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ANNEX I

DELEGATION DEPARTURE STATEMENT

January 11, 1986

DEPARTURE STATEMENT

A delegation comprised of representatives of the Republican and Democratic Institutes for International Affairs concluded its work in the Philippines today. The team arrived last week to study the feasibility of an international observer delegation for the February 7 election. Upon departure, the co-chairmen of the delegation, Keith Schuette, Director of the Republican Institute, and Brian Atwood, Director of the Democratic Institute, issued the following joint statement:

"Our delegation has made great progress in collecting the information we require to determine the feasibility of an international observer mission for the February 7 election. We have been deeply impressed by the reception we have been given in the Philippines by representatives of the government, COMELEC, the major political parties, the Armed Forces and the various citizens' organizations which will play such a vitally important role in observing the coming election.

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We are appreciative of the warm response our delegation has evoked and the cooperation we have received from the people of the Philippines.

"We believe we have been successful in convincing those with whom we have met that our mission is one of friendship and that it reflects our shared commitment to the democratic process. Our work in the Philippines is fully non-partisan, we share the hope of the Filipino people that the February 7 election -- as is the case in all truly democratic elections -- will reflect the will of the people of this great nation.

"During our visit we have been able to discuss a prospective observer mission with the leaders of the two major parties, President Marcos and Mrs. Aquino, the commissioners of the Commission on Elections, representatives of NAMFREL, the accredited citizens' arm -- the Integrated Bar of the Philippines, which is seeking COMELEC accreditation, and many other civic organizations and citizens of the Philippines. We have met with local officials, COMELEC representatives, election registrars, provincial military commanders, NAMFREL representatives, church officials and many ordinary citizens in three visits to provincial areas outside Metro Manila. Our group has visited Nueva Vizcaya, Isabela, Negros and Batangas.

"Upon our return to Washington we will prepare a comprehensive report on our visit. Our plans are to release that report on January 23, on which date we have been asked to testify before the Senate Foreign Relations Committee. This report will contain our findings and our recommendations concerning an international observer mission.

"We do not wish to offer any final conclusions today about prospects for an international observer mission or about the efforts being made to assure a free and fair election. We can say, however, that we have been encouraged by assurances from all parties, particularly the COMELEC, that an international observer group would be accepted and would receive the necessary cooperation. We are not in any way surprised by this since most democracies, including the United States, are eager to have outside groups observe their elections so long as there is no partisan interference with the process itself. The electoral process is sacred in a democracy and the community of democracies has always demonstrated a desire to work together to preserve that process as a free expression of the national will.

"Finally, while we will reserve any detailed comments on the safeguards that have been adopted by the Philippine government against possible election fraud, we do feel that systems are in place that will adequately detect irregularities.

We have been impressed by the commitment made by various official and citizens' organizations to assure the integrity of the electoral process. The people with whom we have spoken have, to a person, demonstrated a clear and unequivocal understanding of the importance of conducting a 'clean' election that will represent a true expression of the Filipino people."

ANNEX II
DELEGATION SCHEDULE

Schedule for Democratic and Republican Institutes'
Observer Delegation Assessment Team - Jan. 5-11, 1986

January 5 (Sunday)

21:00 Delegation arrives via Pan Am #801
Emboffs Charles Martin and Frank Hearne meet and
facilitate at airport and accompany to Manila
Hotel

January 6 (Monday)

08:30 Pick up at Manila Hotel

09:00 Arrive American Embassy for briefing
with Ambassador Bosworth and country
team.

DCM Phil Kaplan
Norb Garret, Pol. Off.
Charlie Martin, Pol. Off.
Dick Holmes, Pol. Off.
Scott Hallford, Pol. Off.
Alan Croghan, PAO

10:30 Meeting with COMELEC at Headquarters

Chairman Victorino Savellano
Commissioners:
Jaime Opinion
Mario Ortiz
Ramon Felipe, Jr.
Froilan Bacungan
Mangontawar Guro

13:00 Lunch with Philippine civic
organization leaders. Hosted by
Delegation at Seafront.

"Bing" Abano, President, Philippine
Jaycees
Roger C. Nicandro, President, Rotary
Club of Makati-North
Ramon Tuason, President, Rotary Club
Foundation of the Philippines
Mayor of Manila Ramon Bagatsing,
Director, International Lions Club
Edgardo Angora, President, University
of the Philippines
David Sycip, PCI Management, Senior
Advisor

16:00 Meeting with NAMFREL at Headquarters

Jose Concepcion, Jr., Chairman,
Vicente "Ting" Jayme, Vice-Chairman,
Christian Monsod, Secretary-General,
Rolando Dizon

Others

19:30 Dinner hosted by Ambassador at
Residence for COMELEC and NAMFREL
senior leadership; only NAMFREL senior
leadership was able to attend.

