

## **Security Sector Reform: WAY FORWARD FOR DEMOCRACY AND DEVELOPMENT**

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*The study of Philippine security sector reform entails a close inspection of the case of Germany & Japan—two great powers which were redefined from their martial past. To better understand and develop some thoughts on the development of our security sector, the author looks into some historical insights from the said countries. This paper discusses the rise and fall of Germany and Japan, and eventually, delves into the Philippine experience, during and after the Martial Rule. It also includes noteworthy events and mechanisms which led to the beginnings of security sector development and transformation. This paper highlights that the Philippine nation is currently in a state of reform and this reform is a continuing process. It is time to build on this momentum and on the current favorable political climate to achieve substantial development in our security sector.*

### **Historical Insights**

Santayana found value in looking back before looking forward when he wrote: “[t]hose who cannot remember the past are condemned to repeat it.” Indeed, the ebb and flow of historical antecedents provide valuable insights on the evolution of human thought and behavior throughout human existence. It teaches lessons on how the transformation of intellect and actions of man translates from the individual to the collective, from man to State, as Hegel saw it. History provides no absolute rules even as it offers compelling parallelisms. At the very least, it provides context to better understand the present as we continue to divine our future.

It is for this reason that Security Sector Reform in our country is presented with a view of historical antecedents of two (2) case studies: Germany & Japan, great powers that dominated Europe and Asia militarily, faced humiliating defeats and emerged redefined from its martial past. It is submitted that historical insights

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from these examples can help better understand and develop some thoughts on the way forward for security sector reform in our own human polity.

### *The rise of Germany & Japan*

Since German unification, attained by force of arms in the late 19th century under Otto Von Bismarck, Prussian military thought has played a prominent role in the development of military thinking and the way military organizations have been structured and managed. At its peak, the influence of Prussian military thinkers went beyond the confines of defense and security and influenced political and social thought, in general.<sup>1</sup>

Germany embraced the progress provided by the industrial revolution and grew exponentially during this period.<sup>2</sup> With a preeminent martial culture, it became the dominant European military power surpassing its rivals. It was, after all, a society that had a strong affinity with the warrior spirit.<sup>3</sup> It was in this milieu of unprecedented growth that thoughts of Imperial Germany emerged. The imperialist ambitions were fueled by the belligerence of its military thinkers and strong racial overtones drawn from the currency of Darwinian thinking at the time.<sup>4</sup>

Halfway around the world, a similar transformation was taking place.

Japan had just emerged from its feudal isolation that featured a succession of military clans governing fiefdoms. Centuries of isolation kept the warrior spirit strong in Japan as samurai warriors loyal to their Shoguns repelled Mongol hordes on its shores and repelled Western intrusions. They paid allegiance to the Tokugawa military dynasty and notionally professed loyalty to the emperor.<sup>5</sup>

Swords soon gave way to rifles and canons but the samurai spirit remained strong.<sup>6</sup> The Meiji Restoration, the resurgence of the notion of a Japanese nation,

<sup>1</sup> Gat, Azar. "A History of Military Thought (From the Enlightenment to the Cold War)," Oxford University Press (2001), at p. 314

<sup>2</sup> Between 1870 and 1914, Germany's population grew by 66%. Compared to France, Germany was producing 6 times more coal and 3 times more pig iron to fuel its industrialization between 1910 and 1913. Germany surpassed the industrial production of Britain by 1913. At the time, it was fast becoming as strong as Russia and France combined. (Ibid., at pp.342-343)

<sup>3</sup> Ibid, at p.325

<sup>4</sup> Ibid, at p.347

<sup>5</sup> Harries, Meirion and Susie, "Soldiers of the Sun: The Rise and Fall of the Imperial Japanese Army," (Random House: 1991) at p.3 et seq.

<sup>6</sup> Ibid., at p.5.

and the opening of Japan in the mid-19<sup>th</sup> century coincided with the industrial revolution that ushered an unprecedented period of growth.<sup>7</sup> Japan soon had resources to support a robust military organization and make investments in weaponry.<sup>8</sup> It was thus that the Japanese Imperial Army was organized drawing inspiration from the samurai culture embodied in the bushido or the way of the warrior.<sup>9</sup>

Throughout the sweeping changes taking place in the 19<sup>th</sup> century, Japan's martial culture remained a strong foundation for the emerging nation. The overlap between the military and government remained prevalent. Aritomo Yamagata, who argued for the establishment of a national force, played an important role in the ensuing military transformation. Having spent time in Berlin, Yamagata was deeply impressed by Prussian success against the French. Yamagata brought home with him strong Prussian influences not only in organizing an efficient military but also in shaping the relationship between the military and the State.<sup>10</sup> Prussian military officers were invited to teach in the Japanese General Staff College, including Major Jacob Meckel.<sup>11</sup> Together, Yamagata and Meckel, prepared the nascent Japanese Imperial Army for the dominant role it was to play in Asia.

