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**THE DEADLIEST FREE PRESS IN ASIA: A CASE STUDY OF THE
PHILIPPINES**

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ABSTRACT

In the Philippines, the post-Marcos era has seen little decrease in violence against journalists. The onset of democratization in 1986 gave way for more press freedom, yet the 78 journalists killed since question the notion of a functioning free press in a nation that prides itself as being the “freest” in the Southeast Asian region. The study posits that the condition of the Philippines as a weak state enables the deaths of journalists to occur and continue. The effect of their killings is that the diversity of the press is threatened, and by extension the provincial public sphere is limited from accessing information that is of concern to their immediate environment. Journalists, domestic media organizations and international organizations are taking concrete actions towards mitigating the adverse effects and creating a safer working environment.

Keywords: Philippines, journalist killings, press freedom, public sphere, weak state, impunity

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LIST OF ABBREVIATIONS

AFP	Armed Forces of the Philippines
AI	Amnesty International
BJS	<i>Barangay</i> Justice System
CMFR	Center for Media Freedom and Responsibility
CPJ	Committee to Protect Journalists
EO	Executive Order
EU	European Union
FFFJ	Freedom Fund for Filipino Journalist
ICCPR	International Covenant of Civil and Political Rights
IFJ	International Federation of Journalists
KPB	<i>Kapisanan ng mga Brodkaster ng Pilipinas</i>
MC	Municipal Courts
MILF	Moro Islamic Liberation Front
NCR	National Capital Region
NDF	National Democratic Front
NPA	New People's Army
NTC	National Telecommunications Commission
NUJP	Nation Union of Journalists Philippines
PCIJ	Philippine Center for Investigative Journalists
PNP	Philippine National Police
PPI	Philippine Press Institute
RTC	Regional Trial Courts
SC	Supreme Court
SEAPA	Southeast Asian Press Alliance
UNDR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
WPP	Witness Protection Program

The Deadliest Free Press in Asia: A Case Study of the Philippines

“I used to brag that I eat threats for breakfasts, lunch and dinner.” - Nonoy Espina.

1. INTRODUCTION

1.1 The Research Problem

Much attention has been given to the dangerous work of journalists in conflict zones where they are vulnerable to kidnappings, death by crossfire or by murder. Since the onset of the U.S. led war on terror, no one has been spared by print, radio and television news accounts of the many local and international journalists being physically harmed and gruesomely killed, with Iraq contributing the most to the general increase in media deaths worldwide (Taback & Coupland 2006). Though arguably true, descriptive accounts of antipress violence, in particular murders have not been completely absent. In the early 1990's, African journalists worked under turbulent environments, where nations such as Angola and Rwanda, nations plagued by civil war, reflected the situation of many other nations in the continent at that time (Matloff 1995). However, there is little attention in academic and mainstream media discussion on the targeted homicide of journalists in democratic nations. Murders of journalists affect many new and or transitional democracies-- “peace time” nations such as the Philippines, Mexico, India, Brazil and Russia¹ (CPJ 2009). One case in particular has garnered international attention, that of Russian journalist Anna Politkovskaya, famed for her investigative reports on Chechnya (Chivers 2006). She was killed in 2006, gunned down in her own apartment building (ibid.).

¹ Whether a nation is a peace-time democracy or not is considered in relation to several factors. First, it acknowledges that not all countries that are peacetime democracies are without conflict. However, it considers whether or not (a) the conflict is nationwide; (b) if the conflict impedes the function of the constitution; (c) if journalists are caught in crossfire, and whether it is connected to a national conflict or in the local, political situation.

In the Philippines, the post-Marcos era has seen little decrease in violence against journalists. Though the onset of democratization in 1986 gave way for more press freedom, the 78 journalists killed since question the notion of a functioning free press in a nation that prides itself as being the “freest” in the region. The years 2004, 2005 and 2006 have been the deadliest period, with a total of 21 journalists murdered. As the press plays an integral role in democratization and development, why this form of violence continues to occur is a question that must be addressed.

Theoretical discussions of why such killings occur in democratic contexts and its social significance for the general public is limited. Several studies and academic literature, straddling various fields of studies has shed some light on the issue. Silvio Waisbord (2000, 2002 & 2007) has studied the Latin American experience and *the crisis of the state* and *statelessness*. He proposes that violence against the press (verbal and physical threats, as well as murder), are a result of the state’s inability to monopolize the legitimate means of violence and the lack of accountability for the attacks’ perpetrators (2002: 91-92). Such violence instills fear and self-censorship (Chalaby 2002:22) and by extension public discourse controlled and suppressed (Wasibord 2002: 94). Nathan Taback and Robin Coupland view attacks against journalists within a human security framework (2006). They conclude that such attacks, if policy and decision makers choose to listen, can serve as an early indicator of trends that are detrimental to human security in a given context. An international epidemiological study by L. Riddick, G. Thomson, N. Wilson and G. Purdie (2008) analyzes international indices relating to human development and the social and political functioning of states. Their study concludes that the homicide of media workers is a public health issue because of the “role of media quality as a determinant of societal wellbeing” (ibid.: 682).

In terms of comparison, Latin America serves as a case in point for understanding the manifestations of such murders in the Philippines. In particular nations such as Argentina, Colombia, Peru and Mexico provide illustrating examples of nations that were under authoritarian regimes and became part of the second wave of democratization and are new democracies. For example, between the 1989-1997, approximately 900 physical

and verbal attacks against journalists were recorded in Argentina (Waisbord 2000). Similarly, these nations faced a high degree of violence against journalists following the authoritarian period. However, Latin America has made significant progress in addressing the issue of violence against journalists through the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights in which cases were decided on the basis of integrating societal and individual rights in international law (Perkins 2002). The cases involving the deaths of journalists affirmed that their deaths were a violation of the individuals right to life, and the societal right to information (ibid). In cases dealing with questions of free press, such as prior restraint, contempt, violence against journalists and official insult, the court and commission have used the societal right to freedom of the press as a *ratio decedendi* for their final decisions (ibid.). Though each nation has its own context-specific circumstances that attribute to violence against journalists, Latin America can serve as an example of how new democracies can institutionally address the issue.

1.2 Purpose of the Study

The purpose of this research is to contribute and expand our understanding of the role of a free press in informing the public sphere within the context of a new democracy. Academic literature on press and democracy have largely been written in and focused on the experience of the West, therefore reflecting “the absence of antipress violence in Western nations,” thus neglecting an issue facing historically weak democracies (Waisbord 2002: 90). Though the study is nation specific, there is an aspect of transferability, as there are other countries in the developing world that face a similar situation in a democratic context.

The Philippines presents an anomaly in the Southeast Asian region, as it is the only nation in the region with a constitutional guarantee for a free press (Chua 2006). While other democratic nations in the region, such as Singapore (Hay Tey 2008), face a number of censorship laws that impede free speech and journalistic endeavors in general, such censorship laws do not exist in the Philippines. However, recently Thailand, has had incidences of journalists killings (K Chaipipat 2009, Interview 23 March). Two

journalists were murdered in 2008, and preliminary investigations into their deaths reveal that they were working for provincial level media covering anomalies and corruption at the local level (ibid.) However, these two murders were the first ones to occur after a decade. The Philippines is an extraordinary case in that the number of journalists killed annually remains high in relation to other nations in the region.

The study explores how new democracies are faced with very different challenges as it relates to press freedom. It affirms that direct acts of violence towards media personnel are often barriers for the public to receive information. It also explores how various socio-political factors and conditions related to state institutions can impede the function of a free press in a given society.

1.3 Research Questions

Research on the subject matter conducted prior to actual fieldwork in the Philippines yielded several preliminary findings. Those are:

- The prevalence of paramilitary, or personal military groups of politicians and local leaders have a distinct role in the phenomenon.
- The role of the Philippine media as a gatekeeper of information has been adversely affected.
- The decreased surveillance role of the media has affected democratic institutions.
- Free press and democratization are systematically undermined at the local level.

These preliminary findings helped formulate the research questions, which evolved as more data became available during the fieldwork. In consideration, the demarcations of the study are thus guided by the following research questions:

- What is the existing pattern of killings, in terms of location, frequency and the types of journalists?
- What aspects of Philippine politics and society affect and or facilitate the threats and killings of journalists?
 - Why is this important?
 - Is this indicative of the role of media and the press in new democracies and weak states?
- By extension, what do the deaths mean in terms of the concept of the public sphere?
 - How does this challenge the notion of “Free Press” in the Philippines?

1.4 Theoretical Framework

The case study is examined with two theoretical lenses, both of which are interrelated. Freedom of the press is referred to within its role in a given society, bounded within a state, therefore theories of the state are important when discussing and conceptualizing freedom of the press. The Philippines is a weak state (Abinales and Amoros 2005; Bello 2002; Van de Loo 2004). According to Rakipi (2002), there is confusion in the literature as to the definition of a weak state, but this could be due to what Robert I. Rotberg (2003) describes as the broad continuum of what constitutes a weak state (4). But regardless, what most separates a weak state from that of a strong one is the provision of political goods, with the state's prime function as being the provision of security (ibid.). As such, a weak state, like the Philippines is either unable to, or has difficulty delivering political goods that are necessary to a democracy. Rakipi introduces a liberal democratic framework in assessing state weakness, and asserts that state strength is based on the degree of political legitimacy (2002). This framework is applicable for the reason that the Philippine constitution espouses it as a liberal democracy .

Second, the concept of the public sphere first introduced by Jürgen Habermas, who developed it within the context of 18th century Europe (Habermas 1964) is considered. He describes the public sphere as:

“By the ‘public sphere’ we mean first of all a realm of our social life in which in which something approaching public opinion can be formed. Access is guaranteed to all citizens. A portion of the public sphere comes into being in every conversation in which private individuals assemble to form a public body” /.../ On when the exercise of political control is effectively subordinated to the democratic demand that information be accessible to the public, does the political public sphere win an institutionalized influence over the government through the instrument of law-making bodies” (ibid.).

Habermas asserts that in contemporary times, newspapers, radio, television and magazines are the media of the public sphere. This is related to the “democratic demand” that information is publicly accessible. As such, the media is an essential part in the deliberative process that the public sphere partakes in, before it is able to influence the government institution. In “Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research”, Habermas (2006) expands on the discussion of the role of political

communication, the public sphere, journalists and deliberative democracy. He asserts that the public sphere is at the periphery of the political system, connected by “wild flows of messages” of published opinions: news, reports, commentaries, talks, images, etc. (ibid.: 415). These messages originate from various types of actors and selected and shaped by mass media professionals and received by an audience (ibid.). He avers that the public sphere could not be put to work without: (1) professionals of the media system, with an emphasis on journalists who edit reports, commentaries and news; (2) politicians who occupy political positions (ibid.:416). Journalists, along with private and public actors join in the construction of public opinion (ibid.: 417). Mass media constitute a source of power, based on technology and its capacity to intervene and influence public opinion and influential interests. The role and influence of Philippine journalists and the press are interpreted within these conceptions of the public sphere. In addition, the research considers that provincial areas constitute a public sphere that is part of the deliberative democratic process.