Jose Concepcion
Ting Jayme
Chris Monsod

January 7 (Tuesday)

08:30 Breakfast with Aquino campaign
operatives at UNIDO Headquarters

Lupida Aquino Kashawahara, (Ninoy
Aquino's sister)
Joe Iлина, Manager Poll Watcher
Training
Tom Hinson, Finance Manager

12:30 Luncheon hosted by Ambassador at
Residence

Blas Ople, Minister of Labor and major
KBL Party strategist

14:30 Team Strategy Session and preliminary
assessment, planning for provincial
trips, next steps in Manila.

15:30 Meeting with Integrated Bar of
Philippines at IBP Building

President and Executive Committee

19:30

Dinner with Opposition Political Leaders

Senator Neptali Gonzalez, Executive Vice-President, UNIDO
Senator Rene Espina, UNIDO
Senator Ramon Mitra, MP, Senior Official PDP-Laban
Emigdio Tanjuatco, Secretariat, Aquino Campaign
Senator Jamie Ferrer, PDP-Laban, former Chairman of COMELEC

January 8 (Wednesday)

early a.m.

Departures begin for provincial travel
Schuette and Atwood to Nueva Viscaya
Wiley and Penniman to Batangas

09:00

Meeting with Chairman Savellano and Executive Director Jaime Layosa at COMELEC Headquarters. Delegation Participants Henderson and Garber. Subject: Additional Concerns.

Henderson and Garber to Negros

See attached for list of provincial meetings.

January 9 (Thursday)

Mid-day returns from provincial travel.

18:30

Meeting with Opposition Presidential Candidate, Mrs. Cory Aquino, and Campaign Leadership at her home.

January 10 (Friday)

am Wiley and Penniman at NAMFREL

12:00 Atwood, Schuette, and Henderson at
Seafront with Charlie Martin.

14:00 Garber, Penniman, and Wiley at Manila
Hotel with former Liberal Party
Presidential Candidate, _____
Salonga

14:00 Schuette, Atwood, and Henderson with
Chairman Savellano and Executive
Director Layosa at COMELEC
Headquarters.

16:00 Delegation meeting with Roger Nicandro
of the Rotary Club and Philippine Navy
Captain Rex Robles of the RAM (Reform
of the Armed Forces Movement).

18:30 Meeting with President of the Republic,
Ferdinand Marcos at Malacanang Palace.

20:30 Dinner with KBL leadership and NAMFREL
Chairman Jose Concepcion in Champagne
Room of Manila Hotel hosted by Minister
of Labor Blas Ople.

U.S. Embassy
Amb. Steve Bosworth
Scott Hallford, Pol. Off.

NAMFREL
Jose Concepcion

KBL
Blas Ople, Minister of Labor

January 11 (Saturday)

08:30 Atwood and Schuette with Amb. Bosworth

09:00 Penniman and Garber at COMELEC with
Commissioner Bacunang re: COMELEC
foreign observer resolution.

11:30 Press Conference at Manila
International Airport. See
Appendix _____ for Departure Statement.

12:40 Delegation departure for U.S.

ANNEX III

JANUARY 11, 1986 PRESS CONFERENCE TRANSCRIPT

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UNCLAS SECTION 01 OF 06 MANILA 01215

USIA

USIA FOR EA-GONG; STATE FOR EA-MAISTO

E.O. 12356: N/A
SUBJECT: TRANSCRIPT OF BIPARTISAN OBSERVER DELEGATION'S
DEPARTURE PRESS CONFERENCE, JANUARY 11, 1986

DEPARTURE STATEMENT READ BY ATWOOD:

BEGIN TEXT: OUR DELEGATION HAS MADE GREAT PROGRESS IN
COLLECTING THE INFORMATION WE REQUIRE TO DETERMINE THE
FEASIBILITY OF AN INTERNATIONAL OBSERVER MISSION FOR THE
FEBRUARY 7 ELECTION. WE HAVE BEEN DEEPLY IMPRESSED BY
THE RECEPTION WE HAVE BEEN GIVEN IN THE PHILIPPINES BY
REPRESENTATIVES OF THE GOVERNMENT, COMELEC, THE MAJOR
POLITICAL PARTIES, THE ARMED FORCES AND THE VARIOUS
CITIZENS' ORGANIZATIONS WHICH WILL PLAY SUCH A VITALLY
IMPORTANT ROLE IN OBSERVING THE COMING ELECTION. WE ARE
APPRECIATIVE OF THE WARM RESPONSE OUR DELEGATION HAS
EVOKED AND THE COOPERATION WE HAVE RECEIVED FROM THE
PEOPLE OF THE PHILIPPINES.

