Malaya

The people's national newspaper

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Laurel backtracks on reshuffle

By CHIT ESTELLA
Staffmember

Vice President Salvador Laurel yesterday said the proposal of his party, United Nationalist Democratic Opposition, to dismiss some members of the Cabinet will not ensure the stability of the Aquino government.

But he indicated it would be a start.

"It will depend on many other things, like who will replace them? What are they going to do?" he said.

He also clarified, but did not deny, he said he would dismiss some Cabinet members in case he was named acting president during President Aquino's visit to the United States next month.

"It was merely a hypothetical answer to a hypothetical statement," he said even as his Manila press office said media accounts of Laurel's statements in a Cebu City press conference were not only essentially accurate, but "literally accurate."

Distancing himself from a statement earlier made by Rene Espina, secretary-general of Laurel's party, the United Nationalist Democratic Organization, Laurel said he himself has not reached the point where he would equate political stability with the removal of certain Cabinet ministers.

Espina had said the ouster of three Cabinet members — Local Governments Minister Aquilino Q. Pimentel Jr., Labor Minister Augusto Sanchez and Executive Secretary Joker Arroyo — would achieve for the government the political stability and unity it needs. He added that this was the sentiment expressed by Unido's rank-and-file members.

Laurel, however, repudiated this statement, and said anyone who might have said this was speaking for himself.

Laurel also clarified controversial statements he made before UNIDO members in Cebu and Iloilo.

Saying the description of some Cabinet ministers as "undesirable" came from a reporter asking the question and not from him, Laurel explained that "people who felt alluded to did not like what I said."

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Laurel

(From page 1)

He said he did not name any minister as among those he would remove from office if he is told to do so by President Aquino.

The Vice President, however, stood pat on his contention that he was made to believe that he would serve as acting president in the absence of Mrs. Aquino who leaves for the United States in September.

"I think I have every reason to conclude that by being asked to stay as taumbahay, I was probably being asked to stay as caretaker," he said.

Laurel was supposed to go to the US to address the United Nations General Assembly.

But because President Aquino had also decided to address the UN, the Vice President decided to cancel his own trip there.

Laurel added that if Mrs. Aquino wanted to make Arroyo the caretaker in her absence, he would not object. "That is her prerogative as President," he said.

Sources at the Office of the Vice President said Laurel's statement in Cebu was perceived as an attempt to take some responsibility and demonstrate support for those being expressed by Espina.

"So far, it is Espina who has been getting all the flak," a source said. "We thought the Vice President, as Unido president, wanted to get some of that flak off Espina."

It was also said Laurel's trip to Cebu and Iloilo was aimed at mollifying Unido members who were "very angry" over their lack of representation in the Aquino administration.

Members of the Vice President's party which went to the Visayas over the weekend said that after Laurel made his statements on the Cabinet ministers and officers-in-charge, "those Unido members who had second thoughts about the party decided to stay on."

Laurel also said yesterday he was proposing the use of the 1935 Constitution as a fallback in the event that the new Charter is rejected by the people.

The 1935 Constitution, he said, contains the provisions which fit into the kind of political system already known by the Filipino people. It provides for a presidential form of government with a bicameral legislature, he said.

The old Charter, he added, is like an old car which can still be used.

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Resyl COUGH SYRUP
EXPERIENCE AND EXPERTISE THAT DOCTORS TRUST

US bases facts and issues

Yes, nuke arms that 'serve no purpose' are stored here

(This review of facts and issues relating to the American military installations in the Philippines was prepared jointly by the International Studies Institute of the Philippines *(of the University of the Philippines Law Complex), the* UP Manila College of Arts and Sciences *(Division of Social Sciences), and the* Third World Movement Against the Exploitation of Women. *The authors hope this will enlighten the Filipino nation, especially the commissioners of the Constitutional Commission*··· Editor.)

