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## Empowering the Peace and Order Council: A Security Sector Reform Agenda<sup>1</sup>

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### Introduction

In the security studies literature, national security is often interpreted as an area concerning only the military and other armed components of the state.<sup>2</sup> While military is an integral component of national power<sup>3</sup>, another concept arises when one speaks of addressing criminality, disorder, or disasters in pursuit of attaining national security objectives of a state. Public safety is understood as a policy of the government that deals with the observance of law and order, protection of the people's civil rights and liberties, and their safety from crimes, disasters, and other kinds of threats.<sup>4</sup>

The National Security Policy (NSP) 2017 provides an overview of the country's national security goals and objectives, and challenges in the internal security environment, which is the domain of public safety nomenclature, ranging from illegal drugs and corruption to insurgency and terrorism.<sup>5</sup> Meanwhile, the National Security Strategy (NSS) 2018 provides a set of strategic actions to attain the objectives stated in the former. The NSS defines public safety as the "overall welfare and protection of the general public."<sup>6</sup> In this regard, the NSS indicates that the strategic objective is mainstreaming public safety in the overall framework of national security agenda to build safe, and secured communities. As such, mainstreaming public safety "entails the integration of law enforcement, community policing, disaster management and resilience, and local governance in the security sector framework."<sup>7</sup>

There has been a dearth of literature concerning the security aspect of local governance, particularly in classifying local government units as key security actors in the provision of security.<sup>8</sup> An attempt to analyze the security-related

functions of local governments that is bereft of sufficient theoretical foundations would fail to have a comprehensive understanding of the role of local governments in ensuring public safety.

With this panoply of areas surrounding the concept of public safety, this paper shall focus on the responsibility of the local governments in ensuring public safety through the peace and order councils (POC).

This paper intends to discuss the role of local governments in ensuring public safety within the context of security sector reform (SSR). The normative concept of SSR has various mechanisms that are intended to frame the administration of the security sector in the context of development and democracy. It also presupposes that several actors in the society make up the security sector, including local governments.

While defense and security is primarily a function of the national government, local governments remain to be the most prone and vulnerable to internal security threats<sup>9</sup>. As such, this paper aims to answer the following questions: a) what is the role of local governments in ensuring public safety?; b) what are the functions and responsibilities of the POC?; and c) how can SSR help local governments in the ensuring public safety at the local level?

This paper is primarily descriptive and qualitative in its nature and analysis. Aside from books, and peer-reviewed and refereed journals, this paper also made use of government documents such as executive issuances, national laws, and department circulars.

## The Peace and Order Council

The “general welfare” clause of Republic Act 7160, otherwise known as the “Local Government Code of 1991” (LGC), the legal document that provides decentralization and governs local governments in the country, states that local governments have the responsibility of maintaining peace and order within its area of jurisdiction.<sup>10</sup> The maintenance of peace and order, as stipulated in the provision, is contingent, among others, to attaining general welfare for its citizens.

Aside from the LGC, there are other legal bases and issuances that govern the creation and organization of the POC. In 11 November 1987, Executive Order 309 was issued which reorganized the regional, provincial, city and municipal POCs.<sup>11</sup> The order enumerates the composition and responsibilities of the POCs at different levels of government.

In addition, this issuance has undergone a series of amendments through EO 317, s. 1988, EO 320, s. 1988, EO 20, s. 1992.<sup>12</sup> These amendments generally expanded the membership of the POCs due to the passage of new laws such as the creation of the Department of the Interior and Local Government (DILG) and the Philippine National Police (PNP). In 05 September 1996, EO 366 was issued creating the Barangay Peace and Order Committee as an implementing arm of the city and municipal POCs at the barangay level.<sup>13</sup> This is followed by EO 739, s. 2008 and EO 773, s. 2009 which further expanded the composition, and the duties and functions of the POCs at different levels of government.<sup>14</sup>

In particular, DILG Memorandum Circular No. 2015-130 provides detailed guidelines on the functions of the POCs.<sup>15</sup> Accordingly, the regional, provincial, city, and municipal POCs have the responsibility to: a) formulate a three-year Regional Peace and Order Council Operational Plan or a three-year Local Peace and Order Council (LPOC) Peace and Order and Public Safety (POPS) Plan to be included in the Comprehensive Development Plan (CDP); b) provide a forum for interdisciplinary dialogue and deliberation of major issues and concerns affecting peace, order, and public safety nationwide; c) recommend

strategic actions or activities aimed at promoting, improving or enhancing measures, within their respective jurisdictions; d) recommend measures to converge and orchestrate internal security operations efforts of civil authorities and agencies, military, and police; e) formulate and adopt an effective mechanism for the coordination, cooperation, and consultation involving the local executives, citizenry, and law enforcement agencies under Republic Act No. 6975, as amended, in the adoption of the Community and Service-Oriented Policing (CSOP) System; f) apply moral suasion and/or recommend sanctions against local chief executives who are giving material and political support to the insurgents; g) monitor the provision of livelihood and infrastructure development programs and projects in the remote rural and indigenous population areas to isolate them from the insurgents’ ideological, political and organizational works.