WE BELIEVE WE HAVE BEEN SUCCESSFUL IN CONVINCING THOSE
WITH WHOM WE HAVE MET THAT OUR MISSION IS ONE OF
FRIENDSHIP AND THAT IT REFLECTS OUR SHARED COMMITMENT TO
THE DEMOCRATIC PROCESS. OUR WORK IN THE PHILIPPINES IS
FULLY NON-PARTISAN, WE SHARE THE HOPE OF THE FILIPINO
PEOPLE THAT THE FEBRUARY 7 ELECTION -- AS IS THE CASE IN
ALL TRULY DEMOCRATIC ELECTIONS -- WILL REFLECT THE WILL
OF THE PEOPLE OF THIS GREAT NATION.

DURING OUR VISIT WE HAVE BEEN ABLE TO DISCUSS A
PROSPECTIVE OBSERVER MISSION WITH THE LEADERS OF THE TWO
MAJOR PARTIES, PRESIDENT MARCOS AND MRS. AQUINO, THE
COMMISSIONERS OF THE COMMISSION ON ELECTIONS,
REPRESENTATIVES OF NAMFREL, THE ACCREDITED CITIZENS'
ARM -- THE INTEGRATED BAR OF THE PHILIPPINES, WHICH IS
SEEKING COMELEC ACCREDITATION, AND MANY OTHER CIVIC
ORGANIZATIONS AND CITIZENS OF THE PHILIPPINES, I MIGHT
ADD, INCLUDING THE JAYCEES WHO HAVE RECENTLY BEEN
ACCREDITED BY COMELEC. WE HAVE MET WITH LOCAL
OFFICIALS, COMELEC REPRESENTATIVES, ELECTION REGISTRARS,
PROVINCIAL MILITARY COMMANDERS, NAMFREL REPRESENTATIVES,
CHURCH OFFICIALS AND MANY ORDINARY CITIZENS IN THREE
VISITS TO PROVINCIAL AREAS OUTSIDE METRO MANILA. OUR
GROUP HAS VISITED NUEVA VIZCAYA, ISABELA, NEGROS AND
BATANGAS.

UPON OUR RETURN TO WASHINGTON WE WILL PREPARE A
COMPREHENSIVE REPORT ON OUR VISIT. OUR PLANS ARE TO
RELEASE THAT REPORT ON JANUARY 23, ON WHICH DATE WE HAVE
BEEN ASKED TO TESTIFY BEFORE THE SENATE FOREIGN
RELATIONS COMMITTEE. THIS REPORT WILL CONTAIN OUR
FINDINGS AND OUR RECOMMENDATIONS CONCERNING AN
INTERNATIONAL OBSERVER MISSION.

WE DO NOT WISH TO OFFER ANY FINAL CONCLUSIONS TODAY
ABOUT PROSPECTS FOR AN INTERNATIONAL OBSERVER MISSION OR
ABOUT THE EFFORTS BEING MADE TO ASSURE A FREE AND FAIR
ELECTION. WE CAN SAY, HOWEVER, THAT WE HAVE BEEN
ENCOURAGED BY ASSURANCES FROM ALL PARTIES, PARTICULARLY
THE COMELEC, THAT AN INTERNATIONAL OBSERVER GROUP WOULD
BE ACCEPTED AND WOULD RECEIVE THE NECESSARY
COOPERATION. WE ARE NOT IN ANY WAY SURPRISED BY THIS
SINCE MOST DEMOCRACIES, INCLUDING THE UNITED STATES, ARE
EAGER TO HAVE OUTSIDE GROUPS OBSERVE THEIR ELECTIONS SO
LONG AS THERE IS NO PARTISAN INTERFERENCE WITH THE
PROCESS ITSELF. THE ELECTORAL PROCESS IS SACRED IN A
DEMOCRACY AND THE COMMUNITY OF DEMOCRACIES HAS ALWAYS
DEMONSTRATED A DESIRE TO WORK TOGETHER TO PRESERVE THAT
PROCESS AS A FREE EXPRESSION OF THE NATIONAL WILL.

FINALLY, WHILE WE WILL RESERVE ANY DETAILED COMMENTS ON
THE SAFEGUARDS THAT HAVE BEEN ADOPTED BY THE PHILIPPINE
GOVERNMENT AGAINST POSSIBLE ELECTION FRAUD, WE DO FEEL
THAT SYSTEMS ARE IN PLACE THAT WILL ADEQUATELY DETECT
IRREGULARITIES. WE HAVE BEEN IMPRESSED BY THE
COMMITMENT MADE BY VARIOUS OFFICIAL AND CITIZENS'
ORGANIZATIONS TO ASSURE THE INTEGRITY OF THE ELECTORAL
PROCESS. THE PEOPLE WITH WHOM WE HAVE SPOKEN HAVE, TO A
PERSON, DEMONSTRATED A CLEAR AND UNEQUIVOCAL
UNDERSTANDING OF THE IMPORTANCE OF CONDUCTING A "CLEAN"
ELECTION THAT WILL REPRESENT A TRUE EXPRESSION OF THE
FILIPINO PEOPLE.

