

THE FLETCHER FORUM

A JOURNAL OF STUDIES IN INTERNATIONAL AFFAIRS

VOLUME 10
NUMBER 2

SUMMER 1986
PRICE \$5.00

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The Fletcher Forum is a journal of studies in international affairs published twice yearly at The Fletcher School of Law and Diplomacy. The *Forum* publishes articles on legal, political, economic, and diplomatic aspects of international affairs. While the Board of Editors is solely responsible for selection of articles, the *Forum* takes no position on opinions expressed by individual authors.

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Articles in *The Fletcher Forum* are listed in ABC POL SCI, Contents of Current Legal Periodicals, the PAIS Bulletin, the Standard Periodic Directory, Ulrich's International Periodical Directory, and the Universal Reference System.

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ISSN 0147-0981

OBSERVATIONS ON RECENT EVENTS IN THE PHILIPPINES

FRANK H. MURKOWSKI

As one intimately involved in the Philippines over the past two years, I offer personal observations on several themes which have escaped the conventional wisdom regarding events there. For example, in our present euphoria, the narrow margin by which democracy triumphed in the Philippines may not be fully appreciated. Unheralded is the extraordinary electoral spadework done by the citizens movement NAMFREL, without which the well-publicized victories of "people power" would not have been achieved. Likewise, the role of the Senate Foreign Relations Committee on the Philippines issue since 1984 is not broadly known.

We should consider what has happened in the Philippines, and what seems likely to happen in the coming years, in uniquely Philippine terms. Let us give that country and its talented, spirited people their due. Lessons from Vietnam and Iran are no doubt instructive — U.S. policy came out better in the Philippines. Future applications to Korea and Nicaragua are tempting. Indeed, we should learn from history and be guided by past mistakes and past successes. But whatever our interpretations, perhaps it is enough for now to marvel that events of such historic significance occurred at all in the Philippines in February 1986.

Americans have a right to be pleased with the turn of events in Manila and proud of official American policy, at least over the past year or two. None of us — the Congress, the Administration or the public — should try to claim too much credit, however. When Corazon Aquino won world recognition in a political campaign lasting less than ninety days and captured the Philippines presidency, the day belonged not to foreigners but to Filipinos. For a woman who called herself an "average housewife," Cory Aquino demonstrated tremendous skill in convoking the spirit and loyalty of the Filipino people. She pulled together various anti-Marcos political and economic factions. With the support of Catholic Church leaders, reformist military officers, and the non-crony business community she toppled a regime which, despite its bright beginnings in 1965, had evolved over two decades into a venal, corrupt, ineffectual dictator-

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ship which bankrupted the economy, undermined and politicized the military establishment, and damaged Philippine democracy almost fatally. Cory Aquino pulled off this triumph with a minimum of violence and bloodshed; it was an extraordinary feat.

One key element in this success not adequately recognized outside the Philippines was the work of the National Citizens Movement for Free Elections, or NAMFREL. This citizens election monitoring organization turned out 500,000 volunteers on election day and ultimately challenged the numerical tabulations of the government's Commission on Elections, COMELEC, whose real purpose on February 7 was to hand the election to President Marcos through an elaborate computer fraud. Here was the democratic process — and hard-nosed political activism — at its finest. Waves of motivated citizens watched the voting process, catalogued instances of government cheating, bribery, and coercion, guarded the sealed ballot boxes when voting ended, and formed human walls to protect the boxes at counting centers.

Citizens monitoring organizations have played a role in Philippine elections from the beginning of the Republic. But it was in the National Assembly election of May 1984 that NAMFREL emerged as the hero by providing a "quick count" of results from the provinces. This caught the Marcos government by surprise and made it impossible for COMELEC to give 90 percent of the Assembly seats to Marcos' New Society Party, as had been planned. Through NAMFREL's ability to get results quickly to the media, the democratic opposition managed to gain 60 seats, or one-third of the total. Afterward, it became clear that had the vote been accurately rendered, the opposition would have won close to 100 seats.