(Part V)

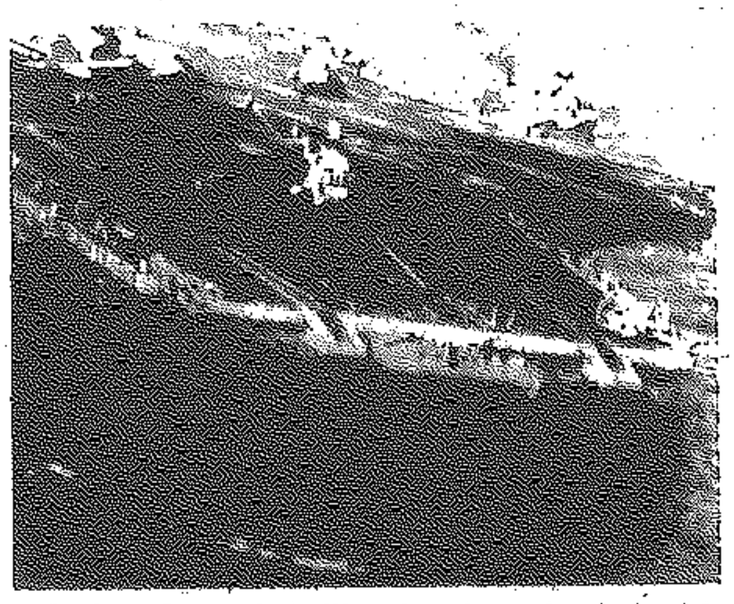
It is propesterous to say that all this is due to human nature. Societal forces like the American military presence have a decisive role and eliminating them will drastically change the picture.

It is folly to assume that prostitution is proliferated in the same manner and to the same degree by other countries' military bases. Whereas the patriarchal nature of militarism is universal, no other bases have R & R's that sexually exploit women and children to the extent that the US bases do in Olongapo, Angeles and other parts of the world. Whatever alleviations to moral depravity effected by the bases are but palliatives that fail to cure the social cancer.

Are there nuclear weapons in the bases?

Yes, there are. As early as 1975, the Center for Defense Information, a non-governmental "think tank" in the US on defense issues, has identified at least 54 tactical nuclear weapons stored in US military bases and facilities in the Philippines making our territory one of the main storage areas for nuclear arms in the Western Pacific.

More recently, former Rear Admiral Gene La Roque, US Navy, who is the director of the Center for Defense Information, testified before the US Congress in June 28, 1983 that tactical nuclear weapons were indeed stored in US facilities in the Philippines and "they serve no useful purpose and only make the chance of a catastrophic US-USSR confrontation much greater." Such arsenal has been further beefed up with the additional deployment of nuclear-tipped Tomahawk cruise missiles in the Pacific especially with the home-porting of Tomahawk-armed warships at Subic Naval Base. B-52H Bombers equipped with cruise missiles based in Guam also enjoy regular access to Clark Air Base.



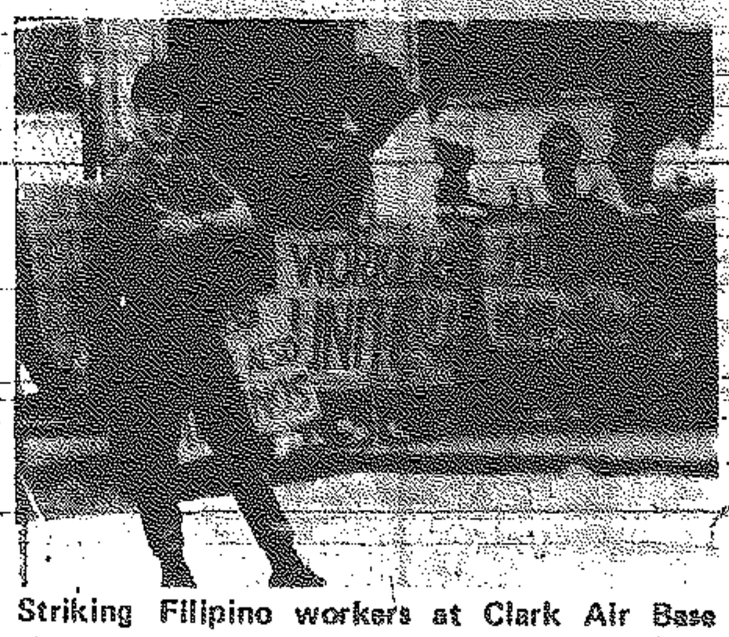
US aircraft carriers like the above loaded with nuclear weapons regularly drop anchor at Subic.