THANK YOU. WE'LL TAKE QUESTIONS NOW.

Q: WHERE IS YOUR FUNDING COMING FROM?

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SECSTATE WASHDC IMMEDIATE 6181

UNCLAS SECTION 04 OF 06 MANILA 01215

USIA

USIA FOR EA-GONG; STATE FOR EA-MAISTO

E.O. 12356; N/A
SUBJECT: TRANSCRIPT OF BIPARTISAN OBSERVER DELEGATION'S

Q: HOW MANY OBSERVERS WOULD YOU RECOMMEND COME HERE TO THE PHILIPPINES?

A: I THINK WE WOULD PREFER TO RESERVE UPON THAT QUESTION. WE WILL WANT TO STUDY THAT FURTHER WHEN WE GET BACK TO THE UNITED STATES.

Q: IS SENATOR LUGAR WAITING FOR YOUR RECOMMENDATIONS BEFORE HE DOES ANYTHING? WHAT'S THE CONNECTION BETWEEN THE FOREIGN RELATIONS COMMITTEE AND YOUR GROUP?

A: I THINK IT'S IMPORTANT, WITHOUT OFFENDING ANYONE HERE WHO MAY HAVE BEEN RESPONSIBLE FOR THE STORY, THAT WE HAVE NOT BEEN DISPATCHED BY SENATOR LUGAR, AS HAD BEEN SUGGESTED IN ONE REPORT. RATHER THIS IS A MISSION THAT OUR TWO BOARDS OF DIRECTORS SUGGESTED THAT WE UNDERTAKE AFTER CAREFUL CONSIDERATION.

SENATOR LUGAR HEARD OF THE MISSION AND ASKED IF WE WOULD TESTIFY UPON OUR RETURN. I THINK THAT IT IS ACCURATE TO SAY THAT THERE IS NO OFFICIAL RELATIONSHIP BETWEEN EITHER OF OUR INSTITUTES AND THE CONGRESS OF THE UNITED STATES. SENATOR LUGAR'S DECISION I WOULD PREFER NOT TO SPEAK TO. I THINK THAT IS AN ISSUE YOU SHOULD ADDRESS TO HIM.

(SCHUETTE): COULD I EMPHASIZE THAT IT WILL BE A DECISION BY OUR OWN BOARD OF DIRECTORS AS TO WHETHER OR NOT WE WILL ACTUALLY PUT AN INTERNATIONAL GROUP TOGETHER AND COME BACK HERE. AND I THINK WE BOTH AGREE AT LEAST THAT IT HAS TO REMAIN BI-PARTISAN WITH RESPECT TO THE UNITED STATES. IF ONE OF OUR BOARD OF DIRECTORS DECIDES THAT THIS ISN'T APPROPRIATE, THEN THE OTHER GROUP PROBABLY WON'T GO AHEAD. SO IT'S IMPORTANT THAT WE GET BACK AND GIVE A REPORT TO OUR BOARD OF DIRECTORS -- THEY ARE THE KEY GROUPS AND THEN WE WILL OBVIOUSLY ALSO BE REVEALING OUR RECOMMENDATION AT THAT SENATE FOREIGN RELATIONS COMMITTEE HEARING.

Q: WHEN IS THIS?

A: JANUARY 23RD.

Q: HOW DIFFERENT IS YOUR DELEGATION FROM THE FIRST DELEGATION THAT CAME HERE?

A: I THINK WE UNDERSTAND THE CONFUSION IN THIS REGARD; I'LL DO MY BEST TO SORT IT OUT. THE CENTER FOR

DEMOCRACY DELEGATION WAS AN INDEPENDENT DELEGATION WHICH HAD A VERY SPECIFIC MISSION, WHICH WAS TO EVALUATE DEVELOPMENTS IN THE ELECTORAL PROCESS UP TO THE TIME OF THEIR VISIT, AND INDEED TO ESTABLISH WHAT THEY VIEWED AS ESSENTIAL CONCERNS OR RECOMMENDATIONS, HOWEVER ONE MIGHT INTERPRET, THE POINTS ISSUED IN THEIR REPORT. WE HAVE BENEFITTED GREATLY FROM THE TECHNICAL WORK OF THE CENTER FOR DEMOCRACY DELEGATION, BUT OUR MISSION IS VERY MUCH DIFFERENT.