1.5 Methodology and Selection

1.5.1 Research Design

As a piece of qualitative research, there are specific ontological, epistemological and methodological points of departures in regards to the thesis topic. Ontologically, this paper considers that there are existing independent factors in the phenomenon of journalists killings. These factors can be viewed as being the journalists themselves, media and civil organizations, the government, the murders, the socio-political structure and the public sphere. Epistemologically, these independent factors create an accumulation of knowledge and information that is used to describe the phenomenon and how it affects the provincial public sphere in the Philippines (Moses & Knutsen 2007: 50).

A constructivist perspective is used for the research, as such, the approach to inquiry is an intrinsic case study (ibid), as it makes a “thick” description of the phenomenon at hand and attempts to understand it within the Philippines, its natural context. As an intrinsic case study, analytic induction is used to generate a hypothesis

(Ragin 1991:1 01), as well as reflects some aspects of historical research (Moses & Knutsen 2007: 116-141), which is most apparent in the descriptive environment and context that the phenomenon occurs. The study is thus analyzed within a bounded system (Creswell 2007:74). As such the research is bounded two ways: first in relation to a time frame of approximately seven years from 2001 until the end of 2008; second to its geographic specificity in the Philippines (ibid.: 73).

1.5.2 Sources of Data

Various sources of data were consulted during the formulation of the research. These included newspaper accounts, academic journal articles and books pertaining to the subject, media publications, Supreme Court documents, field notes, and key informant interviews

1.5.3 Key Informants: Selection Criteria

Key informants for the research were interviewed between February 26, 2009-March 23 2009 during the researcher's stay in Metro Manila, Philippines, though correspondence with the interviewees began in late January. Eight interviews were conducted in total, four of which were conducted in the long interview format, the other four in the short interview format. All interviews were semi-structured and audio recorded for transcription purposes, with key informant consent. The rich information provided by the key informants serve as a basis for understanding the whole phenomenon in the context of the Philippines, representing a broad purposive sample in which participants were chosen (Creswell 2007: 125-129). Selection of informants was based on the following criteria:

1. The level of approximation, or level of personal experience to an incidence of media threat or killing.
2. Those persons involved in media organizations monitoring the progress and or development of the media situation in the Philippines.
3. Philippine government officials/spokes persons that are involved in the process of investigating and or creating policies in relation to the media and or media killings.

According to the formulated criteria and availability, the researcher was able to interview various local media organizations, practicing journalists, editors, an international media

monitoring agency, a representative of a regional network of media practitioners, and an attorney and a representative of the judicial branch of the Philippines.

Some interviewees fulfilled more than one requirement, however, only one person, Justice Rodolfo Azcuna, fulfilled the last requirement. Those interviewed conducted in the long format were: Malou Mangahas, Executive Director of the Philippine Center for Investigative Journalism (PCIJ); Nonoy Espina, Vice Chairman of the National Union of Journalists (NUJP) and Breaking News Editor for the *Inquirer.net*;² Rodolfo Azcuna, Justice of the Philippine Supreme Court;³ and Dr. Luis V. Teodoro, Deputy Director of the Center for Media Freedom and Responsibility (CMFR). This initial contact with Dr. Teodoro and Mr. Espina allowed for the possibility for the researcher to attend the launch of CPJ's 2009 Global Impunity Index in Manila, where the short interviews were conducted impromptu. The short interviews were conducted with Elizabeth Witchel, Coordinator for the Committee to Protect Journalists (CPJ); Attorney Nena Santos; Rowena Paraan, NUJP Treasurer and Executive Coordinator of the Media Safety Office; and Kulachada Chaipipat, Campaign and Advocacy Officer for the Southeast Asian Press Alliance (SEAPA).

1.5.4 Reliability of Key Informants

The key informants were chosen for their experience in their respective fields and their prominence, involvement and knowledge in the subject of the study. Mangahas is a former print editor and takes the position formerly held by famed journalist Sheila Coronel in PCIJ. In addition, the PCIJ has been referred to as Asia's premier organization for investigative journalism. The organization has also been an influential force in the Philippines in setting journalistic standard and political influence; as its investigative reports led to what became People Power II. Espina formerly worked as a provincial journalist prior to becoming the breaking news editor for the online version of one of the nation's leading newspaper's, thus providing a provincial and metropolitan perspective. In addition, as head of the NUJP, he is the "face" of Filipino journalism,

² *Inquirer.net* is the online version of the national newspaper the *Daily Inquirer*.

³ Now retired.

often representing the journalistic community at government functions and press conferences related to the issue.⁴ As a union, NUJP explicitly stands for and advocates for the rights of journalists. Justice Azcuna represents the highest echelons of the Philippine judicial system and worked on the formulation of the 1987 Constitution under Corazon Aquino. He was the first justice that suggested the incorporation of the Writ of Amparo in the Philippine Constitution.⁵ In addition, he has been central to the Philippine judicial reform process, forming and leading assessment teams in the creation and launch of judicial projects. Dr. Teodoro is a leading academic in the field of communication in the Philippines, formerly holding the position of Dean of the School of Communication at the University of the Philippines. He has written numerous books, and is currently a writer and contributor of many CMFR books and documents, as well as serving as an editor for the organization's newspaper. In addition CMFR has a defined methodological system in which the organization uses in documenting journalist killings.

The four long interviews lasted between 40-55 minutes each; all of which took place according to the desired time and location proposed by the interviewee. Mangahas interview took place at the PCIJ main office, Teodoro at the CMFR office, Justice Azcuna at the Philippine Supreme Court building, and Espina at a Starbucks venue. Interviews with Mangahas, Azcuna and Teodoro were conducted in the daytime, during the respective working hours of each individual. The interview with Espina was conducted in the evening. Though the interview questions were tailored according to the interviewee, several questions were repeated in different ways to certain interviewees. This most applied to Mangahas, Teodoro and Espina, as questions with Justice Azcuna was centered around rule making function of the Supreme Court and the new remedies implemented to address the issue of media killings. The subjects of the questions were: whether or not Philippine journalism has been adversely affected by the killings of journalists; what their respective organization/group has done to address the issue; whether or not there are differences between Metro Manila⁶ and provincial areas that lead to the why journalists are more frequently targeted; if there is a noticeable difference in

⁴ Often such events are nationally televised.

⁵ Discussed under *Impunity and a Weak Judicial System*

⁶ Also referred to as National Capital Region (NCR).

the advent of journalist killings from 2001 onwards; and whether international attention has alleviated the phenomenon. Only the question regarding international attention was similar in all four interviews. However, it should be noted that in the interviews, recurring themes occurred without the researcher explicitly prompting or asking a question.

The short interviews, those of Witchel, Santos, Paraan and Chaipipat were conducted after the official event of CPJ's 2009 Global Impunity Index in Manila.⁷ As such, the interviews were less than 10 minutes each. The interviewees were also preoccupied with speaking with other guests of the event, as it drew many others working for the media industry domestically in the Philippines and internationally, thus the opportunity for conducting a long interview was not possible. The four were chosen for the different perspectives and roles that they present in the issue of media killings. Witchel for her perspective as a individual working for an international agency monitoring the advent of media killings globally; Santos for her legal perspective as a lawyer representing the case of a slain journalist; Paraan for her practical role as a trainer and workshop leader in journalist safety; and Chaipipat for a Southeast Asian regional perspective. The questions asked the individuals, though limited in time, were in relation to their work. Thus, though all work in the same issue, they encompass various areas.

The Manila Launch of CPJ's 2009 Impunity Index was an informative event itself. The researcher was able to take part in participatory observations during the event; taking notes as speakers presented, including asking a question during the Q&A. The researcher was also able to speak informally with various members of the media about their work, and their personal experiences as it related to the Conference topic. The Impunity Index compiles global data on the number of journalists killed in each nation, then calculates the data in relation to the number of prosecutions in relation to a nation's population. As such, it was an opportunity to observe how a situation like the Philippines is repeated in other parts o the world. During the conference, CPJ representatives expressed that they chose the Philippines as the official site of the launch for the reason

⁷ Those sections of the events listed on the Conference agenda.

that they thought that the nation “is a poster child for impunity,” and that it is the highest ranking peace time nation on this year’s list (CPJ’s 2009 Global Impunity Index, presentation). CPJ is one of several international organizations that work and collaborate with Philippine based press and media organizations in the issue of journalist killings.

1.5.5. Analysis and Transcription

All interviews were reviewed and transcribed, and accuracy of the resulting transcribed documents were cross-referenced with the audio recordings and notes taken at the time that the interview took place. They were then rhetorically analyzed focusing on an aspect that directly affected the progression of the work: recurring themes. Several recurring themes emerged from the interviews:

1. The murders of journalists are a free press issue, in that they are killed in relation to the nature of their work.
2. The socio-political structure of the Philippines makes provincial areas and provincial journalists more vulnerable.
3. A culture of impunity due to a weak judicial system is an impediment in addressing the issue through proper jurisdiction.
4. Various media organizations are taking concrete steps to address the issue.

Theme one is used in relation to the research framework as a whole. Themes two and three are used in the conceptualization of the Philippines as a weak state. Theme four informs the discussion on the public sphere. All themes were cross-referenced for relevance with other literature and data.

1.5.6 Criticism of the Sources and Limitations

The fieldwork was limited to the Metro Manila area. Though the researcher intended to visit provincial areas and interview local journalists, this was not possible due to the fact that safety and shelter could not be guaranteed. However, Nonoy Espina, as a former provincial journalist, was able to provide a provincial perspective on the phenomenon.

In regards to ethical considerations, the long interviews were preceded by a formal letter of request (Appendix I) in which the researcher introduced herself as a

graduate student from Lund University studying at the Center for East and Southeast Asian Studies. The researcher fully disclosed her intentions and the subject matter as well specific as aspects of the subject that the researcher hoped to learn from the informant. However, procedures leading to the interview with Justice Azcuna differed in that interview questions were submitted to the Supreme Court in advance prior to getting approval for a personal interview. All long interviews were conducted with an interview protocol (Appendix II), which was tailored according to each key informant. The short interviews did not follow the same procedure as the four long interviews in the use of a formal letter of request and an interview protocol. This is due to the reason that the opportunity to speak and interview those participants occurred spontaneously during the said media function. A tape recorder was only used upon the verbal consent of the key informant.