The recent report of William Arkin of the Institute of Policy Studies Arms Race and Nuclear Weapons Research Project regarding the additional deployment and beefing up of tactical nuclear weapons in several US overseas bases including the Philippines even without consulting the hosting country's government, has further given our predicament to alarming proportions. Nuclear weapons storage facilities are protected by contingency plans such as those issued on March 10, 1978, by the US Commander at Subic (Instructions No. C80 20.1A) prescribing procedures to be followed in case of "nuclear material accidents/significant events."

Even Filipino workers in the US military bases in the Philippines seem to be so sure of the storage and deployment of nuclear weapons inside the US bases that they have started to demand for a "nuclear risk bonus" in view of reports that "US Navy warships dropping anchor at the naval base may be carrying nuclear weapons in addition to those believed already stockpiled in the US facilities."

The specific characteristics of the nuclear-weapons systems deployed in US military bases, the types of weapons, their range, and number of warheads and their payload — all these are known only to the American authorities who are in charge of nuclear forces. In the negotiations on the 1979 Amendments to the Military Bases Agreement, the American panel refused to take up the question of nuclear weapons. Philipp Barringer, a member of the panel said: "Now we aren't getting into this subject. As you know, our policy is simply that of not confirming or denying the presence of nuclear weapons."

In other words, the US position is: the question of nuclear weapons in the Philippines is not the business of Filipinos. This is better left to US nuclear strategy and war planning. Clearly, in the light of Filipino national interest, this arrogant and inflexible US position is untenable. It opens our territory to direct nuclear attack and the concrete possibility of nuclear annihilation.



Striking Filipino workers at Clark Air Base claim they are exploited.

Under existing arrangements, how are Filipino laborers in the bases treated?

Filipino base laborers may be divided into two groups: The so-called "direct-hire" and the "private-hire" workers. Both types of workers are not covered by Philippine labor laws. Thus, they cannot assert their right to self-organization, collective bargaining, and concerted activities to the extent guaranteed by the amended Philippine Labor Code -- unlike in Japan or in Korea where base labor relations conform closely to the host country's labor laws.

Although claim is made that the direct-hire employes enjoy similar wage levels as workers in "other Philippine progressive firms," base workers are, in reality, exploited.

1) Unequal pay for equal work is the rule. Americans doing the same work are paid excessively much higher than Filipinos. Moreover, Filipino workers are paid one-fourth of what the US pays to Japanese base workers and one-half of what is paid to Korean workers doing the same kind of work for the same level of productivity.

2) Since the standard of living is much higher in Olongapo and Angeles than in Manila, the "wage survey" annually conducted by base authorities is an obscure exercise even for union leaders. Wage determination effectively prevents base laborers from demanding higher and more equitable wage rates.

3) Given the strategic importance of the bases and therefore the role of the base workers in the overall basing system of the US, the claim that the rate of pay must depend on the economy in which the worker is employed, is without significance.

4) Filipino employes enjoy no security of tenure. Positions can be abolished, downgraded, reclassified or contracted out depending on the felt exigencies of the base authorities.

Because an expanding number of jobs are contracted out, more and more Filipino employes lose job security. These Filipino "private-hire" employes receive lower wages as compared to workers with "direct-hire" status; are not covered by the minimal benefits derived from the CPA; and are further exploited by their contractors.

(To be continued)

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Arroyo signs for Aquino; Laurel? Socials

By JOEL PAREDES
and CHIT ESTELLA
Staff members

Vice President Salvador Laurel will represent President Aquino in social functions and Executive Secretary Joker Arroyo will sign all papers under the authority of the President when she is out of the country...

President Aquino reiterated yesterday that she will continue to run the government, although she divided her responsibilities between Laurel and Arroyo when she starts her state visits to neighboring countries and the United States this month.

"The President of the Philippines shall continue to exercise all the functions of her office as enjoined by the Constitution and the laws, in the same manner as when she is within the national territory," Mrs. Aquino said in her Administrative Order No. 4.

Mrs. Aquino's order came after her Vice President intimated that he would be the government's caretaker while Mrs. Aquino is out of the country.

In her order, Mrs. Aquino said Laurel "shall represent the President in social functions" requiring her presence.

The Vice President will also "preside over official ceremonies, receive and return the official calls of foreign dignitaries in behalf and in representation of the President," the order noted.