After its initial success in the Korean peninsula and after dealing with the declining Chinese military a humiliating defeat in the First-Sino Japanese War, Japan sealed its standing as the new regional power. It also marked the beginning of its imperial ambitions.<sup>12</sup> When the Russians fell in the hands of the Japanese in 1904, even Germany took notice and admired the Japanese warrior spirit that allowed its armies to overcome the superior numbers of their adversaries.<sup>13</sup>

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<sup>7</sup> Following the 1868 Meiji Restoration, Japan gradually transitioned from an agricultural (primarily silk and cotton farming) to an industrial economy between 1885 to 1940. [www.helsinki.fi/iehc200/papers2/Saito62.pdf](http://www.helsinki.fi/iehc200/papers2/Saito62.pdf) During the same period, the Gross Domestic Product (GDP) of Japan was growing faster (1.96%), on the average, than the US (1.53%) and Britain (1.10%). By 1939, manufacturing and mining accounted for 34% of the GDP with agriculture accounting for just 15%. It has been suggested that “[A]n identification of industrialization and financial development with nationalism and military power directed growth in Japan along a path different to Southeast Asia’s.” [www.gla.ac.uk/media/media\\_33617\\_en.pdf](http://www.gla.ac.uk/media/media_33617_en.pdf)

<sup>8</sup> By the end of the turn of the century (1896-1903), Japanese military spending virtually doubled and constituted, on the average, about 40% of its national budget. (Harries, *op.cit.*, at page 65)

<sup>9</sup> Harries, *op.cit.*, at page 7

<sup>10</sup> *Ibid.*, at page 48

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, at page 61

<sup>13</sup> Gat, *op.cit.*, at page 349. In fact, to arouse the German martial culture, Moltke even sarcastically offered placing Germany under the protectorate of Japan if materialism prevails and the dream of a German Empire is drowned by a consideration of its cost. (at page 355)

As Germany and Japan became regional powers by the beginning of the 20<sup>th</sup> century, the lines between government and the military organization became more and more blurred. The determination of national policy became closely interlinked with military imperatives at the dawn of the age of imperialism.<sup>14</sup>

### *The fall of Germany & Japan*

As in most cases, one's fall happens a lot quicker than its rise.

After becoming predominant powers in Europe and Asia, the march of Germany and Japan towards the establishment of continental empires seemed ineluctable.<sup>15</sup> The years leading up to World War II and those that immediately followed presents the starkest picture of how the military organizations of Germany and Japan reached their peak of power and influence only to be followed by their sudden and decisive decline.<sup>16</sup>

Coincidentally, the role of the military in the politics and society of Germany and Japan increased as democratic institutions declined on their march towards world domination.<sup>17</sup> Political and military leadership fused in varying degrees, as the world was pushed to the edge of a war of unprecedented scale. Their military organizations became more opaque growing less and less accountable for their decisions yet more and more involved in national life. A large part of the national economy served the growing requirements of the military. Personality cliques developed as leadership was placed in the hands of favored individuals.

After the dust of the World War II had settled, their militaries were roundly defeated and their military leaders faced the consequences of their actions. The fundamental laws of both nations were re-written by the victors to restore the rule of law instead of men. A key feature of the pacifist constitutions of Germany and

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<sup>14</sup> The end of the Weimar Republic in Germany coinciding with the economic crisis ushered by the depression in the 1930s saw the rise of Nazi Party and the ascent of Adolf Hitler. In Japan, after the Meiji Restoration, "the army had been hardly distinguishable as a separate force in government, so great was the overlap of military and civilian leadership. The civilian government included many figures with military rank, past and present, xxx." (Harries, *op. cit.* at page 56).

<sup>15</sup> Because of Japanese interests in China, Japan and Germany fought on different sides during World War I. Doubts, however, were expressed on Japan's resolve to fight against the Germans as British allies had invariably more casualties than the Germans and were said to have been treated worse than German captives. (Harries, *op. cit.* at page 10 et seq).

<sup>16</sup> Harries, *op. cit.* at page 193.

<sup>17</sup> See footnote 14.

Japan were the demilitarization of both nations and the imposition of controls on the use of State violence.<sup>18</sup> The military organizations of both nations later reemerged with redefined roles and renewed trust and confidence of the people.<sup>19</sup>

### *Philippine Experience*

To a limited extent, it may be argued that historical parallels may be drawn from the historical antecedents provided by Germany and Japan on the one hand, and the Philippine experience, on the other.

Following similar patterns, the power and influence of the security forces (primarily, the military and police) in domestic politics reached its peak during martial law and the role they played in ending it. During this period of “militarization,” the military dominated various aspects of the national life and entrenched itself within the ruling elite, like the military did in Germany and Japan.<sup>20</sup> The well-documented abuses committed by the ruling factions within the military during martial law resulted in fundamental changes in the 1987 Constitution meant to help ensure that the nation does not suffer the same experience again, following the same trends as the pacifist constitutions of Germany and Japan. The challenge that lies ahead is to see our military emerge from its past, become credible institutions that enjoy the trust and confidence of our people and a source of pride for our nation.

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<sup>18</sup> Germany and Japan were both demilitarized after World War II through limits on the role of their respective military written into their pacifist constitutions. Germany slowly remilitarized when Germany joined the North Atlantic Treaty Organization (NATO) but the role of the *Bundeswehr* formed in 1955 was to be strictly defensive. It was only in 1966, that role of the military in Germany became more pronounced and eventually participated in missions abroad. [www.time.com/world/article/0,8599,1906570,00.html](http://www.time.com/world/article/0,8599,1906570,00.html)

<sup>19</sup> The Cold War resulted in West Germany rearming itself and aligned itself with NATO while East Germany aligned itself with the Warsaw Pact countries. In the meantime, Japan’s pacifist constitution held even as the Japan Self Defense Force (JSDF) was formed in 1954 for self defense purposes. It was only in 2007 when Japan established its Ministry of Defense (MoD). The JSDF, initially involved only in humanitarian missions, subsequently engaged in more frequent military exercises with its allies. This development appears to be in reaction to rising threats from China and North Korea. Notably, Japan’s “remilitarization” follows the same pattern as Germany’s. (See footnote 18)

<sup>20</sup> See: Kintanar, Galileo C., “*The Legacy of Martial Law*” in “*Transformation: A Security Sector Reform Reader*,” (INCITEGov: 2012), at page 129, *et seq.*

## 1. Martial Law

Before martial law, the Philippines had one of the best-equipped military organizations in the region. With the regular flow of funds coming from the rentals of the US Bases, its military capabilities surpassed most of its neighbors. However, martial law eroded our security institutions and left lasting legacies in its wake.