Meanwhile, the Barangay Peace and Order Committee should: a) formulate a Barangay Peace and Order and Public Safety Plan which shall be incorporated in the Barangay Development Plan; b) recommend measures to improve or enhance peace and order and public safety in the community; c) monitor and coordinate the implementation of peace and order programs and projects at the barangay level; d) serve as an information-gathering mechanism; and e) monitor and report, to appropriate authorities, suspicious illegal activities and personalities involved within their jurisdictions.<sup>16</sup>

Indeed, the regional, provincial, city, and municipal POCs and the barangay peace and order committee play a critical component in ensuring public safety at the local level. POCs provide efficient mechanism for collaboration between state-level agencies and local authorities and facilitate the mainstreaming of security-related concerns at the sub-national level. However, the effectiveness of the POCs in fulfilling its functions and responsibilities leaves so much to be desired. Various issues arise with respect to regulations and mechanism governing the POCs.<sup>17</sup> Thus, there is a need for a strategy to improve the performance, even the overall framework of the peace and order council.

According to the Geneva Centre for the Democratic Control of Armed Forces (DCAF), an international think-tank dedicated to providing support and assistance to various states in the world in improving the security sector within the principles of transparency and accountability, security sector reform (SSR) has been understood as the efficient and effective provision of security through a democratic control and oversight.<sup>18</sup> SSR has been one of the new agenda of various states in the world in order to anchor security considerations within the context of democratic governance, and development.<sup>19</sup> SSR can be used as a theoretical lens in examining the POCs.

Understanding SSR requires a holistic and comprehensive notion of security, and of the composition of the security sector. SSR provides a perspective wherein actors in the provision of security are not only limited to the military and other armed entities of the state, but such is also a responsibility of the other levels or sectors of a country such as civilian authorities that possess oversight functions over the military, subnational governments, and civil society organizations concerned with human rights and rule of law<sup>20</sup>. In this regard, SSR may provide a vast resource of insights on how to improve the POCs.

The scholarly field of public administration provides a perspective wherein SSR can be viewed as essentially an application of good governance principles—accountability, participation, predictability, and transparency—to the governance of the security sector.<sup>21</sup>

## Issues and Prospects

In view of the foregoing, this section shall discuss the issues and prospects of the POCs using the abovementioned elements of good governance.

First, accountability of the POCs rests on the performance audit that must be conducted for provincial, city, and municipal POCs. This includes organization, conduct of meetings, policies, plans and budget of the POCs, reports and innovations of the POC. This performance audit should be strictly and consistently observed to monitor the performance of the POCs with the objective of improving the structural framework of the POCs.

In addition, there should be mechanisms to ensure that efforts to improve the performance of the POCs are institutionalized.

Second, participation can be understood in terms of the inclusion of other members of the society such as civil society groups or private organizations in the POCs. In relation, their participation in the POCs can be measured on the number of meetings conducted. Although the regional, provincial, city, and municipal POCs are mandated to convene quarterly, or as often as necessary, there are no sanctions to be imposed for non-compliant POCs. Inactive POCs is one of the issues in the POC system.<sup>22</sup> Thus, it is of paramount importance to reiterate to the POCs the significance of a regularly conducted meetings.

Third, predictability may be viewed in the context of existing laws governing the POCs. Guidelines on the creation and functions of the POCs, as stated in these relevant documents, are clear enough to gauge expectations from the POCs. However, a closer look at EO 773 would show that there is a sudden change on the framing of functions and organizations of the POCs i.e., POCs are skewed towards anti-insurgency measures.<sup>23</sup> Such framing fails to capture the comprehensive nature of local peace, order, and security, and even effectively weakening the POCs as a mechanism to ensure public safety at the local level. Said issuance must be amended in way that POCs would not be limited to anti-insurgency measures, and have a holistic approach in countering local security threats.

Lastly, transparency with respect to POCs rests on the availability of and access to relevant policies and programs that POCs need to adopt. This includes the adoption of POC Peace and Order and Public Safety (POPS) Plan, to be incorporated in their respective CDP. The POPS Plan is a three-year plan which is composed of programs, policies, and activities aimed at improving the peace and order and public safety situation in a given locality.<sup>24</sup> Relevant oversight institutions should conduct a policy audit to local governments to ensure that POPS plan and other related plans and policies are adopted by the POCs.

## Conclusion

There are sufficient mechanisms where local governments can be actively involved in the national security agenda. By ensuring public safety at the local level, local governments become effective agents in attaining the country's national security objectives from a strategic outlook. Through SSR, the POCs may be improved in terms of its functions and responsibilities to address local security issues and concerns.