The Chief Executive said Laurel will preside over Cabinet meetings "but in the absence of unanimity of opinion on any important question submitted, no decision shall be taken until it shall have been submitted to the President."

Mrs. Aquino said all official communications to the President "shall be transmitted through or by the

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Arroyo

(From page 1)

Executive Secretary."

"The Executive Secretary shall . . . sign all papers that are ordinarily signed by him by or under the authority of the President and shall decide routine matters," Mrs. Aquino said.

The President said each Cabinet minister shall attend and decide on matters which pertains to his ministry "and which under the law he may decide."

Palace spokesman Rene Saguisag said the President's order was "routine," saying that her order was merely "bodily lifted" from executive orders of her predecessors.

The Palace later released copies of executive orders issued by former Presidents Marcos and Macapagal when they were on official working visits abroad.

Saguisag also confirmed that Mrs. Aquino advised Laurel that they "should not be out of the country at the same time."

The spokesman said that Laurel should stay in Manila in the wake of possible political unrest by supporters of deposed President Marcos.

Saguisag also noted that Mr. Laurel had denied alleged statements, that he would run after Cabinet misfits if he was named caretaker.

Earlier in the day, Laurel, still asserting his right to serve as caretaker in the absence of President Aquino, cited a precedent to boost his claim.

He said that in 1966, then President Marcos designated Vice Pres. Fernando Lopez as caretaker of the government when he left for a visit to the United States.

Laurel added, however, that it is up to Mrs. Aquino to decide if there is still a need for anyone to function as caretaker in her absence. He reiterated his belief that Mrs. Aquino wanted him to be the "taumbahay" when she asked him to stay in the Philippines while she is on an official visit to the US.

Commenting on the President's US trip, Laurel said, "It was a good decision (on her part) to go." This, he said, is because the trip would provide the chance for Mrs. Aquino to raise "many points" before the American people. Several forums have reportedly been arranged for the President when she arrives there.

He added that the issue of American military bases may be discussed in that trip because these are among the main concerns of the US government.

When asked to describe his working relations with the President and other key officials in the Cabinet, Laurel said, "We (Aquino and Laurel) have no problems with each other. We have no communication gap. We are in touch with each other."

On Executive Secretary Joker Arroyo: "He's my fraternity brod. He was my classmate in law school."

And on Defense Minister Juan Ponce Enrile: "Also a contemporary of mine in the University (of the Philippines). (He is) a good friend."

Meanwhile, Local Governments Minister Aquilino Pimentel, saying Laurel's appointment as "caretaker" during the week-long visit of President Aquino abroad is "probable," maintained, that the prospect is "very unlikely."

Speaking to reporters during the MLG's regular weekly conference, Pimentel declared that "judging from Palace statements already given and from the way Malacanang has reacted, it seems to me that the appointment of Mr. Laurel (as acting president) is very unlikely."

Pimentel added that Agrarian Reform Minister Heherson Alvarez was "merely speculating" when he said during Monday's Kapihan at the Manila Hotel that Laurel will definitely be the government caretaker in the absence of President Aquino.

Ang Pahayagang MALAYA

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US bases facts and issues

If asked, will the Americans pull out their bases in 1991?

(This review of facts and issues relating to the American military installations in the Philippines was prepared jointly by the International Studies Institute of the Philippines *(of the University of the Philippines Law Complex), the* UP Manila College of Arts and Sciences *(Division of Social Sciences), and the* Third World Movement Against the Exploitation of Women. *The authors hope this will enlighten the Filipino nation, especially the commissioners of the Constitutional Commission---* Editor.)

(Part VI)

What happens if the Philippines asks the Americans to leave in 1991? Will they really go?

The American Guantanamo base in Cuba is an unwanted occupant on Cuban soil, held against the wishes of the Cuban government and people. Although we have never known the US to feel a military base was not essential, the base it holds in Cuba (Guantanamo) is an example of one which clearly threatens Cuba and its people but is of nominal value to American defense. And yet the Americans keep on maintaining it.

In the case of the Philippines, so important are those facilities for the US that during the Marcos regime, the US government used the maintenance of the bases as a justification for funneling hundreds of millions of dollars in military and other forms of aid to the repressive Marcos dictatorship. This aid was used to thwart the human rights and legitimate aspirations for democracy and self-determination of the Filipino people.