The dark years of martial law taught us that authoritarian regimes thrive as democratic institutions are deliberately weakened. The rule of law was subverted. Checks and balances in the exercise of governmental power were lost. Power was centralized in the hands of the autocrat whose continued rule constituted an open invitation to challenge. Necessarily, the autocratic regime depended heavily on the use of State violence to suppress challenges.<sup>21</sup>

Consequently, a substantial part of the fruits of the national economy was channeled to support security forces. It was lavished with financial support by a repressive regime dependent on them for continued control of the populace. Its leadership eventually became beholden, loyal and accountable only to the regime. This eroded and eventually destroyed military professionalism.

An opaque and oppressive regime characterized by the absence of transparency and accountability bred corruption that eventually seeped into the security institutions that receives substantial financial support from the government. Even where capabilities of security forces remained strong despite a declining national economy, security institutions, in reality, became weak. Though they remained effective in performing their missions, they were no longer accountable to the public they were supposed to serve. The military ceased to be a corporate body of professionals that served the interest of the society it is sworn to protect. Its leadership was placed in the hands of officers loyal to the regime resulting in the rise of personality cliques. Policies became personal instead of institutional. Democratic civilian oversight was lost.

<sup>21</sup> See: Samuel P. Huntington, "The Soldier and the State: The Theory and Politics of Civil-Military Relations," (Harvard University Press: 1957).

What came out of this symbiosis is an opaque security system placed beyond the control of democratic institutions. The security apparatus eventually became a tool for suppression of dissent and a crutch for the maintenance of power. It engendered fear among the populace. As a result of the erosion of the rule of law, our people felt threatened by a capable security sector that was supposed to protect them. Human security was in constant peril even in places with a veneer of State stability. The Philippines was not alone in this experience under a constitutional dictatorship. Other autocrats came to power throughout the region out of fear of the domino principle after Southeast Asian countries fell one after another to a series of communist revolutions.

The effects of this condition often last. Today, martial law legacies continue to plague our security sector decades after the fall of the dictatorship. The impact of the martial law era on civil-military relations in our country has been widely discussed. However, an examination of the reasons why martial law legacies have lasted as long as they did remains lacking.<sup>22</sup>

## 2. Post Martial Law

Ironically, the military that propped up the dictatorship played a pivotal role in the deposing it in 1986. Power was handed to a civilian revolutionary leadership that ushered the gradual restoration of democratic institutions. However, the role played by the military in regime change also had negative consequences as the nation transitioned into democracy.<sup>23</sup> Coup attempts and mutinies came one after another waged by segments of security organizations still possessed of substantial capabilities. Military intervention was justified under the constitutional edict that the AFP “is the protector of the people and the State.”<sup>24</sup> This gave rise to calls from

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<sup>22</sup> See: Cruz, Rodel A., “Security Sector Reform: Philippine Perspectives on Defense Transformation” in “Transformation: A Security Sector Reform Reader,” (INCITEGov: 2012), at page 49, *et seq.* The discussion in this paper is culled from a chapter in the cited book. It offers a pedestrian view of some antecedents and actions that followed, for contextual purposes only. It is not represented as a comprehensive scholarly presentation and analysis of historical events and is, therefore, open to dispute.

<sup>23</sup> The military again played a crucial role in another regime change involving the ouster of President Joseph Ejercito Estrada on charges of corruption in 2001. Curiously, both instances when the military played a crucial role in supporting popular uprisings that brought about regime change in 1986 and 2001 were followed by corruption scandals rocking the military leadership. Both also gave rise to coups and mutinies. Does this indicate that the prominent role the military plays in regime change tend to give those who eventually take the helm of our military organizations a false sense of entitlement such that they view military funds as part of the spoils?

<sup>24</sup> Section 3, Article II of the 1987 Constitution.

civil society for the military to go back to barracks. It also rekindled suspicions against the military that lingers in some sectors of our society until now.

In 1992, Fidel V. Ramos was elected President. Before becoming President, he was Chief of the Philippine Constabulary and played an instrumental role in the 1986 fall of the dictatorship. Some of those who helped engineer his rise to the presidency saw in him the fusion of civilian mind and military discipline – one who can serve as a timely antidote to the military adventurism that wrought havoc to a national economy already ravaged by the dictatorship.<sup>25</sup>

Shortly after assuming office, an amnesty was declared to give a second chance to those who took part in episodes of military adventurism in the previous decade. A peace agreement was later concluded with the Moro National Liberation Front (MNLF) in 1996 while peace talks with the communist insurgents continued. Relative peace and stability was attained coinciding with the pendulum swing in the global economy that favored emerging economies in Asia. These conditions fostered a short-lived economic resurgence.

In the meantime, capability gaps within the military began to show. In 1992, the US military bases were closed down as the treaty for the extension of the lease on these facilities was defeated in the Senate. Funding that sustained military capability drawn from annual rentals of approximately US\$200M was lost. This gave rise to the idea of converting AFP military camps to commercial use to generate funds for military modernization and capability upgrade. The AFP Modernization Act was passed. Unfortunately, the 1996 Asian financial contagion stalled attempts to modernize the AFP and slowed down economic growth. Consequently, capability gaps within the military continued to widen.

