Frequently Asked Questions (FAQs) on the
ENHANCED DEFENSE COOPERATION AGREEMENT
28 April 2014

1. **What is the Enhanced Defense Cooperation Agreement (EDCA)?**

The EDCA is an agreement between the Philippines and the United States which is envisioned to advance the implementation of the PH-US Mutual Defense Treaty (MDT).

2. **What purpose does EDCA serve?**

The EDCA is designed to promote between the Philippines and its defense treaty ally the United States the following:

- Interoperability
- Capacity building towards AFP modernization
- Strengthening AFP for external defense
- Maritime Security
- Maritime Domain Awareness
- Humanitarian Assistance and Disaster Response (HADR)

3. **How will these objectives be achieved?**

We are currently holding joint training exercises such as *Balikatan* and undertaking humanitarian assistance and disaster relief cooperation such as in the aftermath of Typhoon Yolanda.

To improve on the above, we intend to undertake additional cooperation by way of (1) Construction of facilities and infrastructure upgrades; and (2) Storage and prepositioning of defense and HADR equipment, supplies and materiel.

4. **Where will the construction and prepositioning take place?**

These will take place in designated areas within a few AFP bases to be agreed upon by both Parties.

5. **What principles were adhered to in ensuring that the national interests are protected and advanced?**

Upon the instructions of the President, we observed the following principles:

- Strict compliance with the Philippine Constitution, laws and jurisprudence;
- Utmost respect for Philippine sovereignty;
- Requirement for Philippine consent for all activities;
- No permanent presence or base by US troops in the Philippines;
- Full Philippine control over facilities to be used;
- Mutuality of benefits;
- Non-exclusivity of use of the designated areas for US armed forces;
- Enhancement of AFP capabilities through joint training exercises;
- Prohibition of nuclear weapons; and,
• US commitment for long-term AFP capability build-up.

6. What are the main features of EDCA?

Consistent with the President’s guidelines, the agreement has the following main features:

• Clear provision that the US would “not establish a permanent military presence or base in the Philippines”;
• US access to and use of designated areas in AFP owned and controlled facilities (“Agreed Locations”) will be at the invitation of the Philippine Government;
• Prior consent of the Philippines, through the Mutual Defense Board (MDB) and Security Engagement Board (SEB), with regard to US access and use of Agreed Locations which may be listed in an annex and further described in implementing arrangements;
• Philippines retention of primary responsibility for security of the Agreed Locations;
• Access of the AFP base commander to the entire area of the Agreed Locations;
• Philippine ownership of buildings and infrastructure once constructed by US military;
• Sharing and joint use of facilities in the Agreed Locations, including those built by the US military;
• Value of prepositioned materiel in the enhancement of AFP defense capabilities and possible transfer or purchase of materiel determined to be excess;
• Prohibition of entry to the Philippines of nuclear weapons, and reference to respective obligations of both Parties under the Chemical Weapons Convention and the Biological Weapons Convention;
• Strong commitment by both Parties in protecting the environment, human health and safety;
• Preference for Philippine suppliers of goods, products and services in US military procurement; and,
• Regular consultation on the implementation of the agreement.

7. How does the Philippine Government envision defense cooperation with the US?

The Philippines will strengthen its capabilities for external and territorial defense by continuing to work with its treaty ally in a mutually beneficial way in line with what is allowed by the Philippine Constitution.

8. What other benefits will the Philippines derive from EDCA?

In addition to interoperability, maritime security, maritime domain awareness, capacity building and more expeditious HADR, the Agreement will further benefit the Philippines economically through the provision of jobs and other economic opportunities in the construction activities in the Agreed Locations and procurement of local goods and supplies by the US military and personnel.

9. What is the reason behind the change in the title of the agreement from "Increased Rotational Presence Framework Agreement" to “Enhanced Defense Cooperation Agreement”?
The change in the title reflects the desire of the Philippines and the US for a more comprehensive agreement that covers the full range of enhanced defense cooperation, including developing maritime security, maritime domain awareness and humanitarian assistance and disaster relief capabilities. Increased rotational presence is just one modality of enhanced defense cooperation.

10. **Is EDCA constitutional?**

Yes. EDCA provides that the access and use of AFP facilities by the US military will be “at the invitation of the Philippines and with full respect for the Philippine Constitution and Philippine laws.”

The constitutional provision which prohibits the establishment of “foreign military bases... or facilities” in the country except under a treaty duly concurred in by the Senate does not apply to EDCA.

The defining features of “foreign military bases” – extraterritoriality, exclusivity in use and foreign ownership – will not be applicable in the Agreed Locations.

On the other hand, the entry of US military troops for military exercises and other approved activities is already allowed under the PH-US Visiting Forces Agreement (VFA) which is a treaty concurred in by the Senate and upheld by the Supreme Court.

The provisions of EDCA, an executive agreement, are consistent with the Philippine Constitution, laws, and jurisprudence.

11. **Does EDCA mean the return of US bases in the Philippines?**

The Agreement is very clear on this matter and specifies in the Preamble the Parties’ “understanding for the US not to establish a permanent military presence or base in the territory of the Philippines.”

EDCA does not authorize the establishment of US bases. It allows the US military access to Agreed Locations.