The US might eventually have to be kicked out as in the case of the Wheelers Air Force Base when Kaddafi took over in Libya.

Could not the Philippines make better use of the land and facilities for its own development objectives?

At present, nowhere else can Americans exploit such a huge workforce for a mere pittance. Filipino workers here are paid for less than the US American bases here are a paymaster's dream.

Much is often made of the fact that the bases employ at least 40,000 Filipinos, which is less than one per cent of the Philippine non-agricultural labor force, and that the bases pump some $260M annually into the local economy. As a political analyst, Alejandro Fernandez said only a small fraction of American disbursements finds its way into the Philippine economy because most of the appropriations for the bases are actually spent for maintenance and repair which do not entail contract servicing by Filipino firms and most purchases of consumption goods by base personnel are made at tax-free PX commissions.

The most-often chased goods by US servicemen are prostitutes and drugs, social problems most acute in the areas around the bases. Certainly there are economic alternatives which can more than compensate for what we presently get from the bases – the transformation of these into commercial ports, an international airport, agro-industrial and commercial complexes, transportation, communications and tourist centers. These productive post-bases scenarios have been seriously studied by the US Congressional Mansfield Report, by the Philippine Chamber of Commerce and Industry, and by several other groups.

How about the problem of criminal jurisdiction? Did Philippine authorities assume more power over the prosecution of abuses committed by US servicemen considering the 1979 and 1983 amendments to the MBA?

The 1979 and 1983 provisions did not introduce anything of consequence to the rules on criminal jurisdiction instituted way back in 1965. As such, the crimes and abuses of US servicemen committed against Filipino civilians are not feasibly within the reach of Philippine judicial proceedings – which has always been the case since 1947.

The 1983 Dougherty case is one of many instances of abuse, which situation has sobered according to base authorities. Non-assumption of Philippine jurisdiction over crimes and human rights abuses attests to the fact that the US base commands still distrust the criminal justice system of the country when applied to their erring military personnel.

(To be continued)

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Laurel grumbles over role, wants NSC as 'caretaker'

By CHIT ESTELLA
Staffmember

Vice President Salvador Laurel, disagreeing over the issuance of Administrative Order No. 4, has proposed that the National Security Council serve as caretaker body when President Aquino is out of the country.

Laurel told reporters yesterday, "I have my own thoughts on that (administrative order). I think that for the sake of greater stability of the national government during her absence, the President should utilize the National Security Council which has already been created."

The Council is composed of the President, the Vice President, the Minister of National Defense, the Armed Forces Chief of Staff and the Executive Secretary.

The administrative order, issued Tuesday, specifies the duties of the Vice President and the Executive Secretary during her absence.

Mrs. Aquino, making her first official trip abroad since being swept to power in February following a Church-backed military revolt, is to leave for Jakarta and Singapore this month and then flies to the United States next month.

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Laurel (From page 1)

Explaining his proposal, Laurel, also the foreign minister, said that with the NSC in command, "Everybody would feel responsible in case anything should happen during the President's absence. As of now, only Joker Arroyo is responsible."

Arroyo, a university fraternity brother of Laurel, would not comment on the President's order.

But Palace spokesman and legal counsel Rene Saguisag told newsmen that Malacanang welcomed suggestions from Laurel on how the affairs of the state should be run in the absence of the President.

"That is his (Laurel's) privilege. . . we are open to suggestions," Saguisag said.

"We welcome suggestions from anyone, especially from the number two man," he added.

Laurel said the issue of appointing a caretaker was not taken up during yesterday's Cabinet meeting which he described as "one of the best," he had attended.

There was a "spirited discussion" on the labor situation and a "clear consensus" among Cabinet members regarding this, he said.

Laurel said the ministers felt the labor situation was "serious and we must lay down the rules loud and clear."

He added that the government must determine which strikes were illegal and throw the book at those considered illegal.

But Laurel declined to say if the Cabinet was inclined to move towards calling for the ouster of Labor Minister Augusto Sanchez.

Sanchez, very popular among the progressive labor unions, has been criticized by businessmen for allegedly failing to effectively implement labor laws in the various disputes rocking strike-bound companies.

Laurel also declined to say if a coalition between his forces and those of Defense Minister Juan Ponce Enrile was taking shape.

He described such a move as premature and said that political coalitions should take place only after the Constitution has been ratified by the people.