The Marcos regime learned from the May 1984 experience. From that time, and particularly from the summer of 1985 when it became probable that Marcos would call a "snap" election to maximize his chances of holding power, the government maneuvered to prevent NAMFREL, which was dormant in a non-election climate, from springing back to life. In an extraordinary effort that must surely warrant further study, industrialist Jose Concepcion, Bishop Antonio Fortich, and a remarkable coalition of lawyers, priests, businessmen and teachers were able to keep the NAMFREL effort from being crippled by the massive resources of the Marcos administration.

Increasingly after May 1984, the Marcos regime saw NAMFREL not as a nonpartisan, objective election monitoring organization, but as an arm of the democratic opposition whose primary aim was to defeat Marcos at the polls. Marcos was right — although not for the reason that he would have offered. On February 7, 1986, Marcos had every reason to fear a "free, fair and honest election." After the August 1983 murder of

opposition leader Benigno Aquino, the Marcos regime suffered a serious loss of credibility and was vulnerable to a genuine test at the polls. Pro-Marcos politicians knew this unpleasant fact perfectly well. If an organization, be it NAMFREL or some other politically active entity, sought to ensure fairness and accuracy in the electoral process, then this was "pro-opposition" activity. The unfettered operation of the democratic process thus emerged as a mortal threat. To U.S. analysts, the main question then became whether Marcos would ever allow events to develop in a manner which would prohibit his regime from controlling the electoral process closely. Most of us thought not; Marcos would do what was necessary to stay in power. Seeing his track record, most "experts," and this included the Congress and Administration, assumed that Marcos would bring to bear enough administrative zeal, money, personal deals, threats, coercion, and guns to ensure a victory of desired dimensions. Surprise of surprises, in February 1986, the Aquino group, NAMFREL's gritty performance, and the ineptness of the Marcos regime all combined to prove the experts wrong.

Where some of us on the Foreign Relations Committee were not wrong in the post-August 1983 period was in our conviction that ultimate American interests in the Philippines lay not with perpetuation of the Marcos regime at any cost but with keeping faith with the Filipino people. Tracing the thread of the Committee's attitudes and activities on this issue is not easy. It is buried in hearings on the Philippines and on the U.S. security assistance program at various times during the Congressional authorization cycle for fiscal years 1985 and 1986, in statements on the Senate floor, and in the deliberations of late night conference committee meetings, where the final compromise decisions on money matters were hammered out between the Senate and the House, usually to the complete satisfaction of neither body.

The shock of the Aquino assassination lingered in the spring of 1984 as the Subcommittee on East Asian and Pacific Affairs convened to hear the Administration's requests for security and economic assistance to the Philippines. The Administration's strategy for bringing pressure to bear on the Marcos regime to effect fundamental political, economic and military reforms — and for using both the carrot and the stick of our assistance to this end — was beginning to emerge.

One of the ironies of the last several years in the Philippines is that if Marcos had carried out the reforms which the United States was continually pressing upon him, he might have been able to stay in power. It was Marcos' blunders, beginning with the murder of Aquino, which caused his downfall. On the other hand, Marcos felt that the United States was demanding that he commit political suicide by making reforms

that eventually would have destroyed his power base. Perhaps understandably, he declined to do this.

Our hearing of March 22, 1984, revealed concern over both political and economic deterioration due to failures of the Marcos regime to address the country's basic problems.¹ The argument turned on the effectiveness of American leverage in promoting constructive change within the Marcos regime. From early 1984, tactical disagreement on this point had hardened, particularly with the Democratic House, where Representative Stephen Solarz, Chairman of the Foreign Affairs Committee's Subcommittee on Asian and Pacific Affairs, had become a champion of the anti-Marcos forces.

Representative Solarz and some Democratic senators maintained that cutting military and increasing economic assistance would "send a signal of disapproval to Marcos" (and to his political opposition), thereby hastening his regime's downfall. Representative Solarz also made the point that much of our military assistance was probably being wasted in any event. The Administration, which the Senate majority supported on this issue, maintained that continued financial support for the Philippine military was our best hope to promote reorganization and modernization within the military establishment, to encourage the small but growing reformist movement among younger officers, and to keep up the fight against the communist New People's Army.