Although local governments do not have the wherewithal to directly counter internal security threats, the POCs provide an efficient collaboration and cooperation mechanism between and among government entities and agencies, including other sectors of the society such the civil society and the private sector. As such, efforts and initiatives to improve the POCs must be done consistently to prevent such from becoming an untapped and dormant resource. ##

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## Endnotes

- 1 This policy brief is the second in the two-part series on Security Sector Reform and Governance in the Philippines. The first part can be accessed here: [http://www.ndcp.edu.ph/wp-content/uploads/publications/2018/EPB\\_2018-01\\_Miradora.pdf](http://www.ndcp.edu.ph/wp-content/uploads/publications/2018/EPB_2018-01_Miradora.pdf)
- 2 Such perspective is heavily influenced by the realist school of thought in international relations. See Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (Boston: McGraw-Hill, 1948), 4-18.
- 3 Samson Esudu, *National Power and International Relations* (Munich: Grin Publishing, 2016); and David Jablonsky, "National Power," *Parameters* (1997): 34-54.
- 4 Ananda Devi Domingo-Almase, "Perspective in National Security Policy Framing: Public Safety as Component Policy of National Security." *Philippine Public Safety Review* (2015): 20-55; and Richard Clutterbuck, *Public Safety and Civil Liberties* (London: Macmillan Press, 1997).
- 5 National Security Policy 2017.
- 6 National Security Strategy 2018.
- 7 Ibid.
- 8 Gaudioso Sosmeña, *Local Governance and National Security* (Pasay City: Local Government Development Foundation, 2009);

- and Philipp Fluri & Valentyn Badrack, *Security Aspects of Political Decentralization: Visions, Realities, and Possible Implications* (Geneva: Center for the Democratic Control of the Armed Forces, 2017).
- 9 Rommel Banlaoi, "Local Government Response Against Terrorist Threats in the Philippines: Issues and Prospects." *Security Management in Asian Cities* (Singapore: Konrad Adenauer Stiftung-Singapore, 2005), 29-54; and Rommel Banlaoi, *Philippine Security in the Age of Terror: National, Regional and Global Challenges in the Post-9/11 World* (Boca Raton: Taylor and Francis Group).
  - 10 Republic Act No 7160, "Local Government Code of 1991"
  - 11 Executive Order No. 309, S. 1987, "Reorganizing the Peace and Order Council"
  - 12 Executive Order No. 317, S. 1988, "Amending Sections 1, 3 And 4 of Executive Order No. 309, S. 1987 Entitled "Reorganizing the Peace and Order Council"; Executive Order No. 320, S. 1988, "Amending Executive Order No. 309, S. 1987, Entitled "Reorganizing The Peace And Order Council", As Amended By Executive Order No. 317, S. 1988"; Executive Order No. 20, S. 1992, "Further Amending Sections 1 and 4 of Executive Order No. 309, S. 1987, Entitled "Reorganizing the Peace and Order Council."
  - 13 Executive Order No. 366, S. 1966, "Further Amending Executive Order No. 309, S. Of 1987, Entitled "Reorganizing The Peace And Order Council," As Amended By Executive Order No. 317, S. Of 1988, Executive Order No. 320, S. Of 1988 And Executive Order No. 20, S. Of 1992 And Organizing The Barangay Peace And Order Committees As The Implementing Arm Of The City/Municipal Peace And Order Council At The Barangay Level"
  - 14 Executive Order No. 739, S. 2008, "Reorganizing the Peace and Order Council"; Executive Order No. 773, S. 2009, "Further Reorganizing the Peace and Order Council"
  - 15 DILG Memorandum Circular No. 2015-130, "Guidelines on the Functions of the Peace and Order Councils, Barangay Peace and Order Committees and the Peace and Order Council Secretariats"
  - 16 Ibid.
  - 17 Security Reform Initiative. (2014). *Probing the Peace and Order Council*. SRI Policy Brief.
  - 18 Geneva Centre for the Democratic Control of Armed Forces. (2009). *Security Sector Governance and Reform*. Geneva: DCAF Background.
  - 19 Nicole Ball, "Strengthening Democratic Governance of the Security Sector in Conflict-Affected Countries" *Public Administration and Development* (2005): 25-38; Albrecht Schnabel, & Hans Born "Security Sector Reform in Theory." In *Security Sector Reform: Narrowing the Gap Between Theory and Practice*. Geneva: Ubiquity Press, 2011. 8-21; Christoph Bleiker & Marc Krupanski. "Security Sector Reform" In *The Rule of Law and Security Sector Reform: Conceptualizing a Complex Relationship*. Geneva: Ubiquity Press, 2012. 37-51; Marek Brylonek. "Security Sector Reform-Theory and Practice." *Internal Security* (2016): 177-194.
  - 20 Ball, "Strengthening Democratic Governance of the Security Sector in Conflict-Affected Countries," 25-38; Schnabel, & Born, "Security Sector Reform in Theory," 8-21; Bleiker & Krupanski, "Security Sector Reform" 37-51; Brylonek, "Security Sector Reform-Theory and Practice," 177-194.
  - 21 For an in-depth discussion on the application of good governance principles on the administration of the security sector, see the first part of this policy brief.
  - 22 Security Reform Initiative. (2014). *Probing the Peace and Order Council*. SRI Policy Brief
  - 23 Executive Order No. 773, S. 2009, "Further Reorganizing the Peace and Order Council"
  - 24 DILG Memorandum Circular No. 2015-130, "Guidelines on the Functions of the Peace and Order Councils, Barangay Peace and Order Committees and the Peace and Order Council Secretariats"