A 48-member Presidential-appointed Commission is writing the constitution and is expected to finish its job next month.

US bases facts and issues

US forces in RP involved in counter-insurgency operations

(This review of facts and issues relating to the American military installations in the Philippines was prepared jointly by the International Studies Institute of the Philippines *(of the University of the Philippines Law Complex), the* UP Manila College of Arts and Sciences *(Division of Social Sciences), and the* Third World Movement Against the Exploitation of Women. *The authors hope this will enlighten the Filipino nation, especially the commissioners of the Constitutional Commission*— Editor.)

(Part VII)

Are US forces involved in counterinsurgency in the Philippines?

There is evidence to the effect that the US bases, especially during the time of Marcos and Magsaysay, were used for the purpose of providing combat support (training and logistics) against insurgency. This is based on US Congressional testimonies of US Pentagon officials themselves.

Since there is no present external threat, US bases serve only to protect US and local vested interests from internal threat, a fact admitted by US officials themselves.

For example, the following exchanges, which took place in the hearings before the Sub-Committee on US Security Agreement and Commitments Abroad of the US Senate Committee on Foreign Relations in 1970, are instructive:

Symington: "What, therefore, is the real purpose of this military assistance? Doesn't it come down to a quid pro quo for the bases and a means of contributing to the Filipino government?"

Warren: "In my opinion, to a degree, sir. But it is also to help the Filipino forces to physically protect US forces in the Philippines."

Symington: "From whom?"

Warren: "Internally, sir; to maintain internal security and stability and, thereby, make our own activities over there more secure."

Symington: "In other words, we are paying the Philippine government to protect us from the Philippine people who do not agree with the policies of the government or do not like the Americans?"

Warren: "To a degree, yes, sir."

Is it true that the Asean nations want the retention of the military bases in the Philippines?

The presence of military bases in the Asean region is incompatible with the clear intention of the Asean countries. The Asean members solemnly recognize in the Asean Declaration on the Neutralization of Southeast Asia of November 1971 "the significant trend towards establishing nuclear-free zones". They agreed in this Declaration "that the neutralization of Southeast Asia is a desirable objective and that we should explore ways and means of bringing about its realization".

They then affirmed "that Indonesia, Malaysia, the Philippines, Singapore and Thailand are determined to initially exert efforts to secure the recognition of and respect for, Southeast Asia as Zone of Peace, Freedom and Neutrality, free from any form or manner of interference by outside Powers."

Directly pertinent is the Joint Communique of the 19th Asean Ministerial Meeting, held in Manila last June 23-24, 1986, which in part states as follows:

"They (the Asean Foreign Ministers) noted with satisfaction the Progress Report of the Working Group on ZOPFAN (Zone of Peace, Freedom and Neutrality) which has been entrusted with the task of studying the concept of a Southeast Asia Nuclear-Weapon Free Zone (SEA/NWFZ), as a component of ZOPFAN. The Foreign Ministers requested the Senior Officials and the Working Group to continue with the consideration of the subject in all its aspects, including a comprehensive definition of the principles, objectives and elements involved with a view to drafting as soon as possible a treaty on the SEA/NWFZ, taking into account all its implications, (underscoring supplied).

The principle of peace and neutrality and the nature of a nuclear-weapons-free zone obviously reject the presence of foreign military bases in the ASEAN region.

It is argued that unilateral denunciation (abrogation) of the military bases agreement is contrary to international law and will make the Philippines an unreliable party to international agreement. Is this argument valid?

This is not a valid argument. The present state of international law allows unilateral denunciation or withdrawal from a treaty which contains no provision regarding denunciation or termination, such as the military bases agreement (MBA).

Article 56 of the Vienna Convention of the Law of Treaties (which is already in force and has been ratified by the Philippines) expressly allows unilateral denunciation or termination in two instances, namely: where a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or (b) a right of denunciation or withdrawal may be implied by the nature of the treaty.

The only condition required by this Convention is that there be a "twelve months' notice" of the intention to denounce or withdraw from a treaty.

(To be concluded)

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Nuke strike on RP likely--Russ expert

By CHIT ESTELLA
Staffmember

By hosting American facilities, the Philippines runs a "great risk" of getting involved in a nuclear conflict between the two superpowers, a visiting Soviet official said yesterday.