2. MEDIA VIOLENCE AND THE PUBLIC SPHERE IN A WEAK STATE: LITERATURE REVIEW

As literature specifically related to the topic at hand was not readily available, academic literature was used from various fields of studies to provide the researcher with a holistic perspective as it relates to the phenomenon. This included works from political science, international relations and media/communication studies. The literature focused around several themes: the concept of freedom of the press; the state and democratization; and the public sphere. Only articles and books that most influenced the thoughts of the researcher and the direction of the research are discussed in the Literature Review

2.1 The Political Dimension of the Media: Theories and Political Systems

Siebert et. al identifies four main theories of the press, or four concepts of mass communication, that is determined by the type of society or social system of a nation (Maslog 1992: 17). These are Authoritarian, Libertarian, Soviet Communist and Social Responsibility (Sibert et al. 1956 cited in Maslog 1992: 17; Flor 1992: 45). A fifth theory has been proposed as alternatives to those models (Mc Quail 2000: 178), that of Development Communication or DevCom, around the chief purpose of social transformation and development (ibid.: 49). These have been noted as not being actual

theories, but rather typologies of the press, which thus serve as a basis for theory construction (Flor 1992: 45). Representing the notion of a free press, the Philippines falls under the Libertarian System, as such it “espouses freedom of the press from government control. All ideas are to be given a fair hearing. Society becomes a ‘free market place of ideas’” (Masalog 1992:17-46).

The concept of freedom of the press is often dealt with in relation to the concept of freedom of speech; both are notions that come from the liberal and utilitarian political philosophy, notably of figures such as John Stuart Mill (Mc Quail 2000: 169). The press is therefore reiterated and reaffirmed as an essential corollary to democracy and self-governance (Stone 1987; Jeffrey 1986; Graber 1986). As a constitutional guarantee the prime function of a free press in Libertarian societies is to serve as a fourth institution outside that of the three branches of government (Stone 1987). It has thus metaphorically referred to as the “Fourth Estate,” a term coined in 18th century England (Mc Quail 2000:169). Freedom of the press represents a normative aspect of media and society, in that there are underlying benefits from the media that extend out to the individual and the society as a whole (ibid.: 162). Within literature, there is general consensus in regards to the most important functions of the press, which can be identified as (1) to keep citizenry informed, which is a necessity for a democratic system; (2) maintain independence from government; (3) provides a forum for the discussion of diverse opinions and ideas; (4) serve as a public agent in communicating with officials; (5) report abuses of power and misconduct of officials (Stone 1987; Jeffrey 1986; Graber 1986). All are overlapping functions that work in conjunction with one another. Journalism and journalists are the purveyors that work within the free press. Martin Eide (2007), argues that in modern societies, “the power of journalism is decisive in the exercise of power and democracy,” which is of prime-importance to its agenda-setting capacity. This is implied in the role and effect of journalism on issues that never reach the public agenda, and its decisive role in ideology. This power and agency is not possible without the provisions of a free press within a given democratic social system.

2.2 The Role of the Media in Democratization

The role of the media in a nation like the Philippines differs from developed nations with consolidated democracies. The press can be understood as part of mass communication, or media as a whole, which incorporate and cover many mediums and forms of public communication. The media can play a key role in the political transitions of states, largely from authoritarianism to democracy (O’Neil & Reinner 1998). Literature in political science, economics, sociology and economics have addressed the role of media in democratic development, but there is no real consensus on the role that media can play in the democratic process (McConnell & Becker 2002). In contrast to considering *what* role media can have, Sallie Hughes (2007) takes a more practical approach, considering actual press performance in new democracies, using Latin American as an example. She takes an organizational imperative standpoint, discussing environmental barriers such as the weakness of the rule of law, and internal organizational barriers such as the media owner’s instrumental use of the news (ibid.). There are also those that hold the view that “media reform is needed for media freedom, and media freedom is a necessary condition for democratization” (Tudo, Vlad & Nusser 2004: 1).

2.3 The Media and the Public Sphere: Habermas and Beyond

Habermas’ conceptualization of the public sphere has influenced media studies and continuous to be reinterpreted and used in many contexts. Steven E. Clayman (2004) looks into news and public affairs programming that involve audience participation, and analyzes them as distinct arenas of the public sphere. Brian McNair (2000) has a descriptive and thorough account of journalism and the political public sphere in Great Britain at the turn of the century, focusing on the crisis of the political media. In a 2005 article, John Parkinson discusses deliberative democracy and the affect of media on public opinion, and the structural concern in relation to the media’s role in democracy.

2.4 An Explanatory Framework for Killings of Journalists: Insights from the Latin American Experience

Latin American literature on media and democracy has been the most comprehensive in “piecing together” the various aspects that help understand the research

topic. Three authors in particular are David J. Park (2002), Michael Perkins (2002), and Silvio Waisbord (2000, 2002, 2007). David J. Park (2002) argues that the quality of Argentina's transitional democracy is limited by media concentration, institutional connection with the media, foreign ownership and violence against the press that these restrict discussion on human rights issues. This essentially limits the reconciliation of a public sphere severely damaged by the "Dirty War." Michael Perkins (2002) details the development of the "societal right to freedom" of the press in the international human rights law of Latin America via the Inter America Commission and the Inter American Court of Human Rights. He uses decisions and cases related to free-press questions such as prior restraint, contempt laws, official insult and violence against journalists. However, the Writings of Silvio Waisbord in *La Politica Del Palo* (2000), *Antipress Violence and the Crisis of the State* (2002), and *Democratic Journalism and "Statelessness"* (2007) have been the most relevant to the topic of this research, and synthesizing various concepts in the said literature. In relating to anti-press violence in Latin America, Waisbord considers the concept of the crisis of the state in the IR perspective and the concept of "statelessness." Essentially, the state accounts for the reason as to why the press, in particular investigative reporters and publications, are targets of violence. He uses Max Weber's concept of the state (1978), and heavily refers to works of John Keane *Media and Democracy* (1991) and *Reflections on Violence* (1996).

3. DISPOSITION

The thesis body is divided in four main sections. First it begins with a historical overview of the Philippine press, including contemporary developments and a description and profiles of those journalists killed. The second section discusses the condition of the Philippines as a weak state, and is divided in three parts: local/provincial politics, the monopolization of violence and culture of impunity affected by a weak judicial system. The third section examines the effects of the deaths on the public sphere and the actions taken by journalists and media organizations. The last section of the thesis is the conclusion

4. A PROFILE OF THE PHILIPPINE PRESS AND JOURNALISTS KILLED

4.1 Development of the Philippine Press and Contemporary Issues

Though oral and written literature flourished in pre-Hispanic Philippines, the modern press has its roots during the Spanish colonial period (Anables 2003: 4). However, unlike other European or Asian nations, the Philippines does not have a tradition of state or party-owned presses or broadcasts, and has been privately owned from the beginning (Coronel 2001: 4). Today the broadcast medium is highly commercialized. During the 19th century, more than 100 newspapers were published, most in Spanish (ibid.) The Philippine press became the site of which the notion of a free nation was born, with propagandist material aimed at reform and influencing Spanish policy on the archipelago began. This included not only press in the Philippines, but *La Solidaridad* a paper published by Filipinos in Barcelona (Ables 2003; Coronel 2001). Upon American acquisition of the Philippines from the Spanish, a war ensued between the Philippines and the United States (U.S). When peace came to the archipelago, American entrepreneurs quickly established an English language press, which eventually outnumbered the Spanish language press (Ables 2003: 22). These papers introduced the U.S.-style of the commercial press as well as bringing modern printing technology (Coronel 2001: 113). Upon the onset of World War II, Japanese occupiers reconditioned radio sets in the Philippines to prevent receiving broadcasts from the U.S. (Ables 2003: 27); in addition to closing down all newspapers, only allowing one publication to run under close scrutiny (ibid.). However, there was a thriving guerilla press distributing material secretly throughout the islands (Coronel 2001: 114). During Martial Law under Marcos, congress was abolished, and Marcos became the sole legislator in issuing decrees, proclamations and executive orders (Ables 2003: 32). Opposition media was systematically censored. All publications, as well as radio and television broadcasts were closed until given a permit to operate (ibid.: 33). During this time, the press secretary and secretary of national defense were instructed to take over communications media, only allowing for government media and those run by cronies to operate (ibid.: 5). Other than institutional censorship, intimidation and violence was used against the press, with 25 journalists killed during Martial Law (Maslog 1988: 32 cited in Ables 2003: 5). The Philippine press has developed under tumultuous conditions. The over fall of the Marcos regime

through non-violent means, known as People Power I, became a turning a point for the Philippine press after years of prosecution under Martial law. The Constitutional Commission of 1986 under the newly elected President Aquino reestablished the provisions of freedom of speech, expression and press under the Bill of Rights. Today, those provisions remain in the revised 1987 Philippine Constitution.

More recently, the Philippine press played a pivotal role in the impeachment trial for President Joseph Estrada and advent of People Power II. Journalist and researchers painstakingly went through property and real estate entitlements and tax records to uncover the corruption and gambling scandal that led to the impeachment of President Estrada, and their exposé's used as evidence in court (Møller & Jackson 2002.). The event proved to be a challenge to media in that economic pressure became a means of coercion for the Estrada administration (Coronel 2001). However, new media, in particular the use of text messaging in mobile phones played a pivotal role, in that "SMS was used to coordinate the protests, keep protesters abreast of events as they unfolded, and to mobilize citizens to march, bring food, and to keep vigil" (ibid.: 110). The "lightning speed" to which SMS was able to connect individuals was unmatched by television and radio (ibid.). In addition, during that period as close as to 200 anti-Estrada online groups and 100 e-mail groups were formed (ibid.) New media presents a new area of research and discourse for democratic movements in the Philippines that is yet to be fully explored. It must be noted however, that this phenomenon occurred largely within the Metro Manila area.

The Philippine press and media today is vibrant, and presents itself in various mediums of communication, in particular television, radio and print. According to 2008 statistics by the Philippine National Telecommunications Commission, there are 297 television stations and 1,042 radio stations (383 AM and 659 FM), spread out amongst 17 regions and 81 provinces . In terms of newspapers, there are currently 9 broadsheets and 19 tabloids in Metro Manila, and in the provinces, a total of 552 newspapers (N Espina 2009, e-mail, 30 April). All major papers maintain websites, Inquirer.net, GMA News.tv, PhilStar.com, ABS-CBN News.com and SunStar News Exchange, which are updated

regularly (ibid.). In addition there are also a number of independent news sites such as Bulatlat.com, MindaNews, Davao Today, Dateline Philippines, Northern Dispatch, which provide alternative news analysis (ibid.). Of the three mediums, radio has the largest reach amongst the rural poor, with AM radio as the main platform for news and public affairs programming with FM largely operating as music programming within urban areas (Rosales 2006: 149). In addition, AM has the highest radio frequency wave, therefore able to reach “even the remotest towns and barrios in the Philippines” (ibid.). In contrast is print media, which is more costly, and serves as an important medium for policy makers, researchers, people in business and the diplomatic community. It does not have the same reach in rural and provincial areas. With 40% of the population under the poverty line (ibid.), and living on less than \$2 a day (M Mangahas 2009, Interview, 26 February), Filipinos are limited in their economic possibilities as it relates to media consumption.