For many of us in early 1984, the idea of tacitly encouraging the military reform movement was a long shot. There was little evidence that such a movement could ever play a helpful political role. In February 1986, however, it became evident that our confidence in this glimmer of hope had been well placed and that continued support for military assistance, distasteful as it was in some respects, had been politically correct.

In June and July 1984, the Foreign Relations Committee staff carried out an in-country assessment of the Philippines situation.² The report addressed the causes of the communist NPA insurgency, described its organization, operations and goals, and detailed the political, economic, and social deterioration which had occurred in the Philippines since the Aquino assassination. The report also analyzed the results and political implications of the May 1984 National Assembly elections and the surprisingly strong showing by the democratic opposition parties. This staff report contributed to Congressional and public awareness of the alarming trends in the Philippines.

1. U.S. Congress, Senate, Committee on Foreign Relations, *Security and Development Assistance*, 98th Cong., 2d sess., 1984, pp. 1258ff.

2. Staff of Committee on Foreign Relations, *The Situation in the Philippines*, 1984.

The Subcommittee on East Asia and the Pacific pursued these themes at its September 18, 1984 hearing. The Administration amplified its three-pronged strategy of pressing Marcos hard for rapid changes in the political, economic, and military spheres. There was public testimony on human rights and discussion of abuses by the Philippine military. Commenting on the Administration's policy, I summed up the dilemma:

I think it is fair to say that our obligation to and association has been with the Philippines and the Filipino people. From a policy point of view, how do you distinguish between the support for the country as opposed to the perception of support for the Marcos government?

My question is leading, of course, but how do we guard ourselves from supporting a government that the people do not support? We have been down that road in our foreign policy from time to time, and hopefully have learned something from previous experience.

And from a policy point of view, how do you distinguish the obligation of support for the people in the country as opposed to support for a government that is currently in power and not altogether too popular, and that is running down the road of economic chaos?³

This was not a new formulation but it served clear notice on Manila that the Senate's concern was deepening. It also maintained the Committee on Foreign Relations as a forum for serious discussion of the Philippines situation. One year after Aquino's murder, the handwriting on the wall for the Marcos era was increasingly apparent. The need to reposition American policy accordingly was, in our view, urgent.

Senate consideration of the fiscal year 1986 security and development assistance authorization for the Philippines became the next high profile venue for taking stock of the Administration's strategy for convincing Marcos that he should carry out major reforms before the political, economic, and insurgency situation became irretrievable.

Again, it was essential to underline the essence of the U.S.-Philippine relationship. In my opening remarks for the Subcommittee on East Asian and Pacific Affairs hearing of March 21, 1985, I tried to put into proper perspective the strategic significance of Subic Naval Base and Clark Air Base:

3. Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Situation in the Philippines and Implications for U.S. Policy*, 98th Cong., 2d. sess., 1984, p. 43.

Significant as these bases are from our strategic and operational point of view, it would be a grave mistake to conceive of a U.S. relationship with the Philippines that was based strictly in terms of maintaining access to these military bases.

What really counts for the United States is the relationship with and the obligation to the Filipino people and the nation of the Philippines. The ultimate viability of United States-Philippine relations lies in the historic, deep, and genuine understanding between our two peoples and our two countries. We share many common views.

U.S. assistance programs are designed to help the Philippines as a country and not any particular government nor any particular political group or person.⁴

At the full Foreign Relations Committee markup of the foreign assistance authorization legislation on April 19, 1985, the issue of how to use U.S. leverage to best advantage in bringing about change in the Philippines was warmly debated.⁵ A proposal by Senator John Kerry advocated granting military assistance to Marcos only if the Administration could certify that there had been significant progress in a number of key areas (human rights, election preparations, resolution of the Aquino case, corruption). Senator Richard Lugar, I, and other Committee members expressed full agreement with the ultimate purpose of the Kerry proposal but pointed out that the Administration would be constrained, if not crippled, by the certification requirement. In the end, we said, such a requirement would not accomplish the desired objective and indeed could hinder U.S. efforts tactically. The Kerry proposal was defeated in the Committee vote and the full Administration request for military assistance was approved.