ALL OF OUR DISCUSSIONS THIS WEEK -- WHILE WE CERTAINLY DID, AS WE NOTED IN OUR STATEMENT BEFORE WE LEFT -- CERTAINLY LOOKED AT THE TECHNICAL ELECTIONS PROCESS, THOSE EXAMINATIONS WERE CONDUCTED WITH AN EYE TOWARD AN INTERNATIONAL OBSERVER DELEGATION. AND AS I SAID, (WHILE) WE BENEFITTED GREATLY FROM THE CENTER FOR DEMOCRACY REPORT, THE TWO MISSIONS ARE INDEPENDENT AND WE EXPECT THAT THEY WILL REMAIN THAT WAY.

Q: IF YOU RECOMMEND SENDING A COMMISSION OR...OBSERVERS, DOES THAT PRESUPPOSE YOU DON'T THINK THE ELECTIONS WILL BE CONDUCTED CLEANLY, HONESTLY AND FAIRLY? AND CONVERSELY, IF YOU DECIDE NOT TO, DOES IT MEAN YOU WOULD BE SATISFIED?

A: WE WOULD MAKE NO PRE-JUDGMENTS WHATSOEVER ABOUT THE ELECTION. WE ONLY NOTE THAT THE FILIPINO PEOPLE, AND I'D SAY THIS ACROSS THE BOARD, EVERYONE WE TALKED TO SEEMS TO BE COMMITTED TO MAKING SURE THIS IS A CLEAN ELECTION. WE OBVIOUSLY UNDERSTAND THAT SOME OFFICIALS IN PLACES WILL BECOME OVER-EXUBERANT ABOUT THEIR MISSION. SO THIS OCCURS IN ALL DEMOCRACIES. WE WILL BE MAKING NO PRE-JUDGMENTS ABOUT THAT. THE PRIMARY

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UNCLAS SECTION 05 OF 06 MANILA 01215

USIA

USIA FOR EA-GONG; STATE FOR EA-MAISTO

E.O. 12356: N/A
SUBJECT: TRANSCRIPT OF BIPARTISAN OBSERVER DELEGATION'S

CONSIDERATION IS WHETHER OR NOT WE BELIEVE THAT THE ENVIRONMENT IS SUCH THAT OUR GROUP WILL BE ACCEPTED SO THAT IT CAN DO ITS JOB OF EVALUATING THE ELECTION AND COMING TO SOME CONCLUSIONS ABOUT IT.

(SHUETTE): I SHOULD NOTE ALSO THAT THE UNITED STATES DURING OUR ELECTIONS WELCOMES FOREIGN OBSERVERS, AND I BELIEVE OUR SISTER INSTITUTE SPONSORED A TEAM OF FOREIGN OBSERVERS FOR THE PRESIDENTIAL ELECTIONS IN 1984. I WOULD LEAVE IT TO HIM TO RESPOND AS TO WHETHER THOSE WERE HONEST ELECTIONS OR NOT. I DON'T KNOW.

Q: IF YOU DECIDE TO COME...YOU DECIDE TO SEND A DELEGATION EITHER, NATIONAL OR INTERNATIONAL...YOU WOULD PRESUMABLY REPORT AFTERWARDS ON WHAT YOU OBSERVED...

A: YES, INDEED.

Q: HOW SOON AFTER YOU SUBMIT YOUR REPORT ON JANUARY 23 WOULD YOU EXPECT A FINAL DECISION TO BE MADE?

A: NO, I THINK THAT ON JANUARY 23 WE WILL ANNOUNCE THE DECISION ON THAT.

Q: ARE YOU SATISFIED WITH THE GUIDELINES SET BY THE COMMISSION ON ELECTIONS FOR FOREIGN OBSERVERS, BECAUSE I UNDERSTAND YOU MET WITH THE COMELEC CHAIRMAN YESTERDAY?

A: I WOULD BEGIN BY NOTING THAT THERE ARE ALWAYS AT LEAST TWO WAYS TO PHRASE ANY STATEMENT. WE READ WITH INTEREST THE STATEMENT THIS MORNING AND PERHAPS IT'S POSSIBLE THAT IT MIGHT HAVE BEEN PHRASED "GUIDELINES FOR INTERNATIONAL OBSERVERS AS OPPOSED TO "GUIDELINES AGAINST INTERNATIONAL INTERFERENCE." AS WE NOTED IN OUR OPENING STATEMENT, THERE WERE NO SURPRISES. IT IS FUNDAMENTAL TO THE MISSION OF AN INTERNATIONAL OBSERVER TEAM THAT RESPECT FOR FILIPINO LAW, FOR WHEREVER A DELEGATION WILL GO, IS CRITICAL TO OUR ABILITY TO RENDER AN OBJECTIVE AND RESPONSIBLE VERDICT. I THINK WE WOULD STAND BY OUR STATEMENT THAT THERE WERE NO SURPRISES AND THAT WE BELIEVE THAT SUCH A MISSION, IF UNDERTAKEN, CAN STILL DISCHARGE ITS RESPONSIBILITIES, MAINTAIN OBJECTIVITY, AND TO DELIVER A REPORT THAT IS ACCURATE AND REPRESENTATIVE OF EVENTS, AND CLEARLY THAT MUST BE DONE WITHIN THE PROVISIONS OF FILIPINO LAW.