4.2 Killed Journalists: Where, When and How

Various press and media organizations have a different total “body count” of journalists killed. This is due to the methodological approach and operationalization of certain concepts that organizations utilized. For instance, NUJP takes a more liberal count of the deaths (N Espina 2009, Interview, 26 February), in which it automatically considers every death of a journalist as being work related until proven otherwise. With that measure, NUJP has a list of 100 journalists killed since 1986 and 65 since 2001. However, CMFR has a different approach in that it only counts a journalist as being killed due to the nature of their job when it can be verified as being work related. The organization documents the deaths with a more stringent methodological policy (CMFR 2007). ‘Journalists,’ for example, is operationalized as someone who is known in their community as a journalist (LV Teodoro 2009, Interview, 6 March). Through CMFR’s approach, the official count is 78 since 1986 and 40 since 2001.⁸ However, though such approaches differ, what remains the same is that the number of those journalists killed is

⁸ During the writing of the thesis, a journalist was killed, and CMFR has confirmed the new number to be 78. However, because the study is bounded from 2001-2008, this death is not considered and will therefore use the count until December 2008, which stands at 77.

high, and second an increase in the frequency of deaths is most apparent during the President Gloria Macapagal Arroyo's tenure, which began in 2001. For the reason that CMFR has a publicly released methodological approach, it is this body count that will be used through out the course of the thesis.

When considering the number of deaths during different administrations, 50.6% of the deaths occurred during the Arroyo administration, 7.8% under Estrada, 14.3% under Ramos and 27.3% under Aquino (ibid.). A mean average of journalists killed per administration per year is broken down as the following: Aquino, 3.5; Ramos, 1.83; Estrada, 2; Arroyo, 4.5.⁹ In relation to the location of the occurrences, Administrative Regions 3 and 12 have claimed 10 journalists each since 1986, followed by Region 4a at 9 and Regions 9 and 11 at 8 each (ibid.).¹⁰ Under Arroyo, Regions 3, 4 and 12 have the highest amount of journalists killed. In terms of island grouping, Mindanao has the highest number of killed journalists at 34 (44%), followed by Luzon 30 (43%) and the Visayas 10 (13%) (ibid.).

In relation to the high penetration rate of radio is the disproportionately high numbers of radio journalists killed in the line of duty since 1986,¹¹ of the 77 journalists killed, 35 were working for radio, constituting to 45.5% of the total deaths; followed by 24 journalists working for print media, at 31.2% of the total (CMFR 2009: 98). In 2008, 5 of the 6 journalists killed worked as anchors or commentators for a local radio station (ibid.). Radio journalists killed "used their radio shows to criticize the actions of alleged gambling bosses and drug lords, some of who are also powerful politicians or police

⁹ Calculation compiled by the researcher.

¹⁰ Refer to regional map (Appendix III)

¹¹ "Journalists/media practitioners killed in the line of duty" and "Journalist/media practitioners killed because of their work" are operationalized as meaning the same thing under the CMFR database and methodology. Under this definition, a total of 77 journalists have been killed since 1986. However, when including journalists killed outside the line of duty or killed because of non-work related incidences, the total number increases to 128, as of December 2008. This may also be considered in relation to deaths per administration. Under the Arroyo administration, 65 in total have been killed, however, when operationalized as being killed in the line of duty or due to the nature of their work, the number decreases to 40 (CMFR 2009).

authorities” (Rosales 2008: 148). However, many of the journalists worked in more than one medium. For instance, 13 journalists worked for both radio and print, 1 for both print and television, and 1 for both television and radio (ibid.).

An investigation of the personal profiles of journalists’ killed reveal several distinguishable patterns. One of which is that most occur in provincial areas, and the journalists were working for local media and not in metropolitan areas such as Manila and Cebu (Rosales, 2006: 154; M Mangahas 2009, Interview, 26 February; LV Teodoro 2009, Interview, 6 March; N Espina 2009, Interview, 26 February; Conference on Impunity). None of the journalists killed between 2001-2007 worked as affiliates for national news organizations, which are based in the Metro Manila. A majority of the print and broadcast journalists killed worked as freelance journalists (CMFR 2007:71). In terms of the manner in which journalists died, almost all deaths since 2001 occur by firearm, of which 35.9% of the journalists were killed while on their way home from work (CMFR 2009: 97), and were killed regardless of the time of day, as many occurred in broad daylight in front of bystanders. This indicates that the movements of such journalists were under surveillance prior to their murders and that those who commit the crime therefore had no fear of punishment or reprisal that may come as a result. The deaths do not come as a surprise, as most receive threats prior to their assassination (N Espina 2009, Interview, 26 February). Most of the deaths were committed by masked men, and in a number of cases, journalists were ambushed by men on motorcycles (ibid.). This takes on a pattern reflected in the manner of which extra-judicial killings of political activists, judges and lawyers have also been documented (N Espina 2009, Interview, 26 February; Melo Commission Report 2007; Philip Alston 2007).

All journalists killed were reporting on local issues affecting their provinces, and or towns. They reported on corruption by local politicians and public officials, police abuse of power, military activities, illegal gambling activities, drugs abuse and drug syndicates, Abu Sayyaf and the Communist Party of the Philippines/National People’s Army (CPP/NPA). Journalists, regularly covered more than one topic. For instance, of the 33 journalists killed from February 2001- April 2007 (CMFR 2007: 75-78), 18

reported on local government corruption, and or by local politicians and or public officials; 6 reported on the proliferation of drugs and drug syndicates; 5 on police corruption and abuse of power; 3 reporting on the activities of the CPP/NPA, the military and illegal gambling syndicates. In at least 9 of these cases, government personnel, including officials and personnel have been officially identified as prime suspects (ibid.: 70).

As a whole, the numbers and profile of journalists killed paint a picture in which killings occur in dispersed regions and provinces throughout the Philippine archipelago, and that the journalists are targeted due to the nature of their jobs as reporters of local anomalies, corruption, crime and official malfeasance. Within the context of the Philippines, there are institutional influences that shape the occurrences of journalist killings.

5. THE PHILIPPINES AS A WEAK STATE

“A democracy doesn’t kill its messengers.” –Nonoy Espina

In this section, the postulation that the Philippines, as a weak state, presents three conditions that enable the deaths of journalists to occur and continue. These conditions are local/provincial politics in which patronage and personal interests reign; the state’s inability to monopolize the legitimate means of violence; and the culture of impunity that arises as part of the ineffectiveness of the judicial system.

5.1 Philippine Politics: All Local

Philippine politics during the post-dictatorship era has been described as a return to pre-dictatorship “elite democracy” (Hawes 1987, Bello & Gershman 1990, Stauffer 1990, cited in Quimpo 2005: 229), and one that is reflective of a “cacique democracy” (Anderson 1988 cited in Quimpo 2005: 229)). More recent works have defined the post-dictatorship politics as one that is of a “patrimonial oligarchic state” and a “clientelist electoral regime” in which “electorally competitive national regime which falls short of the minimum democratic threshold because of the persistence of local authoritarian enclaves” (Franco 2001: 71 cited in Quimpo 2005: 232). Though each lends itself to its

own definition of the Philippine political system, all are descriptions that do not lend the Philippine state as a strong one; but rather one that is bureaucratically weak, and is plagued by a system in which personal interests override state interests power is vested within localities. It is thus parochial, reactive and visionless (Sosmeña 1999 cited in Van de Loo 2004: 265). In a rudimentary sense, such a political system in which authoritarian enclaves exists are reminiscent of “tribalism” and “warlordism” (M Mangahas 2009, Interview, 26 February; N Espina 2009, Interview, 26 February) in a democratic Philippines.

Taken such descriptions into consideration, Philippine politics today is the product of the advancement of the elite and political strong men in the pre-Marcos era. Dominant social forces in the post World War II era in the Philippines, such as family clans, settler leaders, and landed elites (Abinales & Amoroso 2005: 191) were met with the rise of a new elite-- “strong-men”. These men drew their strength from first, Commonwealth-era education initiated by the United States that pulled these men out of ranks of the lower-class; and second from coercive resources amassed when these men were engaged in guerilla warfare (ibid: 190). These men had no prewar commitment to the national Philippine state, and were localist in orientation (ibid.). Strong men and the existing dominant social forces created a new relationship with the executive and legislative branches, in which state implemented initiatives were “eviscerated” through corruption, infiltration and the creation of networks for enrichment (ibid.) “The more the executive tried to accomplish, the more deals were needed. The bigger the program, the more spoils to be distributed. The stricter the controls, the more opportunities for bribery” (ibid.). Executive branch also became entrenched in these networks. Within this context, Philippine politics, became opportunistic and a system in which personal interests became a source of motivation. Central government in Manila became apprehensive in imposing control or “demanding professional, efficient and corruption-free governance” where local power-holders— elites, dominant social forces--- “controlled their resources with weapons, private armies, or could simply withhold votes or switch allegiance” (ibid.). In this local context, provincial areas became “out of sight, out of mind” (N Espina 2009, Interview, 26 February).

In more contemporary times, this is reflected in the Philippine House of Representatives which is made up of politically based elite that lack national prominence. It is dominated by members of traditional clans, some of which have an absolute hold on their respective districts (Rogers 2005). The manner in which officials are elected in office is reflective of the Philippine state's inability of exerting control within its borders. Elections in provincial areas are held with many intervening forces, which are identified as vote buying, intimidation, guns, or fraud (Linantud 1998; M Mangahas 2009, Interview, 26 February), and has been given the moniker of "guns, goons and gold." The 1984 elections proved to be the bloodiest, claiming approximately 2000 lives but since the departure of Marcos, election violence has decreased significantly, with pre-poll deaths numbering between 40-73 in the 1990's, reverting back to election violence levels of the pre-dictatorship years (Linantud 1998). Leading up to 1998, the military and church were essential in decreasing election violence through monitoring local polling centers (ibid.). However, during the same time period, approximately 2000 former or active members of the Armed Forces of the Philippines and the Philippine National Police were involved in organized crime, and the government counted 24,000 men in 562 private armies (ibid.) Though election violence has decreased numerically it still continues. This also raises a question of military legitimacy as a monitoring force during political elections; and that the existence of private armies and government acknowledgement of such forces indicates that there is a coercive force that exists outside the legal framework that works within communities, and that the central government is incapable or hindered in addressing the issue.