This frank debate helped clear the way for the emergence of a bipartisan approach in the Senate to Philippines policy, an attitude which became crucially important as the political and economic crisis in the Philippines deepened during the summer.⁶ Senator Kerry continued his deep involvement after the April hearing. He became one of our most knowledgeable members on all aspects of the Philippines issue. As a member of the Democratic minority, his contributions in subsequent hearings and as a

4. Committee on Foreign Relations, *Security and Development Assistance*, 99th Cong., 1st sess., 1985, p. 538.

5. Committee on Foreign Relations, *International Security and Development Cooperation Act of 1985*, S. Rept. 34 to accompany S. 960, 99th Cong., 1st sess., 1985, pp. 12-13.

6. For an analysis of how this consensus developed, see "Rare White House-Congress Consensus Emerges on Policy toward the Philippines," *National Journal*, 30 November 1985, pp. 2702-12.

member of the Presidential Observer Delegation were vital to the Committee's activities.

Reflecting the bipartisan consensus, Senator Kerry and I introduced on May 15, 1985, an amendment to the Foreign Assistance Act for fiscal year 1986 affirming Congress' intention to grant future aid to the Philippines "according to the determination of the Congress that United States security interests are enhanced and sufficient progress is made by the government of the Philippines" in a number of critical areas. These included a guarantee of free, fair, and honest elections in 1986 and 1987, satisfactory prosecution of the Aquino murder and coverup, freedom of speech and access to the media for all candidates in future elections, reestablishment of the right of *habeas corpus* and an end to the Presidential Detention Act, release of individuals imprisoned for peaceful political activities, and "substantial progress" in curbing military abuses. This amendment was passed by the Senate by a vote of 89 to 8 and became part of the legislation signed into law by President Reagan in August 1985.⁷

Prior to final agreement on fiscal year 1986 aid, House and Senate conferees had to resolve differences on actual military and economic dollar levels for the Philippines, the main bone of contention between the Solarz subcommittee and the Senate Foreign Relations Committee. On July 29, 1985, a compromise was struck which gave the Philippines \$70 million in military assistance as opposed to the Administration's request of \$100 million and the Solarz target of \$25 million.⁸ It was a compromise slightly in favor of the Senate's point of view. Yet, with inclusion in the legislation of the amendment Senator Kerry and I had sponsored, the message to Marcos was transmitted loud and clear. The argument with Representative Solarz and his supporters was spirited. From that point onward there was less coordination with the Solarz subcommittee, and (except for Concurrent Resolution 232) our own Committee pursued the Philippines issue on its own track.

After August, a snap Presidential election seemed probable. The Committee recognized the important test which such an election would present not only for Philippine democracy but for American policy. If Marcos won an election by obvious fraud (as many feared), the United States would inevitably be tarred with the same brush, popular resentment against us in the Philippines would grow, and our strategic interests would inevitably suffer. Just as important, the historically sympathetic

7. U.S. Congress, Senate, 99th Cong., 1st sess., 15 May 1985, *Congressional Record* 131:6145.

8. *Conference Report, International Security and Development Cooperation Act of 1985*, H.R. Rept. 237, 99th Cong., 1st sess., 1985, p. 151.

relationship between our two peoples would erode rapidly. Aware of these considerations, the Committee set about to study the setting for a snap Presidential election and for the local and provincial elections, then scheduled for May 1986.

On October 30, Senator Lugar chaired the first in a series of three full Committee hearings, an in-depth review of the Administration's Philippines policy.⁹ These three hearings were of great value in making more visible the authority of the Senate Foreign Relations Committee on the Philippines question. Soon thereafter, of course, President Marcos announced the snap election (scheduled first for January 1986, then postponed to February 7) in the wake of Senator Paul Laxalt's visit to Manila on behalf of President Reagan. In response, on November 14, the Congress passed almost unanimously Concurrent Resolution 232, which had been drafted jointly by the Senate Foreign Relations Committee and the House Foreign Affairs Committee. Resolution 232 stated explicitly the Congress' determination to scrutinize the snap election closely and to judge future assistance to the Philippines and the general course of our relationship with Marcos on the basis of how fair, free, and honest the election would be.