The succeeding administration opted to wage an all out war in Mindanao in response to renewed challenges from secessionist groups. The increase in operational tempo further exposed the widening gaps in our military capability. From one administration to another, corruption in the military (that was commonplace in our well-funded security organizations under martial law) persisted at a time when our security institutions have already become emaciated due to declining budgets. Scarce resources for the frontlines were siphoned off at the headquarters by corrupt military fund managers. Young company commanders fresh out of the military academy sent to the frontlines suffered the consequences of lost capabilities and

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<sup>25</sup> Curiously, after the World War II, the US similarly elected a former military officer into the White House: Dwight Eisenhower. Numerous individuals with previous careers in our security institutions, all graduates of the PMA, have likewise been elected into the Philippine Senate and House of Representatives and often dominate legislative deliberations on security issues.



missing funds – a far cry from the spartan comforts they enjoyed in the Philippine Military Academy (PMA). These conditions later provided the spark for a failed mutiny led by young officers. Later, a corruption scandal unprecedented in scale rocked the military leadership. What used to be spoken in whispers in military circles came to full public view confirming the allegations of the mutinous few.

From a broader policy standpoint, civilian leadership failed to provide the military with a comprehensive National Security Policy and the National Security Strategy that flows from it. The absence of a coherent and forward looking security policy framework led to a patchwork of efforts to address security challenges that were difficult to sustain. As a result, internal security threats remained unresolved and martial law legacies continued to afflict our defense and military organizations.

All told, despite the restoration of democracy, security sector reform was not pursued in earnest resulting in poorly equipped security organizations that remained prone to corruption and constantly grappling with challenges to professionalism. Worse, in the absence of effective democratic civilian leadership and oversight, segments of the military occasionally became threats to our individual and collective security.

### 3. The Beginnings of Transformation

#### a. Davide and Feliciano Commissions

Initial attempts at defense transformation drew inspiration from various sources. The reports of the Davide Commission<sup>26</sup> that looked into military adventurism in the years that followed the fall of the dictatorship culminating in

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<sup>26</sup> Named after former Supreme Court Justice Hilario Davide, Jr. the commission was formed, initially in December 1989 by Administrative Order (AO 146) and later by Republic Act No. 6832, to conduct a thorough fact-finding investigation of the failed coup d'etat of December 1989 and to recommend measures that would prevent the occurrence of similar attempts in the future. The inquiry yielded a 743-page final report that included specific recommendations for reforms. (See: <http://www.pcij.org/HotSeat/davidereport.html>)

the failed coup of December 1989 and the Feliciano Commission<sup>27</sup> that studied the failed mutiny of young officers in July 2003 provided detailed anecdotal evidence of the malaise that plagued the defense and military organizations. Both reports highlighted the importance of democratic civilian control over the military.

#### b. RP-US Joint Defense Assessment

The outcome of the 3-year RP-US Joint Defense Assessment (JDA)<sup>28</sup> delved into the systemic causes of the problems identified in the testimonies given during the fact-finding inquiries of the Davide and Feliciano Commissions. From

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<sup>27</sup> Named after retired Supreme Court Justice Florentino P. Feliciano, who headed the fact finding commission that looked into the July 2003 “Oakwood Mutiny,” the recommendations in its final report were culled from testimonies given during its hearings. They were mostly aimed at addressing such issues as graft and corruption in the AFP as well as personnel concerns including housing, salary and career development. Specifically, the recommendations included the following: (a) addressing the AFP Retirement, Separation and Benefits System (RSBS) and procurement problems; (b) providing adequate funding to upgrade the capabilities of the AFP; (c) Improving the AFP medical services; (d) strengthening the records system for the personal data of soldiers and dependents through computerization; and (d) addressing housing problems of the AFP personnel. (See: <http://www.newsbreak.ph/2011/03/07/feliciano-commission-report/>)

<sup>28</sup> From 1999 to 2003, Philippine and United States (US) defense and military planners and analysts conducted a series of assessments with respect to the capability of the AFP to perform its essential missions, including internal security operations (ISO), territorial defense, disaster relief and humanitarian assistance, search and rescue, maritime security, support to national development and support to regional and global initiatives. In October 1999, the JDA began as a policy level discussion between the Philippine Secretary of National Defense (SND) and the US Secretary of Defense. In the same year, the assessment process formally commenced under the Philippine-US Defense Experts Exchange, where a delegation from the Philippine Department of National Defense (DND) went to the US Department of Defense (DoD) to explore ways to undertake a joint AFP capability assessment. In 2000, the AFP, together with Subject Matter Experts (SMEs) from the US Pacific Command (PACOM), conducted a qualitative capability assessment, which yielded an initial JDA report in 2001. The following year, a more comprehensive and quantitative assessment was conducted, which included an initial Notional Plan. On 12 September 2003, the JDA was completed with an updated Notional Plan. Thereafter, the JDA Planning and Implementation Group (JDA-PAIG) was created to implement the JDA recommendations. Pursuant to DND Department Order No. 183 dated 13 October 2003, the JDA-PAIG was tasked to “facilitate the effective implementation of the 2003 Joint Defense Assessment” in order to enhance Philippine defense capabilities and assist the modernization of the AFP. Under the supervision of the Office of the President, the JDA-PAIG was tasked to develop a Plan of Action and Milestones (POA&Ms) that would serve as the roadmap for the implementation of the JDA recommendations. Thereafter, the responsibility of implementing the JDA recommendations was subsequently delegated to the DND. The Philippine-led and US-assisted JDA falls within the context of long-standing Philippine-US relations. The status of the Philippines as a Major Non-NATO Ally (MNNA) opens opportunities for expanded security assistance from the US. The AFP reform programs therefore become a crucial link to access these benefits and privileges, to culminate in an overarching improvement of Philippine defense and security capability.

