the government is their own; that the concern people have shown for Filipino political prisoners will encompass Filipino aspirations for national and social liberation.

I should close, but there is a memory locked in my heart that begs to be shared. It is the memory of a young couple — not yet in their thirties — whom I saw some months ago in a large hall that had been converted into a military courtroom, waiting for the case to be called in which they stood accused with some ninety other young people.

I had met the young man before martial law. He was a university student, a leader, brilliant, articulate, involved. That day in the courtroom he sat in a rattan chair, almost motionless, staring blankly ahead, his mouth half open, totally oblivious to the people and the chatter around him: for he had been detained under martial law; punished so repeatedly and so brutally, and subjected to so large a dose of what the military call truth serum that his mind had cracked. He is confined, to this day, in the mental ward of a military hospital.

Behind him stood his wife, straight and proud, one hand lightly resting on the crown of his head, the other touching his shoulder, tenderly yet defiantly, ready to spring on anyone who might still wish to hurt her husband.

As I looked at the couple, I saw in them the face of every Filipino; and I knew then that martial law could crush our bodies; it could break our minds; but it could not conquer our spirit. It may silence our voice and seal our eyes; but it cannot kill our hope nor obliterate our vision. We will struggle on, no matter how long it takes or what it costs, until we establish a just community of free men and women in our land, deciding together, working and striving together, but also singing and dancing, laughing and loving together.

That is the ultimate lesson.

# NOTES

<sup>1</sup>Harold Crouch, "Southeast Asia in 1977: A Political Overview," in *Southeast Asian Affairs*, 1978, Institute of Southeast Asian Studies, ed. by Kernial S. Sandhee and others (Singapore: Heinemann Educational Books (Asia) Ltd.), 1978, pp. 10-11.

<sup>2</sup>Chia Siou Yue, "Economic Development", in *ibid*, p. 18.

## THE MILITARIZATION OF ASIAN POLITICS

Let no one say that Asians do not value freedom and independence. This century has witnessed sixteen major wars, each of which cost between 300,000 and 3,000,000 lives. Ten of these sixteen were colonial or civil wars waged in Asia, wars Asians fought to gain or defend our independence or to overthrow illegitimate regimes supported by foreign powers.<sup>1</sup> Such was the heavy price we paid to end colonialism in our corner of the world.

Unfortunately, we are still paying the price. Phoenix-like, colonialism has been reincarnated as neo-colonialism, less visible but equally oppressive. And our dreams of the freedom and better life that independence should bring have turned into nightmares of dehumanizing poverty, degrading oppression, and apathy born of helplessness and despair.

One sign of our continuing torment is the militarization of our politics: the proliferation of authoritarian, repressive regimes in Asia.