Alexei Drukov, member of the Presidium's Soviet Solidarity Committee, told a press conference that military bases — regardless of which nation owns them — do not add to the security of any country.

Soviet contentions, however, were disputed later in the day by the International Security Council which said the inability of military bases to guarantee the security of a nation would only go so far as it is unable to have a sufficient defense system.

The council, whose officers are composed of retired military officers from the US and its allied

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Nuke

(From page 1)

countries like Japan, Israel, Thailand, Brazil and Argentina, as well as academicians, further batted for the retention of American military facilities in the Philippines.

A document drafted by the council called "The Manila Declaration" said: "Soviet missiles in Northeast Asia can now not only target objectives in North America, but those as far south as the Philippines as well."

Drukov was accompanied by Victor Gorchakov, a scientist and president of the Far Eastern State University of Vladivostok. Gorchakov is also a member of the Solidarity Committee and of the Parliament of Russian Federation.

The two came to the Philippines on the invitation of the Philippine Committee for Peace and Solidarity, an academic and research group, and met with Philippine officials, including Vice President Salvador H. Laurel.

Drukov said where tension and danger are high, "foreign military forces in another territory do not add to security. On the contrary, they damage their security because they enlarge the possibility of this nation (getting) involved in a nuclear conflict between the two superpowers."

He said his country's policies regarding the use of nuclear weapons are contained in two general principles: First, the Soviet Union will not use nuclear weapons against a country which does not have nuclear arms; and second, the Soviet Union will not be the first to use nuclear weapons against any country, including the United States.

Discussing the implications of these principles on the Philippines, Drukov said, "We must understand that if nuclear war begins, all of us, especially those who have nuclear weapons in their country, run a great risk. We can never be sure that nuclear weapons will not be used in this territory."

He cited a standard policy enforced by the US worldwide of neither confirming nor denying the presence of nuclear weapons in its military facilities.

"So you can never know what is going on in the bases in your territory," he said.

Drukov said the two superpowers should therefore negotiate for the eventual reduction and removal of military forces from foreign territories. The negotiations will be held in such a way that their outcomes will not result in the lessening of security of any country.

Drukov also denied that Cam Ranh Bay in Vietnam was being used as a military base by the Soviet Union. Quoting Vietnamese leader Phan Van Dong, Drukov said the Vietnamese have stressed that there are no foreign bases in their country and that there never will be.

In a press conference, the International Security Council warned that the removal of US military facilities in the Philippines would result in a "major alteration in the balance of power throughout Asia."

In such an event, "not only would the economic, political and strategic interests of the United States suffer incalculable impairments, but the prospects for political democracy and economic well-being for the entire region would drastically diminish," it said.

Council members expressed concern that access to US facilities might be jeopardized by political instability in the Philippines.

It urged that the US and its Asian allies extend economic and military assistance to Manila.

Prof. A. James Gregor, the council's conference chairman, said if a plebiscite over the retention or removal of the bases were held today, the results would not be clear.

He said various reports claim that 42 per cent of voters would support the retention of the bases; 23 per cent, their removal; and the rest, undecided.

The uncertain fate of American military facilities was not attributed to the rise to power of the Aquino government. Gregor said this began over an extended period of time and reached its height when political forces were polarized during the Marcos administration.

The Filipino people were "piqued" by the thought that the US continued supporting Marcos at a time when they have stopped doing so, he said.

US bases facts and issues

Our national sovereignty is not a negotiable commodity

(This review of facts and issues relating to the American military installations in the Philippines was prepared jointly by the International Studies Institute of the Philippines *(of the University of the Philippines Law Complex), the* UP Manila College of Arts and Sciences *(Division of Social Sciences), and the* Third World Movement Against the Exploitation of Women. *The authors hope this will enlighten the Filipino nation, especially the commissioners of the Constitutional Commission*— Editor.)

(Conclusion)

The MBA belongs to the second category of treaties subject to unilateral termination or denunciation, as set forth in item (b) above. The MBA takes the character of a military or political alliance, which by nature is not to be regarded as in perpetuity but subject to a specific policy of limited duration. These are the kind of treaties which are regarded by well-known publicists in international law, such as Judge T. O. Elias, former President of the International Court of Justice in his book The Modern Law of Treaties (Oceana Publications, 1974, p. 106), as covered by Article 56 above.