a business standpoint, the JDA served as a management audit that established baselines and pointed out key areas where improvements may be made to effect lasting and fundamental changes in the organizations. As a comprehensive assessment of our defense capabilities, the JDA provided an objective diagnosis of deficiencies in the AFP. It likewise identified capability shortfalls and their root causes, which should be addressed through force restructuring, systems improvement, automation and legislation, among others. The JDA concluded that the capability of the AFP to execute its missions was rated as generally Minus (-) *Partial Mission Capable*, a vital indicator of the critical condition of our military's capability to perform its various mandates that was largely attributed to systemic deficiencies within our military organization. Overall, the JDA identified 65 key and 207 ancillary areas of concern. All these were distilled into 10 key recommendations that became the focus of initial attempts at introducing systemic improvements in our defense and military establishment through the Philippine Defense Reform (PDR) program.

#### c. Transforming while Performing

Compounding the challenges was the fact that transformation had to take place while the military continued to perform its duties in addressing current and emerging security threats. Meanwhile, AFP modernization remained in limbo and capability gaps continued to widen. It did not help that the priority list for capability upgrade was incoherent and seemingly the product of lobbying instead of sound strategic planning.<sup>29</sup> In any case, the national economy was not strong enough to provide needed investments in capability upgrade for the military. Some civilians holding the purse strings remained suspicious of our military that once used its capability to suppress public dissent during martial law and waged coups and mutinies thereafter. In fact, the 1987 Constitution put a cap on defense spending mandating that the defense budget must not exceed the education budget.<sup>30</sup> The corruption scandals in the military did not help either. Understandably, calls for increased defense spending were met with a tepid response if not utter indifference.

#### d. Policy Baselines

The absence of a comprehensive policy framework coupled with an outdated charter for the defense and military establishment found in the 1935 National Defense Act (and a scattering of various laws and decrees enacted after

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<sup>29</sup> Military capability planners spoke in whispers about "*supplier driven*" capability intentions. This indicates that defense contractors or suppliers and their powerful civilian and military backers may have had a role in shaping the determination of priorities under the AFP Modernization program.

<sup>30</sup> Section 5(5), Article XIV of the 1987 Constitution

it) highlighted the neglect of the civilian leadership to provide policy guidance to our defense and military organizations.<sup>31</sup> Given this, broad policy guidelines had to be drawn and distilled from the fundamental law itself. The 1987 Constitution provides, among other State Principles, that the Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.<sup>32</sup> The Philippines renounces war as an instrument of national policy.<sup>33</sup> It adheres to the principle that civilian authority is, at all times, supreme over the military. The AFP is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.<sup>34</sup> The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service.<sup>35</sup>

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<sup>31</sup> Compared with various laws establishing policies pertaining to the Philippine National Police (PNP) (See footnote 28), policy baselines for the AFP are generally outdated. Section 2, Article II of the 1935 Constitution provides: “*The defense of the State is a prime duty of government, and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.*” This provision was reproduced, almost verbatim, in the 1973 Constitution. The statute implementing this constitutional principle is Commonwealth Act No. 1 enacted on December 21, 1935 otherwise known as “*The National Defense Act.*” A related statute, Commonwealth Act No. 430 enacted on May 31, 1939 created the Department of National Defense (DND), charged with the duty of supervising the national defense program of the country and given executive supervision over those bureaus, offices, and services which the President may determine to be properly under its jurisdiction. It also authorized the President to effectuate, by executive order, the organization of the DND. Pursuant to the foregoing authority, then President Manuel L. Quezon issued Executive Order No. 230 issued on October 31, 1939 organized the DND effective November 1, 1939. The 1987 Constitution reiterates the duty of the Government to defend the state and preserved the doctrine of compulsory military and civil service existing in the 1935 and 1973 Constitutions. Thus, Article II, Section 4 states: “*The prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service.*” The constitutional mandate of the Armed Forces of the Philippines (AFP) under civilian control was expressly stated, thus: “*Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.*” These constitutional principles are reiterated in Executive Order No. 292, otherwise known as the “*Administrative Code of 1987*”. Under EO 292, it is a declared policy of the State that “*the defense establishment shall be maintained to maximize its effectiveness in guarding against external and internal threats to national peace and security, and provide support for social and economic development*” [Title VIII, Book IV, Subtitle I, Chapter 1, Administrative Code of 1987].

<sup>32</sup> Section 1, Article II of the 1987 Constitution

<sup>33</sup> Section 2, Article II of the 1987 Constitution

<sup>34</sup> Section 3, Article II of the 1987 Constitution

<sup>35</sup> Section 4, Article II of the 1987 Constitution

Democratic civilian control over the military is expressed in our Constitution through, among others, the Commander-in-Chief clause,<sup>36</sup> the doctrine of qualified political agency that empowers the SND in defense management, the power of the Commission on Appointments to confirm military appointments from the rank of colonel or captain in the navy,<sup>37</sup> and Congressional powers of appropriation and oversight.<sup>38</sup> Various laws were also passed to hold the military accountable before civilian courts for various offenses to complement the military justice system.<sup>39</sup>

While policy guidelines were not well established at the time the beginnings of transformation were taking place, the scope for needed improvements was vast. Even as the situation risked imprecise approaches towards reforms, the target for improvements remained broad enough not to miss.