Coercive forms of control over local populations in the Philippine context have been referred to as "bossism" (Sidel 1999 cited in Quimpo 2005) and "authoritarian clientelism," (Franco 2001 cited in Quimpo 2005). Such forms of control have "Persistently and systemically intruded upon elections and distorted economic relations and social relations" (Quimpo 2005: 231) and reflects a situation in which "imbalanced bargaining relations require the enduring political subordination of clients and are reinforced by the threat of coercion" (Quimpo 2005: 232). This reflects a democracy that does not allow citizens to make a clear choice (M Mangahas 2009, Interview, 26

February); creating a limitation to the participatory capacity of a citizen to engage locally and by extension nationally. A key political good that a state must provide its citizens is the ability to participate freely, openly and fully in politics and the political process (Rotberg 2003: 3). Under a liberal democratic framework, the Philippine state is weak and unable to deliver this political good in provincial areas where political power is monopolized, and coercive force lies in parallel to the state apparatus.

This condition can be viewed as a *free of law* environment as opposed to a *rule of law environment* that would be a precondition of state strength in the liberal democratic framework (Rakipi 2002: 4). In a society where the social control is in the possession of various local level social organizations or groups, the “rules of behavior have been dictated by critically claimed strongmen –landlords, caciques, bosses, money lenders and others” (Migdal 2001:92 cited in Van de Loo 2004: 262). In this context, the allocation of political posts is nepotistic in practice and “reflect the loyalty of particular groups and the threat of other groups” (Migdal 1998: 274 cited in Van de loo 2004: 264). With a political system and bureaucracy influenced with this form of social relationship on the local level, the state is weakened. It is thus incapable of fully providing security and the delivery of public goods (Rakipi 2002). The lack of meritocracy creates a situation in which politics is visionless and does not serve the interests of the public at large, but rather personal interest of those with access to power on the local level. Nepotism and the lack of meritocracy in this system are reflective of political dealings that are reactionary.

For politicians and many other people occupying various positions that may lend the attention of a public eye, reputation is the main personal capital (Thompson 2000 cited in Waisbord 2002b: 439-440). However it can quickly erode when a scandal is exposed (ibid.), such as in exposés, reports and stories implicating wrong doing or discussing local anomalies. Threats and physical attacks provide the most immediate remedy in “quelling” a scandal that can ruin legitimacy. This is reflected through the many journalists killed that were either critical of and or reporting on local anomalies from political corruption and crime, with several local politicians and public officials as

suspected masterminds of some murders. As indicated by the different localities of the killings, journalists are not killed systematically by the same people or groups. They are committed as a part of a private agenda, and reflect an outgrowth of personalized politics. The killings can be seen as an attempt to prevent information to reach a public through targeting individuals. In contrast, during the Marcos era, killings of journalists were based on an ideology and organized by the center of the government (M Mangahas 2009, Interview, 26 February), and thus targeted those critical of the regime. There existed a “logical connection to who was in charge, who did what where you would go” (ibid.) The deaths of journalists during the democratic period, and the increase in occurrences during the Arroyo administration, reflect an access to violent means geographically in rural areas and provincial areas that is not controlled by the central government.

5.2 Challenging the Legitimate Monopoly of Violence

According to Max Weber (1978), the monopoly of the legitimate means of violence or force is necessary for modern states to ensure the rule of law. This problem with monopolization of violent means has been called the “crisis of the state” (Nagengast 1994; Waisbord 2002). The Philippine state has struggled for decades with armed insurgencies, and its problem with terrorism has been noted as being “unrivalled by any other Southeast Asian nation” (Brown and Wilson 2007). The military wing of the Maoist-Leninist organization the Communist People’s Party (CPP), the New People’s Army (NPA), and splinter groups of Muslim separatist groups, the MILF and Abu Sayyaf¹² have continued to challenge the Philippine state.

For almost 40 years, the CPP-NPA-NDF¹³ and the Philippine government have been in a repetitive cycle of armed conflict and negotiations. At its peak, membership of NPA guerillas in 1987 was 25,000, going down to 6,000 in 1994 (Abinales and Amaroso

¹² The Abu Sayyaf has largely resorted in banditry, more specifically, they are notoriously known for the kidnapping of foreign nationals and demanding ransom. It is largely viewed by experts in the Southeast Asian region as a criminal organization (Brown and Wilson 2007 referencing Wilson 2005)

¹³ The NDF, acronym for the National Democratic Front is the negotiating legal body of the CPP. Today, it consists of an amalgamation of various left-leaning groups and organizations.

2005: 266). Today, there are approximately 10,000 fighters (Brown and Wilson, 2007). The “protracted people’s war” (Quimpo 2006:36) that the CPP-NPA have been tactically using has been decentralized (Abinales & Amoroso 1005: 15), and are largely occurring as skirmishes and battles in provincial parts of the Philippines between guerillas and the AFP. The NPA garners little support from cities and metropolitan areas, but are popular amongst the disaffected population in the countryside, where rural poverty is a daily reality (ibid.:267; Brown & Wilson 2007). In 1998, the NDF forged negotiations around a “Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law” (Quimpo 2006: 35). However, the government in 2000 declared an “all out war” with the CPP-NPA-NDF, and in 2001, the CPP-NPA-NDF’s diplomatic manouevering was greatly hampered when the United States and the European Union (EU) put the organization on a terror list (ibid.: 34). With a government that is generally perceived as being elitist, the CPP-NPA-NDF will continue to gain adherents as long as disaffection and socio-economic issues in provincial areas are not addressed.

Islamic militancy and separatism in the Southern Philippines has been a political and military challenge to the state, developing after hundreds of years of marginalization. For the past 40 years, the armed conflict in Mindanao has approximately killed 120,000 people and displaced some two million civilians (Relief Web 2008). It is estimated that the MILF has between 12,000-15,000 combatants (Abuza 2003: 90). The involvement of Al Qaida and Jemaah Islamiyah in the Philippines has been documented in detail (ibid.; Brown and Wilson 2007), and has resulted in the Philippines being part of the “second wave” of the war on terror (Brown & Wilson 2007). This has led to an increase in U.S. involvement in Philippine military affairs through joint exercises and contributions to the Philippine military’s modernization program. However, though such connections with international terrorist organizations exists, the concerns of groups such as the MILF are largely local in nature and context specific in the Philippines, and are directed towards autonomy and land acquisition in Mindanao (ibid.) The Muslim community represents the most impoverished community in the state, as well as having the lowest literacy rates. They have “legitimate grievances” (ibid.) lending to the government’s attempts to politically engage with the group. These grievances are rooted in historical claims of a

separate Muslim identity and nationalism, that of *Bangsamoro*.¹⁴ However, the MILF also work within the political system by influencing local politics in the Sulu Archipelago (Abuza 2003: 47). In 2001, the Arroyo administration initiated a unilateral approach which led to the signing of the Tripoli ceasefire agreement (ibid.: 46). However, large scale fighting broke out in 2008 between government forces and MILF when the Philippine Supreme Court deemed that the process in of government secession of land to an autonomous region was deemed as unconstitutional.¹⁵ The fighting led to a humanitarian crisis in which 300,000 people were internally displaced (UNHCR 2008). Similar to the communist insurgency, the Islamic insurgencies come out of political and socio-economic disparities amongst those populations marginalized, largely coming from provincial areas.

Both forms of armed insurgency challenge the nature of the Philippine state both ideologically and through violent means. They contribute to the general level of insecurity within the Philippines, which affect the structural political conditions of the state. More specifically, they represent “violence from below”—popular insurrections and armed struggle (Sosa Elizaga 1995, Wickham-Crowley 1995, cited in Waisbord 2002). However, other than the difficulty in monopolizing the means of violence on these fronts, the *legitimate* monopolization of violence is further hampered by the corruption and the “skills” that numerous of members of the AFP and the PNP have offered privately, in organized crime¹⁶ or as hitmen for private armies. In addition, is the implication of the Philippine military’s involvement in the large spate of extra-judicial killings that have risen dramatically since 2001 and the advent of “death squads” in the Davao region of the Philippines (Alston 2007) which has garnered much international attention.

¹⁴ Which is separate from the Filipino identity, which is deemed as largely Hispanic and Christian as a result of Spanish colonization.

¹⁵ Unconstitutionality was deemed on the grounds that Christian communities were not consulted over which land was to be incorporated to the autonomous region.

¹⁶ Previously noted in *Philippine Politics: All Local*

John Keane (1996 cited in Waisbord 2002a) describes the concept of “uncivil war” as one of two situations that is reflected in the crisis of the state. “Uncivil war” refers to localized, scattered violence that lacks the logic of conventional civil war. Waisbord asserts that under this definition, attacks against journalists should be considered as “uncivil war” as the dispersal and the difficulty of singling definitive official responsibility attest to the privatization/autonomization of violence—existence of hitmen and death squads for the service of powerful “bosses” and druglords (ibid.). In the case of the Philippines, this condition of uncivil wars is further exacerbated by popular uprisings. The scattered occurrences and lack of logical connection to the deaths of journalists are also reflected in the suspects which include local mayors, governors, the NPA, police officers, drug cartels, illegal gambling groups and government agency officials. These actors are the subjects of the dead journalists reportage. Journalists killed were not killed during crossfire, or while covering armed fighting with insurgent groups in the Philippines. This differs from studies worldwide on killings of journalists where general warfare is to blame for the deaths. The violence that lead to the killings of journalists can therefore be viewed as being part and parcel of the general situation of violence that the state is unable to successfully mitigate; most especially in provincial areas. The killings of journalists, or anti-press violence as a whole, is a “product of structural political conditions responsible for a generalized situation of violence” (Waisbord 2002a: 100). Taken into consideration, the Philippine state is unable to deliver the political good of human security, which is a state’s prime function, and is thus indicative of its condition as either a weak or strong state (Rotberg 2003: 3).

5.3 A Weak Judicial System and Impunity

The *Oxford English Language Dictionary* defines *impunity* as “freedom from punishment or injury” (1995: 598). A more juridical definition of impunity goes even further, defining it as “exemption from accountability, penalty, punishment or legal sanction for perpetrators of illegal acts” (Afflito 2000; McSherry and Molina 1992 cited in Opotow 2001:149). Impunity is a problem that rises from a weak judicial system (LV Teodoro 2009, Interview, 6 March; CPJ’s 2009 Global Impunity Index in Manila; Opotow 2001). This assertion has been reaffirmed by interdisciplinary literature on transitional literature

that posit that impunity is an injustice and undermines the rule of law (Ensalaco 2005), In 2008, the Philippine press held the Manila Conference on Impunity and Press Freedom,¹⁷ in an attempt to address the barriers in the judicial system that prevent proper action which identified censorship by killing as a threat to freedom of expression (CMFR 2008).