12. **Does EDCA give the US military blanket authority to build facilities in AFP military bases? Will the Philippines have access to these facilities? Who will own them?**

Under EDCA, before constructions and other activities can be undertaken, prior consent of the Philippines will have to be secured through the Mutual Defense Board (MDB) and Security Engagement Board (SEB) which were established under the MDT and the VFA. The AFP base commander will have access to the entire area of the facilities shared with the US military. The Philippines will also own any building and similar infrastructure that will be built by the US military.

13. **Will EDCA also provide a blanket authority for all activities of the US troops in the future?**

No. Activities to be undertaken under EDCA will have to be approved by the Philippines through the MDB and SEB.
14. How long will EDCA be in effect?

EDCA will have an initial term of 10 years. There will be regular bilateral consultations on the implementation of the Agreement.

15. How many US personnel will be allowed into the Philippines under this Agreement?

The number of visiting US personnel will depend on the scale and the frequency of the activities to be approved by both Parties.

There will be no stationing of US personnel under EDCA. US personnel will come on temporary and rotational basis in relation to activities that will be held in AFP facilities.

16. Will the entry of nuclear weapons, chemical weapons and biological weapons be allowed under the EDCA?

EDCA clearly provides that the materials the US military may bring into the country “shall not include nuclear weapons,” in compliance with the Philippine Constitution. EDCA also reaffirms the two countries’ respective obligations under the Convention on Chemical Weapons and Convention on Biological Weapons.

17. Which AFP bases will be shared with and used by the US under EDCA?

The designated areas in a limited number of AFP bases that will be shared and jointly used with the US will be specified in an annex and agreed implementing arrangements. Given the mutuality of benefits to be derived from the Agreement (such as making available defense and HADR equipment, supplies and materiel for the benefit of the Philippines), the areas will be made available to US forces without rental. In addition, the buildings and other infrastructure to be constructed by the US military will be owned by the Philippines.

18. How will the Philippines benefit from the prepositioning of US military equipment?

EDCA recognizes the value of prepositioning and storing equipment, supplies and materiel to the enhancement of the AFP’s defense capabilities.

Moreover, prepositioned materiel will allow for timely responses in the event of disasters – natural or otherwise. This is well recognized by the Philippines and the United States. As stated in Article IV para 2, “The Parties share a recognition of the benefits that such prepositioning could have for humanitarian assistance and disaster relief.”

19. How will EDCA improve humanitarian assistance and disaster relief?

As shown in the aftermath of Typhoon Yolanda, the need for timely delivery of relief assistance is critical.
Under EDCA, activities aimed at increasing and strengthening the Parties’ individual and collective HADR capabilities will be facilitated and strengthened through prepositioned materiel and closer cooperation with the US.

20. Does EDCA address concerns on environmental protection and human health and safety?

Yes. This is a landmark and defining feature of EDCA.

This agreement has robust provisions on environmental protection, human health and safety, including the adoption of a “preventative approach” to environmental protection, the application of “environmental compliance standards that reflect the more protective of Philippines, US or applicable international agreement standards,” immediate action to contain and address environmental contamination resulting from spills, and other measures.

21. How does EDCA relate to the Mutual Defense Treaty (MDT)?

The MDT obligated the Philippines and the United States to maintain and develop their individual and collective defense capabilities.

EDCA is therefore within the ambit and in furtherance of the MDT.

22. How does EDCA relate to the Visiting Forces Agreement (VFA)?

The VFA lays out the terms and conditions on the entry and visit of US military personnel for military exercises. These provisions shall likewise apply to the entry and temporary stay of US personnel under EDCA.

23. If the above activities are within the ambit of the MDT and VFA, why is there a need for a new agreement on enhanced defense cooperation?

In advancing the benefits that could be derived from our defense alliance with the United States, we needed to articulate the parameters, modalities and mechanisms to a greater degree.

24. Does EDCA address the matter on criminal jurisdiction and custody of indicted servicemen?

With the finalization of EDCA, we can now fast track the bilateral consultations on the implementing arrangements of the VFA.

25. Will EDCA affect bilateral relations with neighboring countries?

EDCA reaffirms the desire of both the Philippines and the United States to strengthen international and regional security and stability, a common and shared interest of countries in the region.

26. What will be our neighbors’ reaction to this Agreement?

We would hope that this Agreement will also be viewed by our neighbors as a positive contribution towards peace and stability in the region.
27. Is it true that the negotiation was rushed in order to coincide with US President Barack Obama’s visit to the Philippines?

The pace of negotiations for EDCA was dictated by the need for full understanding and consensus by both negotiating panels on all provisions of the Agreement. It was more important for both parties to come up with an Agreement that would be fully and mutually acceptable to both sides – consistent with their respective laws.

28. How long did the negotiations take?

The eight rounds of negotiations and preceded by preparatory discussions took almost two years to complete.

29. Was the Philippine Congress briefed on this Agreement?

During the course of the negotiations, the leadership of both Houses of Congress was informed of the progress of the negotiations. We will be scheduling a full briefing for interested members of Congress.

30. Do we have the support of the Filipino people for EDCA?

A recent Social Weather Station survey showed at least 7 out of 10 Filipinos support measures to strengthen the country’s defense capabilities and that the Philippines may ask its partners in achieving this objective.

Through EDCA, the Philippines will cooperate with its defense treaty ally in further strengthening their respective individual and collective defense capabilities.

All Filipinos should unite in support for a stronger Philippines.

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