Q: I SEE FROM THIS THAT YOU WERE FORMED IN 1983. THIS IS TWO YEARS AGO. WHAT SORT OF OTHER ELECTIONS HAVE YOU OBSERVED IN THE PAST TWO YEARS?

A: OUR PRIMARY PURPOSE AS INSTITUTES IS TO WORK WITH OTHER POLITICAL PARTIES AROUND THE WORLD. WE'RE CONCERNED ABOUT THE ABILITY OF POLITICAL PARTIES TO OPERATE WITHIN A DEMOCRATIC ENVIRONMENT. WE'RE CONCERNED WITH THE GENERAL ISSUE OF DEMOCRATIC DEVELOPMENT. IN THIS PARTICULAR CASE WE ARE FOCUSING ON THE KEY INSTITUTION OF ANY DEMOCRACY, WHICH IS THE ELECTORAL PROCESS.

HOWEVER, WE HAVE OBSERVED OTHER ELECTIONS IN JUST THE BRIEF TIME THAT WE HAVE BEEN IN EXISTENCE -- IN GUATEMALA IS THE MOST RECENT ONE -- AND I DON'T THERE ARE TOO MANY OTHERS, PERHAPS GRENADA -- IS THAT ONE? (INTERJECTION: GRENADA AND URUGUAY.)

IT'S NOT OUR PRIMARY MISSION -- I'LL BE QUITE FRANK WITH YOU -- THAT IS WHY WE BROUGHT SOME ELECTION EXPERTS -- AND THEY DON'T LIKE THAT PHRASE -- EXPERTS ON OBSERVING ELECTIONS, PEOPLE WITH A GREAT DEAL OF EXPERIENCE WITH US, SUCH AS MR. PENNIMAN WHO IS IN BACK AND MR. GARBER, WHO ISN'T HERE.

Q: HAVE THERE BEEN ANY INSTANCES IN WHICH YOU CONCLUDED A SUDDEN ELECTION WAS NOT DONE PROPERLY?

A: IN TERMS OF OUR OWN INSTITUTES, I THINK THE ANSWER TO THAT IS NO. BOTH MR. GARBER AND MR. PENNIMAN -- WHO ARE VERY EXPERIENCED IN THIS FIELD AND HAVE DONE THIS, IN MR. PENNIMAN'S CASE FOR 25 YEARS -- MAY HAVE RENDERED SUCH A VERDICT IN THE PAST, I DON'T KNOW. BUT AS INSTITUTES, NO, WE HAVE NOT DONE THAT.
(SHUETTE): HOWEVER, LET ME JUST UNDERSCORE THIS

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INCOMING
TELEGRAM

PAGE 01 MANILA 01215 06 OF 06 130953Z 6733 EAP7364
ACTION EAP-00

ACTION OFFICE P-03
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SECSTATE WASHDC IMMEDIATE 6103

UNCLAS SECTION 06 OF 06 MANILA 01215

USIA

USIA FOR EA-GONG; STATE FOR EA-MAISTO

E.O. 12356: N/A
SUBJECT: TRANSCRIPT OF BIPARTISAN OBSERVER DELEGATION'S

POINT: WE WOULD NOT UNDERTAKE THIS MISSION IF WE WERE
NOT PREPARED TO BE TOTALLY OBJECTIVE ABOUT IT. I THINK
THAT I SPEAK FOR BOTH OF US IN SAYING THAT WE HOPE AND
PRAY THAT THIS WILL BE A CLEAN ELECTION AND THAT WE CAN
SAY SO.

THANK YOU. END OF TEXT. MORTON

ANNEX IV

COMELEC REBUTTAL TO CENTER FOR DEMOCRACY REPORT

FACT SHEET

ON

THE ISSUES RAISED IN THE CENTER FOR DEMOCRACY REPORT ON THE PHILIPPINE ELECTIONS (WEINSTEIN REPORT) SUBMITTED TO THE US SENATE FOREIGN RELATIONS COMMITTEE ON DECEMBER 18, 1985

1. Issue: Despite assurances of fair and free elections by the administration, various segments have expressed concerns over: a) Continuation of the President's capacity to use broad decree powers; b) A legal regime permitting "preventive detention" without trial and the suspension of the writ of habeas corpus in various regions of the country; and c) Aftermath of the "murder of Benigno Aquino, Jr. and subsequent court proceedings related to that crime, which galvanized intense opposition sentiment in the Philippines."