The judicial review system in the Philippines is based on the U.S. system¹⁸, with civil code based on Spanish law (R Azcuna 2009, Interview, 5 March). In the 1987 Constitution judicial power is vested in the Supreme court as well as a network of Regional Trial Courts, (RTC) Municipal Courts (MC) and Sharia Courts¹⁹ (Franco 2007: 1860) In addition is the Barangay Justice System (BJS), a non-state system for dispute processing most prevalent in rural and provincial areas (ibid.: 1859). A study conducted by Franco and the Transnational Institute (2008)²⁰, investigates the attempt at judicial law reform in stratified societies, focusing on the rural poor in the Philippine countryside. According to the research and findings the Philippine judicial field is fragmented with “state law agents and instruments dispersed across administrative and (quasi) judicial subarenas” (ibid.: 1863), which is reflected in the formal administrative courts, Sharia Courts and BJS. This runs in parallel to a “patrimonial field” that operates through (a) landed elites, their overseers and private armies; (b) “captive” local public authorities such as municipal/village officials, public attorneys, police and judges that reinforce landlord or elite control (ibid.). A patronage network is a hindrance to rural access to the judicial system. Essentially, private authority overrides public authority that is supposed to be legally protected. In addition poor litigants are pressured by various government officials and community actors to avoid courtroom litigation and resolve conflicts in non-state systems such as the BJS; and in combination with the cost of time and legal work through state mechanisms, many turn to the BJS (ibid.). However, elites rarely engage with people or groups at the *Bargangay* or village level (ibid.; 1864). This form of

¹⁷ A conference different from the CPJ Impunity Index. The Conference speakers largely included those from Spain and Latin America; the latter in particular, has been under going successful judicial reform projects and has made very clear examples at attempts at combating impunity (Conference; Interview, Azcuna).

¹⁸ The Philippine 1987 Constitution is based on the U.S. constitution

¹⁹ Only in the Autonomous Region of Muslim Mindanao

²⁰ Based in Amsterdam, the Netherlands

judicial interaction, according to the research, is especially true to “remote interiors ‘invisible’ to national governments, urban-based media or public watchdog groups” (ibid.). Law reform does not take into full account the local socio-political conditions that impede equal access to the judicial system. However, the research does show there are ways for rural people seeking judicial recourse to overcome such obstacles, through an alternative “rights-advocacy network” to serve as a support structure and an effective form of political-legal mobilization (ibid.: 1869).

Cases dealing with the murders of journalists in the Philippines are reflective of the difficulty faced with going through the judicial process, especially as it affects provincial areas the most. All convictions are of the trigger-men, not the masterminds. However, one case that has the possibility of setting precedence is that of Marlene Garcia Esperat, a journalist from Sultan Kudarat, married with three children. Some years before, her husband, also a journalist was killed. Esperat was dubbed the “Erin Brokavich” of the Philippines, working as a columnist for the *Midland Review*, and as a block-time radio broadcaster (CPJ’s 2009 Global Impunity Index in Manila). Esperat was shot dead in her home on March 24 2005, the eve of Easter, in front of her children. She was under the Witness Protection Program (WPP), and had just sent her security guards home the day that she was shot (ibid.). Prior to her work as a journalist, Esperat, worked as a trained chemist and after as a resident ombudsman for the Mindanao Department of Agriculture, during which she became aware of anomalies in funding. She became a whistleblower, documenting in detail cases of official corruption and misuse of funding, but also taking upon herself to file formal complaints in court (ibid.). Esperat’s case has the opportunity to set precedence, as it is the only case in which the named masterminds will be put into trial, with conviction possible as evidence, as far as masterminds are concerned, are in place (N. Santos 2009, Interview, 23 March). Osmeña Montañer and Estrella Sabay, are the named masterminds, officials from the Mindanao Department of Agriculture. They were named by a former employer of Sabay, who admitted to coordinating the murder. His testimony led to the first conviction of the trigger-men. Recently, the accused have filed a second Motion of Reconsideration, which will delay the arrest warrant and the arraignment process. From the beginning

jurisdiction for the masterminds was a very difficult, in that the case was initially dismissed in 2005 by Tacurong City Regional Trial Court.²¹ When the case was relocated to a more neutral trial court in Cebu, the judge cited lack of jurisdiction in the case, and was set back to Tacurong City. In an attempt to mitigate possible local political influences in the regional trial courts, the Esperat legal team, with the help of the Task Force 211²² is working to have the venue of the trial changed to Makati City, in Metro Manila (N. Santos 2009, Presentation 23 March). The need to prosecute, not just the hitmen, but the masterminds, is an imperative in fighting impunity and strengthening the judicial system.

Most of the cases in the Philippines do not have the same national attention, or opportunities to get their case heard, visible in the fact that only 2 cases have gone to court with convictions since 2001 and since 1986, only 5 cases have had convictions of the triggermen (Pavia 2009, Presentation 23 March). Esperat's case is the only one in which masterminds will be tried. In the Philippines prosecution relies heavily on witnesses, as the basis of most convictions relies on their testimony; thus making the role of the WPP extremely valuable (LV Teodoro 2009, Interview, 6 March). In the Philippines, the number of cases has mounted over the years and logistical support for prosecuting criminal cases, particularly in rural areas has declined. The Philippine Witness Protection Program (WPP) is extremely weak, under funded and witnesses are not relocated (ibid.), leaving witnesses in local conditions where they may face external pressures and threats. By the end of 2007, approximately 2400 people were relying on the services of the WPP, 90% of who are from the poorer sectors of society (Manila Conference on Impunity 2008). The Special Rapportuer of the U.N. described that the "WPP is impressive---on paper. In practice, however, it is deeply flawed and would seem only to be truly effective in a very limited number of cases. The result /.../ is that 8 out of 10 strong cases, or 80% fail to move from the initial investigation to the actual prosecution stage" (Alston 2007 cited in CMFR 2007: 28).

²¹ The court of jurisdiction for the murder.

²² Government Task Force in prosecuting extra-judicial killings of activists and media members under the Department of Justice.

The Supreme Court has made some very clear attempts to address the issue of impunity and media killings. In particular is the implementation of the Writ of Amparo²³ as a rule making body that took into effect on October 24, 2007 (Supreme Court Document 2007). The Writ of Amparo was created to cope with the general rise of extrajudicial killings in the Philippines, as the nation did not have the proper legal mechanism to deal with the situation (R Azcuna 2009, Interview, 5 March). The Writ of Amparo originated from the Mexican legal system as the “*recurso de amparo*” (Sarmiento 2008: 4), which affected Latin America immensely, and it can now be found in many constitutions in Latin America, such as Argentina (Sarmiento 2008: 4, 8). The Writ provides certain protection and inspection orders. In the Philippines, it is a human rights protector and a justice tool in that (1) the petition for a writ is a remedy available to anyone where life, liberty and security is threatened or violated; (2) the writ covers government officials and private individuals/entities; (3) petition may be filed by by aggrieved party as well as by a “concerned citizen, organization, association or institution if there is no known member of the immediate family or relative of the aggrieved party;” (4) “the petitioner is exempted from the payment of the docket fee and other fees when filing the petition” (ibid.). The significance of such provision for poor provincial Filipinos are immense; most visible in the second, third and fourth aspect of the Writ as a justice tool. The second, in covering government officials and private individuals/entities establishes that no one should be exempt from the law, and that everyone should have the equal opportunity to seek judicial recourse. The third is a recognition of the roles of various media and civil society organizations, such as FFFJ and NUJP in aiding the families of journalists through the bureaucratic measures that can become emotionally overwhelming for those families and individuals affected or threatened by/with death. This affirms the role of such organizations as providing an alternative support system for petitioners of the Writ. While the fourth, exemption of fees by the petitioner,

²³ Supreme Court Chief Justice Puno sponsored the National Consultative Summit on Extrajudicial Killings and Enforced Disappearances, on July 16-17, 2007. The Summit was attended by justices, activists, police officials, military leaders and politicians. The first proposal introduced in the Summit’s summary of recommendations was the operationalization of the Writ of Amparo in the Philippines (Sarmiento 2008: 3).

acknowledges the fact that provincial people are often the victims that need to seek recourse, but do not have the financial means to do so. However, the application and coverage of the writ is still through RTCs (SC Document 2007:4), which once again puts into question how local influences and inequalities come into play.

The general idea of the Writ of Amparo and the judicial reform process as a whole could be viewed within the context of the Philippine's attempt to enforce constitutional rights of International Covenant of Civil and Political Rights (ICCPR) of 1966, a covenant based on the Universal Declaration of Human Rights (ibid.) of which the Philippines is a signatory. Thus Amparo is reflective of international compliance, as articles of the 2 and 3 of the ICCPR mandate for an effective remedy (ibid). In addition is the UNESCO, 1997: Resolution no. 29, "Condemnation of Violence Against Journalists" which is parcel to the ICCPR and the UNDHR (De Jesus & Teodoro 2008: 28). The Writ of Amparo is the Supreme Court's way of saying no to killings and disappearances that "corrodes the rule of law in the Philippines," and yes to the Universal Declaration of Human Rights. (Sarmiento 2008: 19). The Writ of Amparo is a hopeful progress in institutionalizing justice sector reform and the fight against impunity in the Philippines, which in the end will greatly contribute to a stronger, more stable state. Whether or not significant progress has been made since the Writ was put into place, it is "too early to tell" (R Azcuna 2009 Interview, 5 March). The Writ has only been in place for approximately one and a half years, and its benefits as a rule making remedy are yet to be seen, much less measurable. Because the remedy is new, there are challenges that the Philippine legal system faces with the implementation of the Writ and addressing the rise of media killings in general. One of which is the need to familiarize judges with the new remedy (ibid.). The Philippine Judicial Academy²⁴ is currently engaged in lectures and trainings addressed mainly to judges to inform them about the new remedy and how it may be applied. However, for judicial reforms and the Writ to be effective, other law enforcement agencies, such as the police must be part of the reform process and educated

²⁴ Educational Arm of the Supreme Court

in the new writ. In addition, it would have to actively consider and address how a historically entrenched system of patronage, clientelism and corruption can be transformed by reform.

Susan Opatow (2001) describes how in a culture of impunity, direct and structural violence are indistinguishable (152). Referencing Johann Galtung's definition (1969), she explains that direct violence is "immediate, concrete, visible and committed by and upon particular people" (ibid.: 151); and structural violence "is gradual, imperceptible, and diffused in society...including whose voice is systematically heard or ignored, and who gets particular resources and who goes without them" (ibid.). In relation to the killings of Filipino journalists, this manifests itself in several ways. First, is that the killings are a form of direct violence intended to harm a particular individual on the local level and a group of people, that being journalists. Second, the existing socio-political system of patronage and clientelism, is reflective of structural violence as certain individuals are given privilege over others, influencing local judicial processes, which are slow and often inaccessible to many people, making recourse for the killings of journalists difficult. As a whole, this is informed by the Philippines as a weak state.