To emphasize our concern, Senators Richard Lugar, Claiborne Pell, Alan Cranston, and I, on November 22, 1985, wrote an open letter to President Marcos spelling out in much greater detail the themes of Concurrent Resolution 232. We included one important element which had not been part of the Resolution. We made clear our conviction that NAMFREL should be accredited at once and that it should have the capability to carry out a "quick count" on February 7. Our rationale for this pointed suggestion was the need, which President Marcos had himself cited, for an election which was credible to the Filipino people.

In late November, the Committee also asked the Center for Democracy, a Washington-based foundation associated with Boston University, to conduct a study of the newly passed Philippine election law, the Philippine constitution, and other electoral regulations and procedures relevant to their forthcoming election. The House Foreign Affairs Committee abstained from this effort. The Center, under its president, Dr. Allen Weinstein, organized a six-person team of highly qualified political and election law experts. In a space of a few weeks, the team went to Manila, did its research and wrote for the Committee an analytical report which in my view was an incisive study of the framework for the electoral

9. Committee on Foreign Relations, *Administration Review of U.S. Policy toward the Philippines*, 99th Cong., 1st sess., 1985.

process.¹⁰ It should be stressed that this study was based upon Philippine law, Philippine practices, and Filipino judgments, not upon externally imposed American expectations. (The report eventually became a best-seller in Manila.) Its purpose was to provide the Congress and the American public a benchmark against which the conduct and results of the February 7 election could be judged. The Center for Democracy report admirably fulfilled its charter.

On December 18, the Committee held its second hearing to receive the findings of the Center and to discuss the evolution of the Philippine political campaign which was then in full swing.¹¹ In the back of all our minds was the troubling question: should the United States send an official observer delegation to an election which, on the basis of the Center's report and observations from many other sources, seemed likely to be anything but "free, fair, and honest?"

On January 23, 1986, the Committee convened for a third time to debate this question in the company of leading Administration policy makers.¹² There were diverse views on the desirability of associating ourselves with an election of questionable validity. Yet many of us were convinced that the Senate had gone far down the road of expressing support for the democratic process in the Philippines, indeed had staked our own prestige and credibility on the premise that if Philippine democracy were trampled on February 7, the Marcos regime would no longer be worthy of our moral or material support. The question then became, how could we in good faith abstain from observing an election whose conduct we had repeatedly stated had to be honest and whose results had to reflect the genuine will of the Filipino people? It became obvious that we could not. Having come this far, we on the Foreign Relations Committee had a commitment to the democratic process — and to those Filipinos who were risking their lives and fortunes — to observe the election first hand.¹³

Space does not permit an account of the tumultuous days surrounding the February 7 election and the coming to power of Cory Aquino as the result of blatant election fraud carried out by the Marcos regime. That final indignity caused millions of Filipinos to rise up in democratic wrath and declare Marcos' adversary — "an average housewife" — their leader.

10. Center for Democracy, *The Presidential Election Process in the Philippines*, report to the Senate Committee on Foreign Relations, 1985.

11. Committee on Foreign Relations, *Preparation for the February 1986 Philippine Presidential Election*, 99th Cong., 1st sess., 1985.

12. Committee on Foreign Relations, *The Philippine Presidential Election*, 99th Cong., 2d sess., 1986.

13. The House Foreign Affairs Committee declined to participate in the observation process.

These historic events and the role of the Presidential Observer Delegation, led astutely and courageously by Senator Richard Lugar and Representative John Murtha, were voluminously reported by the American media, as well they should have been — I doubt that any similar American observer group will ever again play such an important role in support of the democratic process. I was extremely proud to have been part of that mission, and I was fascinated by my three days of travels and conversations throughout Metropolitan Manila.

What is less known, of course, is the painstaking preparatory work which went into creating the climate for the successful Observer Delegation.

I hope this article will make a beginning at filling this gap; scholars can carry on with proper research. Let me add only that in early March, two emissaries from President Aquino's inner circle called on me in my Senate office. In that emotional meeting they declared that the significance of the careful groundwork laid by the Senate Foreign Relations Committee had been understood and appreciated by the democratic opposition. They affirmed that without this work Philippine democracy's chances would have been greatly diminished. For now, I believe those of us who participated in both the essential preparation and the actual observer mission can content ourselves with this knowledge.