### **Moving Forward: Security Sector Reform & State Building**

#### *In Search of Identity: The Security Sector*

A patchwork effort at transforming our security sector will not yield the comprehensive results that will help us attain desired levels of human security and State security. Efforts at transforming our military and defense establishment can only go so far in this regard. Other aspects of the security sector must be covered by a sweeping effort at genuine social transformation.

To achieve this, it is beneficial for the security sector to establish its own sectoral identity within the context of our broader society. Indeed, security is not synonymous to defense. Security is a far broader concept than defense. In the same manner, security and justice are not the same but neither is subordinate to the other. Thus, security sector reform encompasses a broader effort of which defense transformation is a key part.

In the absence of a clearly defined and relatable identity, its relevance as a sector will be lost as it fights for attention in a nation still fraught with martial law legacies. There should be no doubt that security sector reform is a key issue of governance that must be addressed in all its facets and in all its components with greater urgency as part of State building.

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<sup>36</sup> Section 18, Article VII of the 1987 Constitution

<sup>37</sup> Section 16, Article VII of the 1987 Constitution

<sup>38</sup> Section 29, Article VI of the 1987 Constitution

<sup>39</sup> See: Republic Act No. 7055

For a better understanding of the security sector, it is essential to know the actors involved as well as the linkages and complementary relationships between and among them. Following are overlapping groups of actors in an indicative list adapted to our local context:<sup>40</sup>

- **Core Security Actors:** armed forces; state militia or paramilitary forces [e.g. Citizen Armed Force Geographical Units (CAFGU)]; constabularies, intelligence and security services (both military and civilian), police and other law enforcement agencies [Philippine National Police (PNP); National Bureau of Investigation (NBI); Philippine Drug Enforcement Agency (PDEA); Philippine Coast Guard (PCG)]; border management officers: immigration officers, customs officers, border guards; local security units, civil defense forces, national guards, community security forces or village watch organizations (*Barangay Tanods*)

These core security actors are allowed by the State to use violence in the performance of their mandates, to enforce law and order, or provide the state with information to enable it to make decisions on issues affecting security, including the effective use of violence to achieve societal goals. In exchange for the right to bear arms and gather intelligence, they are required to surrender some of their civil rights.

- **Management and Oversight Bodies:** the Commander-in-Chief, the National Security Council and other national security advisory bodies, Executive Department, Department of National Defense (DND), Department of Interior and Local Government (DILG), Congress and its committees, Department of Foreign Affairs (DFA), customary and traditional authorities, financial management bodies such as the Department of Budget and Management (DBM), local government executives, regional security coordinating councils, People's Law Enforcement Boards, National Police Commission (NAPOLCOM), civil society organizations

These management and oversight bodies play different roles at various levels to ensure democratic civilian control over and enforce accountability among our core security actors.

- **Justice and the Rule of Law:** judiciary, justices, judges, magistrates, arbiters, mediators, alternative modes of dispute resolution, Sharia courts, Department of Justice (DOJ), National Prosecutorial Service (NPS), Public Attorneys Office

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<sup>40</sup> List adapted from the OECD DAC Handbook on Security Sector Reform

(PAO), lawyers, criminal investigative bodies, probation workers, jail and penology officers, pardons and parole officers, the ombudsman, human rights commissions, customary or traditional justice systems such as the *Katarungang Pambarangay* (village councils or community justice providers) and tribal councils, civil society organizations

The criminal justice system is a subset of this group. This consists of the law enforcement agencies, judiciary, prosecution service, lawyers, jail and penology officers, probation workers, pardons and parole officers, oversight institutions and community justice providers.

- **Non-Statutory Security Forces:** liberation armies [Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF)], guerilla armies, private security companies, political party militias [e.g. the New People's Army (NPA)], organized armed groups [Abu Sayyaf Group (ASG) and Rajah Sulaiman Movement (RSM)]

The linkages between various actors within the security sector make up the security system. In turn, the security sector functions as a system of interrelated systems. In general, there are smaller sub-systems functioning within the security system. These are the following:

- **Criminal Justice System** [e.g. law enforcement agencies, judiciary, prosecution service, lawyers, jail and penology officers, probation workers, pardons and parole officers, oversight institutions and community justice providers]
- **Intelligence System** [e.g. National Security Council (NSC); National Security Adviser; National Intelligence Coordinating Agency (NICA); Intelligence Service of the AFP (ISAFP); AFP and PNP Counter-Intelligence; Criminal Investigative Bodies (PNP/NBI/PDEA/PCG), Executive and Legislative Oversight Bodies, Cabinet Security Cluster, Select Congressional Committees, Think Tanks, Strategic Analysts]
- **State Security System** [e.g. Statutory Forces, intelligence services, border management systems, oversight institutions]

Clearly, the transformation needed entails positive changes not only among the men and women in uniform but also the civilians tasked with responsibilities towards them. Thus, it is essential that security sector reform be viewed from the broader perspective. Indeed, any discussion of Security Sector Reform within the context of democracy and development brings it within the concept of **State**

**building** which entails strengthening institutions, enhancing democratic political processes, working towards sustainable socio-economic and cultural development and ensuring that security institutions make citizens feel safe and secure. A view of State building focuses on the following key components:<sup>41</sup>

- **Governance.** A responsive and accountable government that effectively and efficiently addresses the needs of its people provide the governance needed for the society to flourish. Hence, governance may be viewed both in reference to the social institutions and their functions, as well as the processes that yield the desired outcomes for the polity. Central to this is the establishment of **Rule of Law** and respect for **Human Rights** that must be constantly nurtured.<sup>42</sup>
- **Basic Services.** Improved governance frees up more resources for basic services that can be delivered by a responsive government with focus given on our marginalized sectors.
- **Economic Reconstruction and Sustainable Development.** With less strain on resources caused by waste and corruption, economic reconstruction and development can take place particularly in previous conflict areas that can become productive growth centers. With peace and order, some level of prosperity becomes possible with residents becoming stakeholders in their respective communities. The national economy eventually benefits from more areas of production emerging. A sustainable positive cycle emerges.
- Building and strengthening democratic institutions and processes have a chance to take place in an environment that fosters it. **Security Sector Reform** can be pursued with focus on democratic civilian control over the armed forces.