6. THE PHILIPPINE PROVINCIAL PUBLIC SPHERE

"The sad thing is, if you look at it, press freedom doesn't even belong to the press. Its not the freedom of the to do what it wants, its just a logical extension of the people's right to know." Nonoy Espina

6.1 *The Public Sphere and Freedom of the Press*

A more contemporary conception of a "pluralistic public sphere" (Berger 2002: 22) or many public spheres, is more applicable to the discussion on the Philippines. Instead of focusing on the public sphere in Metro Manila, the study focuses on the provincial population as constituting a public sphere, as it also represents citizenry within a nation using the media or the press as a means for getting information. In addition, "the public sphere notion interpellates people as equals sharing a common right" (ibid.: 34). Habermas asserts that in contemporary times, newspapers, radio, television and magazines are the media of the public sphere, and many scholars today still regard the

media as the main institution of the public sphere (ibid.: 32). Thus, the guarantee of freedom of the press is an imperative, and this is espoused in the Philippine Constitution.

The 1987 Constitution under Article III, BILL OF RIGHTS, under Sections 4 and 7, explicitly confer upon the freedom of the press (Maslog 1992: 342). These sections state:

“Sec. 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people to peaceably assemble and petition the government for redress of grievances.

Sec. 7. The right of the people to information on matters of public concern shall be recognized“ (ibid.).

The role of a free press is that it must be able to keep a citizenry informed, acting as a “Fourth Estate” through which it reports abuses of power and the misconduct of officials, and provides a forum for a discussion of diverse opinions and ideas (Stone 1987; Jeffrey 1986; Graber 1986).

This is a guarantee that goes to the very core of a self-governing society (Stone 1987: 11). A direct implication of the killings of journalists is that it immediately threatens and limits the diversity of the press in provincial areas. When a public voice reporting on corruption, crime and official malfeasance is silenced, information that is a matter of public concern is denied or prevented from reaching the public. In addition, there is an apparent “demonstration effect of the killings,” in provincial areas, in which journalists where a killing has occurred are more cautious (LV Teodoro 2009, Interview, 6 March). Being cautious out of fear reflects a conscious attempt to avoid possible conflict or incur attention that could lead to a possible attack. This is self-censorship, which itself limits the diversity of information available. “When the rule of law is precarious and media personnel feel unprotected against arbitrary violence, that fear and sense of insecurity may lead to self-censorship” (Chalaby 2000: 22). And certainly, with a weak state that is unable to ensure human security, and legal process by judicial means is slow, a logical precautionary action that a journalists will take is to limit the issues and scope of their reporting. As Kulachada Chaipipat of SEAPA indicated, when self-censorship occurs, the media denies themselves freedom (2009, Interview 23 March).

The Philippine provincial press is unable to fulfill its key functions in holding criminals, institutions and politicians accountable and providing a forum for the discussion of a diverse opinions and ideas necessary to keep its citizenry informed. The deaths of journalists can be viewed as being two fold: their killings are a violation of an individuals right to life, however as journalists, their deaths reflect a “social dimension” (LV Teodoro 2009, Interview, 6 March), as the provincial public sphere is limited from accessing information that is of concern to their immediate environment. This social dimension is important, in that the denial of information inherently exempts a specific public sphere from participating in the deliberative processes of a democracy. Information provided by journalists is a necessity in the creation of public opinion, which in turn exerts political influence that is intended to effect change upon the given social environment and the direction of the state. The provincial public sphere is prevented from effectively participating in the democratic processes of the state. Though freedom of the press is a constitutional guarantee, local conditions render the guarantee section 7 of Article III a challenge for the common right of the provincial public sphere.

6.2 Mitigating the Effects

There are steps being made to mitigate the adverse effects of journalist killings through the work of various press media and journalist organizations based in Metro Manila. These organizations gather financial, educational and voluntary resources that are available in the NRC that are extended to provincial areas where these resources are lacking. As a whole, these efforts can be viewed as an active attempt at ensuring the diversity of the press, and by extension, the access to information of the provincial public sphere. This is most evident in (a) the formation of the Freedom Fund for Filipino Journalists (FFJ); (b) safety training for journalists by the NUJP; (c) role of international human rights and media organizations.

The FFJ was created in 2003 by CMFR, PCIJ, the Philippine Press Institute (PPI), US based newspaper *Philippine News*, and the *Kapisanan ng Mga Broadkaster Pilipino*

(KPB)²⁵ as a result of the growing number of journalist killed since 1986 (CMR 2007: 11). FFJ takes into consideration aspects of the deaths that are often overlooked, most significant of which is legal and financial assistance for the survivors of the killed journalists (LV Teodoro 2009, Interview, 6 March; CMFR 2007: 12). This is significant, in that many victims' families often lose a significant portion of their household income. The organization also takes care of psychiatric treatment of family members and deals with personal problems relating to the families of those individuals in the WPP (LV Teodoro 2009, Interview, 6 March).

FFJ is partly funded by the Philippine government and by private donors (LV Teodoro 2009, Interview, 6 March) such as the Rory Pect Trust²⁶, which offers scholarships to the children of killed journalists, as well as financial grants to the families of freelance journalist killed while on assignment (CMFR 2007: 12). In addition FFJ has coordinated the creation of "Rapid Response Teams" (Pavia 2009, Presentation, CPJ's Global Impunity Index in Manila, 23 March) in the case that a killing is reported. These teams are connected to a network of local groups that can coordinate in providing financial support, and if possible sending a media representative to the site of the killing to monitor police assessment and investigations for any anomalies (ibid.). Though such teams are yet to be found in every corner of the Philippines, their creation is reflected in the "watchdog" role of the press in that it keeps a critical eye in institutional function. The legal and financial assistance help provide aid and resources to provincial families who otherwise may have difficulty accessing the judicial system and going through the litigation process.

NUJP created a workshop focusing on the safety training of journalists, based on risks that journalists in the Philippines face. According to Rowena Paraan, Executive Coordinator of the Media Safety Office, the workshop module is divided into three parts (2009, Interview, 23 March).²⁷ First part of the training involves a discussion the

²⁵ English translation: Association of Broadcasters of the Philippines.

²⁶ London based.

²⁷ In collaboration with the International Federation of Journalists (IFJ)

relationship between ethics and safety, as it relates to the Philippine media and government policies that affect press freedom (ibid.). The second part is medical training in emergency situations, such as how to treat a colleague that is shot or treat a broken arm until proper medical service is available (ibid.). Third part of the workshop session teaches journalists how to deal with hostile situations such as abductions, surveillance, covering crowds and military checkpoints. In addition NUJP has actively encouraged journalists to report “any threat that you see, have it documented, have it reported, make a fuss out of it. A lot of these killings were preceded by threats” (N Espina 2009, Interview, 26 February). A positive development in NUJP’s work is that more journalists are open about reporting threats and specifically identifying who is threatening them (ibid.). Though it is impossible to erase all danger, NUJP is hoping that training journalists would be able to minimize the danger, as they become more aware of their working environment, what their jobs entail, and coping with various situations of danger.

However, there are also journalists that arm themselves as a means of protection. This is especially true in provincial areas where journalists have been killed and in the southern part of the Philippines where there is a “strong gun culture” (Peraan 2009, Interview, 23 March). One media organization in the Philippines, ARMED advocates this approach. However, NUJP documentation show that many journalists killed were actually armed at the time of their killings, and the organization stresses that arming does not stop the killers and neither does it solve the killings (ibid.; N Espina 2009, Interview, 26 February). Safety training is an alternative option to a violent means of protection. The training encourages journalists to report a threat and empowers them by providing them ways to control and manage their working environment to make it safer for themselves. This, in turn is an alternative to a more adversarial option of self-censorship out of fear, and providing a means in which press diversity can remain.

Journalists and media organizations in the Philippines are not alone in their plight. Other international human rights and media organizations and are also working towards creating a healthier environment for the press. The EU, Amnesty International and the UN have been particularly active in pressuring the Philippine government in taking action

towards addressing the general situation of human rights in the Philippines. The EU previously expressed concern over the general situation of political violence, media killings and human rights situation in the Philippines; and in response, President Arroyo met with members of the Council, assuring that steps towards addressing the killings via the creation of an independent commission had ensued (Office of the President 2006a). The Melo Commission is mandated to make a report to the President detailing policy recommendations and legislative proposals (Office of the President 2006b). The EU offered to extend training and financial aid, as well as forensic training to investigators and aid to purchase tools needed for investigations (International Herald Tribune 2006). Similarly, Arroyo met with members of Amnesty International, which released a 2006 report on the human rights situation in the Philippines (Office of the President 2006c). During the meeting, the President outlined the goals of the Melo Commission. As a response, Amnesty International provided the President Arroyo with policy suggestions that were reiterated in the Commission's final report completed in January 2007.²⁸ Similarly, the UN Special Rapporteur Report written by Philip Alston brought attention to the human rights situation in the Philippines, and the need for the government to take action. The UN report is of particular importance, in that the Philippines, is a nation that is party to the Universal Declaration of Human Rights and UNESCO, 1997: Resolution no. 29, "Condemnation of Violence Against Journalists." This signifies that the Philippine state has international obligations related to the protection of its citizens. As a whole, these international elements, though relating to the general situation of the Philippines, are essential in highlighting the role of the state and government in ensuring the security of its population.

International media groups, such as Reporters Sans Frontiers (RSF), International Federation of Journalists (IFJ) and CPJ have played an important role as an "external Fourth Estate" and working towards strengthening the domestic capacity of Philippine press and media organizations. RSF releases annual report that detail the press situation

²⁸ The Melo Commission report, focused primarily on extra-judicial political killings, with a small portion dedicated to the media killings. Amongst its recommendations is the need for greater accountability within the Philippine Military (Melo Commission Report 2007).

in nations around the world. The organization keeps a “close eye” on the Philippine situation, writing articles and publishing photos of journalists attacked or killed. The IFJ in 2004 created a projects division, in which the organization has three main focus areas: safety, relations with government and the defense of professional rights (IFJ 2008). Under the projects division, IFJ was able to partner with NUJP in the creation of the Media Safety Office. As part of the project, an emergency hotline was created, where journalists can call to report an incident of threat (ibid.) In provincial areas this is important in that a Metro Manila organization is immediately alerted, and by extension an international media organization is also able to record and verify the incident. CPJ’s Campaign Against Impunity, launched in 2007, has played an important role in establishing the relationship between press freedom and judicial systems worldwide. Elizabeth Withchel, CPJ coordinator of the Impunity Campaign, indicated that impunity as an issue is gaining ground in state diplomacy (2009, Interview 23 March). An example is that senators in the US government interested in the situation of impunity in the Philippines have come forward asking for more information (ibid.). As a whole, the international media organizations are able to provide external support to Filipino journalists to help strengthen their domestic capacity as well as bringing international attention to the attention of journalist killings.