Fact

The President's "broad powers" are spelled out and legitimized in the Philippine Constitution. Certainly, only a constitutional amendment, not the passage of an election law, can alter this. The exercise of these powers by the President, including the power to commit any person under "preventive detention" in order to defuse grave and imminent danger to society, are always in accordance with the Constitution which was approved, through valid plebiscites, by the Filipino people.

The use by the President of these powers for election purposes is purely speculative. Moreover, such use will be known by the public and opposition may choose to use it as an issue in the campaign that can hurt the President. It is a fact, however, that the President has not availed of this power since the calling of the "snap" election.

At the Aquino trial proceedings, these and the subsequent final judgment were conducted and arrived at through the scrupulous observance of Philippine laws by a competent court, again, in accordance with the Constitution.

2. Issue: The President could exercise his decree power to call for the election notwithstanding any Supreme Court decision nullifying the calling of the election by the Batasan.

Fact

It was the Batasang Pambansa, the country's legislative body, not the President, that enacted the legal instrument

calling for a "snap" election . . . /

calling for a "snap" election. The fact is that the President did not exercise his so called "broad decree power"; he did not issue a decree calling for such election. As Member of Parliament Leonardo Perez had informed The Center for Democracy delegation during its visit to the Philippines in December, the President would not use his decree-making power because the subject matter involves himself and his own personal interest. In any event, the Supreme Court ruled on December 19, 1985 that the "snap election law" (Batas Pambansa Blg. 883) was valid and constitutional, by a vote of 7 to 5.

3. Issue: The involvement of the President in decisions over the deployment of forces was added in the 1973 Constitution, its 1935 predecessor Constitution having conferred exclusive authority in these matters on COMELEC.

Fact

The framers of the Philippine Constitution included this provision in pursuance of the President's responsibility as Commander-in-Chief of the armed forces. In normal condition, the military are, by law, confined to barracks during election time. But the military may be deputized by the COMELEC to assist it to ensure the holding of a free and orderly election in emergency cases like preventing violent disorders or threats to the conduct of free and orderly elections. The President's power and responsibility for the effective and wise disposition or deployment of forces, during elections in ordinary times, are not in conflict with but strengthens the ability of the COMELEC to conduct elections in which the members of the military who were deputized performed exceptionally well. In any case, there would be no reason for the President, whatever his constitutional prerogatives, not to defer to the COMELEC's decision on deputizing the military.

4. Issue: The broad powers conferred upon the COMELEC in the accreditation of the Dominant Opposition Party (DOP) is a source of major concern to the principal opposition ticket, the UNIDO ticket of Aquino-Laurel.

Fact

The COMELEC must adhere to the rules that are clearly defined in the Omnibus Election Code of the Philippines (Batas Pambansa Blg. 881). As is well-known, the Code

is the product . . . /

is the product of serious and meticulous legislative deliberations by the Members of Parliament from both the majority and opposition parties. President Marcos approved a code that enjoyed widely bipartisan endorsement and broad popular support. Again, the "concern" on the COMELEC's "broad power" concerning DOP accreditation has been laid to rest by subsequent events. The UNIDO which carries the Aquino-Laurel ticket has been accredited as the DOP.

5. Issue: Campaign finances are broadly regulated by the Code, but virtually every participant in the process, both government and opposition, declared that these financing restrictions are "dead". In this regard, opposition representatives expressed concern about the President's broad power over the disbursement of Government funds. P.D. 1177 empowers the President to redeploy the budgetary resources, viewed as a potential source of abuse by members of the opposition.

Fact

These restrictions are not "dead". On the contrary, the COMELEC has issued strict and elaborate regulations on the monitoring of excessive campaign spending and to this end, a group has been created in the COMELEC to track-down violations of the law. Also, these regulations can be used not only by the COMELEC but also by both the majority and the opposition parties as the basis for pursuing legal action against overspending during the elections. The President's disbursement of funds, on the other hand, is governed by existing laws, and is not exempt from auditing requirements. It is a matter of public record. Neither is the President exempt from the observance of laws on spending during the election period.

6. Issue: Concerns about financing were also expressed by the ruling party representatives who fear funding of the UNIDO ticket by foreign sources, particularly from the United States.

Fact

The Code has an explicit provision against foreign intervention, which may be effected through overt or covert financial contributions to political parties. This prohibition applies to all countries and foreign entities, including the United States. Reports or evidence of violations will certainly be taken seriously by the COMELEC, if not by either or both parties.

7. A common device . . . /

7. Issue: A common device to ensure the security of the ballot and tabulating sheets is to use a special water-marked paper. Since new watermark could not be obtained in less than 90 days, the COMELEC has been left with no practical alternative other than to use the watermark from the 1984 election, viewed by the opposition as something that might facilitate the preparation of fraudulent ballots. Although this concern appears reasonable, there are no alternatives readily available to the COMELEC.