Security Sector Reform describes a process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has, as its goal, the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law.<sup>43</sup>

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<sup>41</sup> See: Speech of Senator Benigno Simeon C. Aquino III, Makati City, 22 April 2010 during his campaign for the presidency of the Republic of the Philippines

<sup>42</sup> See: Cleary, Laura R. and McConville Teri, "Managing Defence in a Democracy," (Cranfield University: 2006) at p.124, *et seq.*

<sup>43</sup> See: 2008 Report on Security Sector Reform by the UN Secretary General as quoted in Born, Hans and Schnabel (Eds.), "Security Sector Reform in Challenging Environments" (Geneva Centre for the Democratic Control of Armed Forces (DCAF): 2009] at p.7, *et seq.*



It entails, among others, an empowered civil society that understands the workings of the security sector and helps in enhancing the ability of a society to attain security for both the State and the individual. The end goal is to have a security apparatus functioning as a protector of society and not acting as a threat to it. This results in desirable levels of security from disorder, crime and violence that is fundamental to reducing poverty and for sustaining political, economic and social and cultural development.

### *Way Ahead: Institution Building & Capability Build-up*

Having seen the broader picture of Security Sector Reform as part of State building, the discussion now returns to a narrower focus on the transformation of our military and defense establishment.

It may be argued that the transformation of the military, as part of broader efforts at State building, gets a needed boost now that the military institution is transitioning from internal security operations towards territorial defense. With some traction gained in the peace process in Mindanao and the communist insurgency making itself more and more irrelevant, the focus of our military is gradually shifting towards addressing our external threats, particularly in the West Philippine Sea. As opposed to internal security operations that pit the military against non-statutory forces composed of citizens of the same State resulting in issues raised against “a military that is at war with its own people,” external security challenges tend to stoke nationalistic and patriotic sentiments, making it less challenging to rally government and public support behind the military’s capability intentions. Continued economic growth and prudent government spending in the last few years also allowed more public funds to be channeled towards its much needed capability upgrade without much public opposition.

In this on-going transition, it is essential that institution building should not be left behind. The current focus on acquiring new platforms and weaponry to establish a minimum credible defense posture should not detract from the need to introduce improvements in the institutions involved in defense management. Capability upgrade and institution building must go hand-in-hand for the transformation to be complete and substantive. Pursuing one without the other allows corrupt individuals (both civilians and military) to take advantage of the situation. Without systems that promote efficiencies and accountability to prudently handle renewed cash flows for new defense contracts the temptation for corruption increases. Paying mere lip service to institution building and defense reform can yield a more capable military in the short term but an organization that can easily

backslide to a checkered past riddled with corruption and abuse.

In either case, the interest currently being shown by our society and our government leadership to address the needs of our military can readily be lost. A corruption scandal rocking the defense and military establishment at this point, particularly in regard to financial management and defense acquisition contracts, will be a major setback in the transformation effort. As shown in the past, it takes decades to recover the trust and confidence that our defense and military organization now enjoys. Following are some areas that deserve attention in the ongoing transformation that is taking place under conditions that are highly conducive for reforms:

- **Increasing Civilian Capacity for Defense Management** – Put very simply, strategic policy is traditionally the domain of civilians while operations and tactics are the domain of the military professionals.<sup>44</sup> Recognizing the need to infuse competent civilian leadership in the defense establishment, a proposal was made in the past to rationalize the DND structure and organization. The proposal followed the issuance of Executive Order No. 366 dated October 4, 2004 authorizing the preparation of rationalization plans for all national government agencies. In gist, the DND proposed to the Department of Budget and Management (DBM) the creation of 101 new positions for civilians in the DND distributed among various functional areas. The intent was to create a competent corps of civilian defense professionals trained to perform particular functions

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<sup>44</sup> The line dividing civilian and military spheres is often blurred. This subject is fodder to a slew of studies on the dynamics of civil-military relations. However, the following passage from Samuel Huntington is quite informative:

“A minister of war need not have a detailed knowledge of military affairs, and soldiers often make poor ministers. The military viewpoint will inevitably, of course, interact with the political objective, and policy must take into account the means at its disposal. Clausewitz voices the military warning to the statesman to note carefully the limits of his military strength in formulating goals and commitments. But in the end, policy must predominate. Policy may indeed ‘take a wrong direction, and prefer to promote ambitious ends, private interests or the vanity of rulers,’ but that does not concern the military man. He must assume that policy is ‘the representative of all the interests of the whole community’ and obey it as such. In formulating the first theoretical rationale for the military profession, Clausewitz also contributed the first theoretical justification for civilian control.” (The Soldier and the State: The Theory and Politics of Civil-Military Relations, at p.58)

as part of overall defense management.<sup>45</sup> Through the proposed rationalization plan, the DND incorporated opportunities for enhanced staff development that focuses on developing a highly professional civilian work force that will run the different defense management systems. The rationalization plan also recognized the need to infuse new blood into our defense organization to keep it dynamic and ensure the constant synergy of civilian and military minds in charting the future direction of the defense and military establishment.<sup>46</sup> It may be timely to revisit this initiative on boosting the civilian personnel complement of the DND given similar efforts currently seen in our border management agencies such as the Bureau of Immigration and the Bureau of Customs.