Journalists, media organizations and international organizations are working towards creating a safer working environment in the Philippines. By doing so, they are taking an active role in ensuring that the provincial public sphere receives information that is their right as citizens. In this respect, media organizations invoke a public service role, in that they are addressing the population not just as audience members that inactively receive information, but as citizens that constitute a nation. This reflects an admonishment of an existing provincial sphere that is part of the deliberative process and should be actively included in the functions of democracy.

7. CONCLUSION AND PROSPECTS

“We gotta long, long way to go.” Nonoy Espina

The study has three key findings:

1. The killings of journalists are related to the socio-political conditions of the Philippines as a weak state;
2. The immediate effects of their deaths are that the diversity of the press and the general public's right to know and be informed about important affairs are threatened and limited.
3. As a response to the situation, journalists and media organizations have taken concrete actions towards creating a safer working environment and mitigating the adverse effects of the killings.

What can be derived from the study is that antipress violence and the killings of Filipino journalists must be considered within the three conditions that are reflective of the Philippines as a weak state, which are interrelated and cannot be separated from the other. The killings of journalists reflect the state's incapability to monopolize the legitimate means of violence and the lack of accountability of those responsible. In the Philippines, we see this as occurring with the government's inability to monopolize the legitimate means of violence through the existence of insurgencies and the participation of law enforcement and the military in extra-legal activities; and second the weakness of the judicial system that lends accountability and prosecution a challenge. This problem plagues provincial areas the most. These two conditions, in turn cannot be separated from coercive Philippine electoral politics. The Philippines, as a weak state, make journalistic work an even greater imperative, as the general citizenry need information about their existing environment to make proper steps towards addressing and bettering the socio-political system. When journalists are explicitly threatened and killed information intended for the provincial public sphere is prevented from dissemination, there is a direct attempt at maintaining the existing status quo. This does not just apply to provincial areas where the killings occur, but also to the metropolitan public sphere, which is also adversely affected and deprived of information from the provinces. As a whole, the deaths of journalists in the Philippines challenge the notion of a "free press." To what extent it is free is questionable, as freedom to report issues of public concern does not translate to freedom from murder or freedom from self-censorship out fear.

The Philippine government has taken actions to addressing the issue. Task Force Usig under the PNP was specifically created in 2006 as a separate investigatory body to

address extra-judicial killings of political activists and media killings. Currently, it is investigating 28 cases of media killings (Task Force Usig 2009). In conjunction is the creation of this body is Task Force 211, under the Department of Justice, which works on prosecution. In addition, President Arroyo is due to release 1.5 million pesos²⁹ to FFJ in order to cover the costs of legal investigation, witness protection, research and forensic capability building (Task Force 211 2009). Together with the implementation of the Writ of Amparo, these measures allow for the killings of journalists to be addressed on a case-by-case basis. These measures are hopeful, in that they are a means of addressing the issue through government institutions. However, these measure do little in addressing the fundamental problems at the root of the killings. Systemic changes need to occur, in particular solving long running conflicts, improving transparency and accountability of political institutions and strengthening the various agencies of the legal system. This presents a great challenge to the Philippines in its road towards becoming a consolidated democracy. But one may ask the question of how can the Philippine situation improve if no fundamental systemic changes take place?

International and civil organizations play a key role in this respect. In regards to the killings of journalists, international groups are able to exert some state pressure and emphasize the need for state responsibility within its own borders. On the other hand, civil society organizations in the Philippines are able to provide immediate support and resources to those in need; essentially fulfilling gaps where a weak state is inhibited or unable to act. The existence of civil society organizations in the Philippines reflect that various elements within the nation are mobilizing different sectors of the population and taking active positions in the democratization of the nation. The plurality of these civil society organizations gives voice and expression to issues that often do not garner the attention of the state. In the face of a weak state, their impact and prospects for the better protection of journalists is immense.

Many other developing nations like the Philippines are working towards becoming consolidated democracy. Though not all nations face a high number of killed

²⁹ Approximately \$31,250 USD

journalists, there are other areas of discussion that are related to the press and new democracies that may be explored. Several areas of further research are: to what extent do the socio-political conditions of a nation affect the way the press is censored; in what ways can the state and press organizations collaborate in the process of democratization; what are the media and press needs of provincial areas as opposed to urban or metropolitan areas; and the prospects of new media as a democratic form of communication in stratified societies.

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APPENDIX I: Letter of Request to Justice Puno forwarded to Justice Azcuna

February 18, 2009

Dear Chief Justice Reynato S. Puno,

I am writing this letter to humbly request a formal interview with your Honor.

My name is Elinor Boayes Lumbang, a graduate student from the Institute of East and Southeast Asian Studies at Lund University, in Sweden. I am currently conducting research here in the Philippines, focusing on violence against media personnel (specifically extrajudicial killings) within a human rights – social justice framework. This research is part of my university and department requirements in completing a thesis and obtaining a degree in Asian Studies.

During the process of my research, your pioneering sponsorship of the National Consultative Summit on Extrajudicial Killings and Enforced Disappearances of which the recommendation for operationalizing the writ of amparo in the Philippines was first proposed came to my attention. My research later led me to your work within the Supreme Court to establish both the writ of amparo and the writ of habeas data within the Philippine legal system. This of particular interest to my research, as one of the aspects that I aim to understand is how human rights is interpreted within the context of the Philippines.

I believe, your Honor, that you would be able to impart a unique perspective as it relates to human rights in the Philippines, and that the knowledge that you have is something that I will never be able to obtain from scholarly articles.

Thank you so much for your time and patience.

Kind regards,

Elinor Boayes Lumbang

APPENDIX II: PCIJ Blank Interview Protocol

Interview Protocol

February__2009

Start time:

Interviewee: Malou Mangahas, Executive Director, Philippine Center for Investigative Journalism

Interviewer: Elinor Boayes Lumbang, Institute for East and Southeast Asian Studies, Lund University, Sweden

End time:

Purpose: to gain insight on the state of Philippine investigative journalism and working conditions of Filipino journalists.

Questions:

1. How is Philippine investigative journalism—alive and thriving? A diagnosis.

2. Is there a difference in journalistic practices in metropolitan areas and provincial areas?
 - a. Does this difference affect the “quality” of work?

3. Do such differences have something to with why provincial journalists are targeted?

4. What aspects of the Philippine political culture affect investigative journalism?
 - a. The state as an actor?

5. In turn, how does it affect the advent of extrajudicial killings of journalists?

6. As a case of violence, do you think it is extraordinary in the context of the Philippines?
 - a. Is this connected to the political system's attempt at democratization?

7. Has journalism in the Philippines experiences any changes since 2001/start of the Arroyo administration?

8. Has extrajudicial killings adversely hampered investigative journalism?

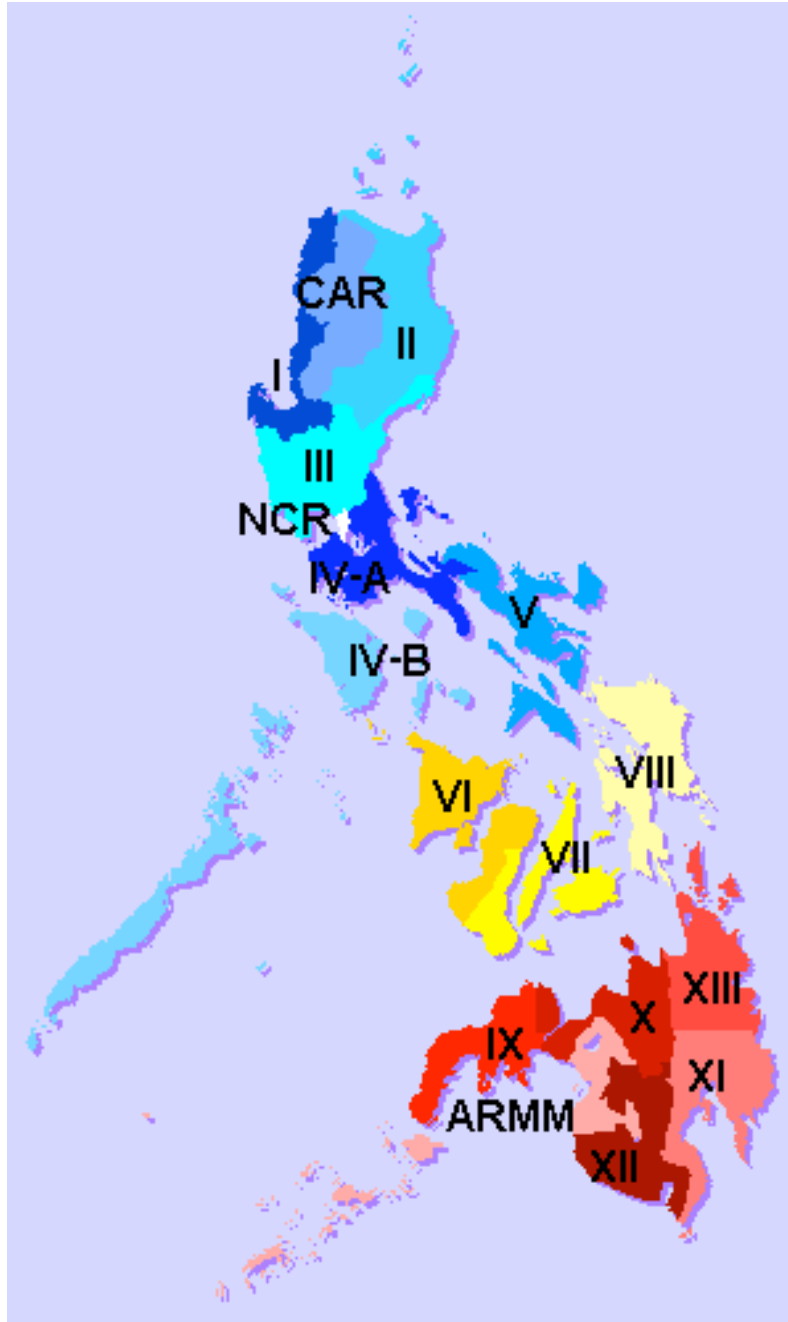
9. What other forms of violence do Philippine journalists face?

10. Does journalism in metropolitan area (Manila) enjoy a type of privilege and protection that journalists rural areas do not have?

11. Are metropolitan journalists more inclined to be influenced by market and self-censorship?

APPENDIX III: Regional Administrative Map

(Source: <http://philippines-archipelago.com.map.htm>)



APPENDIX IV: Map of the Philippines

(Source: Western Washington University

<http://www.ac.wvu.edu/~fasawwu/resources/maps/philippines-full.htm>)