Fact

The concern is without basis in view of the fact that the security of watermark itself is not downgraded simply because it is of 1984 vintage. Moreover, the opposing parties in this election are afforded more than sufficient oversight capability by means of their membership in the inspection groups that control or monitor the manufacture of the security paper, the printing, distribution and proper disposition not only of ballots, but also tabulation sheets, and other accountable forms connected with the conduct of an election.

8. Issue: COMELEC's computer-based "Super Quick Count" would substantially limit opportunities for fraud in the tabulation process. But grave doubts must exist as to its actual operation because the program has not been funded, no equipment has been purchased or leased, and no contract has been signed. Yet only a short time remains prior to the election. Quick tabulation and dissemination of election results are vital to ensure credibility of elections.

Fact

The computer-based "Super Quick Count" system is the product of a careful and scientific study started long before the "snap" election was announced. It is not true, therefore, that "time is limited" in ensuring its effective implementation. Incidentally, the machine and equipment to be used are of U.S. fabrication, and the system is based on U.S. models. The system is clearly an improvement over that used in earlier Philippine elections which was much criticized not only for inadequacy of men but also of the machine and systems employed. In any case, the necessary fund for the project has already been approved.

9. The failure of . . . /

9. Issue: The failure of the COMELEC to designate the UNIDO Aquino-Laurel ticket as DOP would make the holding of credible elections in the Philippines impossible.

Fact

This is moot and academic. The COMELEC has accredited UNIDO, the party of the Aquino-Laurel tickets, as the DOP.

10. Issue: On the role of the military, opposition members have expressed grave concern that the army and especially the CHDF might be used to intimidate poll workers and steal unfavorable election returns. The opposition has also expressed strong doubts as to the neutrality of many of the senior officers of AFP.

Fact

It is a matter of record that the armed forces has, in past elections, been neutral and has assisted effectively in the conduct of clean, honest, orderly, fair and credible elections, consistent with its role of peace-keeping and safeguarding the public interest during the electoral process. The CHDF, under the Omnibus Election Code, are expressly prohibited from any involvement in the process. Any violation of this prohibition can be brought to the attention of the COMELEC at any time during the election for appropriate action and resolution in accordance with the law.

11. Issue: The failure of the COMELEC to accredit NAMFREL as a citizens' arm with opportunity to conduct poll-watching functions and reporting, including "Operation Quick Count", would raise the most serious questions as to the integrity of the whole electoral process.

Fact

This is moot and academic. The COMELEC has accredited NAMFREL.

It is, however, incorrect to suggest that the integrity of the whole electoral process rests on NAMFREL just as it is incorrect to say that it rests on the COMELEC alone.

NAMFREL must be . . . /

NAMFREL must be subjected to the same degree of objectivity by which other citizens' monitoring groups are or should be judged. There is no place for any form of bias in judging the performance or integrity of any entity, and this should apply to NAMFREL as much as it applies to all persons or institutions involved in the electoral process, including the COMELEC.

12. Selective application and enforcement of the registration procedure could hamper the accuracy of the voter registration lists and jeopardize the ability to guard against fraudulent voting activity by flying voters.

Fact

Registration procedures are applied and enforced evenly, precisely for the purpose of safeguarding against the entry of fraudulent voters. In any case, the DOPs are represented in this stage of the electoral process and may vote against the approval of illegal registraton.

13. Issue: The opposition is of the strong opinion that, with the exception of one "wildly independent" commissioner, COMELEC commissioners are partisan KBL members who are under the direction of President Marcos.

Fact

All COMELEC commissioners, whatever their political persuasions, ceased to be partisan when they took their oath of office to uphold the Constitution which mandates the independence of the COMELEC. The last 1984 election attests to this. The official acts of the Commissioners are matters of public record and anyone, including the opposition, can, under the law, bring any COMELEC member to court for any partisan activity which is in violation of the Constitution.

14. Issue: The opposition has expressed grave doubts as to its ability to obtain equal access to the media or even adequate press coverage of its activities.

Fact

The facts do not sustain these doubts. The law provides that the COMELEC allocate equal time and space in the media during the campaign period. To its credit, the media, on

their own initiative, . . . /

their own initiative, have presented balanced reporting of the activities of both the majority party and the opposition party.

15. Issue: The campaign period is very abbreviated, and the so-called "COMELEC time" has not begun, a significant portion of the opposition's opportunity to discuss campaign issues through the mass media also passes.

Fact

The campaign period provides all parties equal opportunities to bring their message to the Philippine electorate. The campaign period applies equally to both the ruling party and the opposition. Furthermore, the Philippine electorate are generally aware of the stand of the candidates and their party on the issues because these have been well-publicized in the mass media long before the decision to hold the "snap" election. The views of the outspoken opposition, are well-known to the public.

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