Reflecting the prevailing view as now embodied in the Vienna Convention, Judge Elias states that "the mere absence/specific provision of a right of termination or withdrawal in the treaty should not be interpreted to mean that the right is thereby taken away". This position is to be preferred because according to him, "it is consistent with principle and makes for a certain degree of flexibility, provided that reasonable notice is given, by the party wanting to denounce or withdraw, to the other parties to the treaty". (Id., p. 105.)

Why should the constitution include a provision against the establishment of military bases in Philippine territory? Should it override existing policies or the exercise of discretion (or option) of the president?

Even if the members of the present Constitutional Commission are appointed by the President, the Con-Com is a separate and independent body, responsible only to the people. The members of the Commission, individually and collectively, are not answerable to the president nor to any other official of the government.

The Con-Com is engaged in the framing of a fundamental law which is the highest expression of popular will. It is undertaking the formation of a sovereign act of the Filipino people. Since one of the most important objectives of Constitution-making is to effect desirable changes in the existing state of affairs, the resulting Charter must necessarily predominate over all existing policies and laws which the people consider inimical to their interests.

The presence of US military bases (or of any other foreign power) in Philippine territory is a clear derogation of our national sovereignty. It constitutes

President Cory Aquino, her Cabinet, and all of us hold our heads high with national pride. No longer should we hanker and beg for that carrot-stick of "aid", no matter how large and tempting it may be.

To allow the bases to remain is to support militarist expansionism, an act contrary to the spirit of the United Nations. The path of peace for us is not through the door of military bases. These would but spawn nuclear stockpiling and give one more venue for aggression and war. The UN call for total disarmament implicitly means the dismantling of the US bases. This is a noble task, legitimate and laudable.

To make this stand clear and known is an important step toward nation-building and world peace. Bringing this line of thought and action to the attention of President Cory Aquino is one attempt to help her make the one and only correct option. Indeed we are reaching a point where her good judgment is put to a test.

What will prevail – R.P. views or US view?

Even if the members of the present Constitutional Commission are appointed by the President, the Con-Com is a separate and independent body, responsible only to the people. The members of the Commission, individually and collectively, are not answerable to the president nor to any other official of the government.

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The presence of US military bases (or of any other foreign power) in Philippine territory is a clear derogation of our national sovereignty. It constitutes the most serious restriction on our independence as a people in dealing with the United States itself and with other countries, especially because foreign military bases involve the use of superior military hardware that can be applied against us actually or as a threat. Hence, the whole nation has the right to decide on this question. The national plebiscite for the New Constitution is the best occasion for this purpose.

So overriding are the interests of national independence and dignity involved in the issue of foreign military bases that they must be protected in the Constitution. Through this means, they are placed beyond the reach of political expediency, partisan strife, or interplay of selfish motives.

National sovereignty is not a negotiable commodity. It is not a bargaining matter with American policymakers with respect to getting economic or financial assistance from the US government. The Filipino people have only one option: to strengthen it and to do away with all foreign military bases from Philippine soil.

Are there provisions regarding foreign military bases in existing constitutions?

Yes. Article 146 of the Constitution of the Islamic Republic of Iran provides: "No foreign military base shall be set up in Iran even though it should bear the guise of peaceful purposes."

Also relevant is Article 153 of Iran's fundamental law: "No contract involving foreign domination over the natural and economic resources, the culture, the army and other domains of the nation is allowed to be concluded."

It is well-known that Article 10 of the Constitution of the Republic of Cuba contemplates the "treaty" establishing the US Guantanamo military base in Cuban territory. This article provides: "The Republic of Cuba rejects and considers null all treaties, pacts and concessions which were signed in conditions of inequality, or which disregards or diminish its sovereignty over any part of the national territory."

Is this issue of the US bases a matter of concern only for the radical left?

By no means should it be said that only the radical left are nationalists. Every citizen of the country has the honor and the duty to make national sovereignty a reality and not a force. Allowing US bases to exist under the illusion that they are Philippine bases is an insult to our intelligence and integrity.

Nor should any one fell like a subversive for fighting foreign domination in any form. The subversives are those who sell our country for a song — a rent-free agreement with "aid" that humiliates and exacts subservience.

After winning back the respects of the world, let