- **Establishing an Active Constituency Supportive of Security Sector Reform**
  - There is a unique opportunity presented by our external threats that can be harnessed to promote an active constituency that is supportive of security sector reform. Understandably, the transformation of our security institutions will not be complete unless corresponding positive changes take place among civilians who interact with them. After all, it must be acknowledged that it was a civilian dictator who utilized our security organizations to suppress dissent and

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<sup>45</sup> Chuter, David and Cleary, Laura R. “Civilians in Defence” in the book “Managing Defense in a Democracy” (Cranfield University: 2006) states:

“Civilians can represent the wider picture, because they also stand as surrogates for the voter, the taxpayer and the citizen, as well as trying to interpret the desires of the elected political leadership. x x x. This is especially important in countries where the civilian head of the department, rather than its political leader, is responsible to Parliament for the way the money is spent.

As a consequence, if civilians are properly trained (on which more below) they act as an important buffer and reality check for the military. There can easily be a disconnect between technocratic military, accustomed to detailed and complex presentations of technical issues, and a political leadership which thinks in headline terms and tends to not to read documents more than a few pages in length. This can easily produce a situation where the political leadership is frustrated at the complexity and formality of the advice they are receiving, where even a routine briefing of a minister takes hours of rehearsal; and the military in turn feel that a lot of the work they do is ignored or unappreciated. A properly organized cadre of civilian experts can help here by assisting the military to produce what the political leadership wants, as well as explaining what the military can do and what the problems are.” (at p.82)

<sup>46</sup> As the DND withered under martial law, civilian defense bureaucrats gradually lost much of the capability to fulfill its roles in relation to the military. The DND became increasingly dependent on the AFP GHQ and military officers seconded to the DND even on matters of strategic policy including the preparation of the defense budget. Some within our military began to see the DND as a mere surplusage in the bureaucracy. Today, around 352 civilians occupying permanent positions in the DND are given the task of managing AFP – the largest bureaucracy in government with the authority to use violence to enforce policy. To make matters worse, the military leadership has not provided a Table of Organization for the handful of officers seconded to the DND. This dissuaded competent mid-level military officers from joining the DND as time spent there adversely affected their promotion. As a result, the synergy between civilian perspective and military technical competence and discipline declined even further.

left lasting martial law legacies. In the years that followed, civilian leadership unfortunately failed to provide informed and consistent oversight over the security apparatus. Various reasons which include unfamiliarity with security issues, sheer indifference, or corruption within civilian oversight bodies allowed “military syndicalism” to take root and flourish.<sup>47</sup> A continuing challenge is the continuing wariness of well-meaning civilians over the security institution that had been opaque for a long period of time.

In the last few years, it seems that we have already reached a point where the question is no longer whether our security professionals are ready to engage civilians in a discussion of security sector reform and other security issues. It has become a question of whether civilians are ready to engage security professionals in an informed discussion on the matter. Officials of the Executive Branch, particularly those involved in oversight bodies within the security sector, public spending and development planners, members of Congress who have no ties to or past experiences dealing with our security institutions, civil society groups, as well as media need to be fully acquainted with the issues affecting the security sector and the approaches to intelligently address them. Civilians need to become better informed of security issues and participate in a constructive engagement with security officials in government for there to be a synergy of civilian and military thinking in collectively addressing our security challenges. In the end, a realistic goal is to establish a constituency, both in the public and private sectors, actively engaged in and supportive of security sector reform.

- **Prudent Budget Preparation & Execution** – The budget is arguably the single most potent tool in the exercise of democratic civilian control over the

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<sup>47</sup> Samuel E. Finer wrote:

“The military is jealous of its corporate status and privileges. Anxiety to preserve its autonomy provides one of the most widespread and powerful of the motives for intervention. In its defensive form it can lead to something akin to military syndicalism – an insistence that the military and only the military are entitled to determine on such matters as recruitment, training, numbers and equipment. In its more aggressive form it can lead to the military demand to be the ultimate judge on all other matters affecting the armed forces. x x x.” (*op. cit.*, at page 47)

See also: Chuter and Cleary, *op. cit.*, at page 82 which pertinently states:

“Finally, in the absence of a strong civilian cadre, there will be a tendency for senior military officers to become politicized in a way which is potentially unhelpful in a democracy. If the senior military are continually asked for advice on issues which are, bound to be sensitive politically, there is a risk that they will compromise their professional integrity as a result.”

military.<sup>48</sup> As has been said, policy without funding is mere rhetoric. Military professionals often say that no soldier will dare cross a line on the sand drawn by a logistician. This is a fitting metaphor that highlights the importance of resources and sustainment in the success of any military undertaking and the very existence of the military organization itself. Under our Constitution, the power of the purse over the military is exercised through annual appropriations passed by Congress on the basis of submissions of the Executive Department emanating from the Department of National Defense (DND), all composed of civilians.

While the defense and military establishment blazed the trail in budget preparation and resource management through the issuance of the very first Defense Planning Guidance (DPG), prudence in budget preparation and execution must be sustained through, among other means, a system of checks and balances. No effort must be spared in establishing and maintaining adequate financial controls given the fresh flow of funding for the military and past experiences of waste and corruption in the procurement and disbursement of public funds.

- **Supporting a Local Defense Industry** – Decision makers, who hold the purse strings, have always viewed defense spending as a cost center. For this reason, obtaining needed funds for capability upgrade is always a struggle. It's time to turn the paradigm and make the case that defense spending is actually an investment in our nation's future. The goal is to link defense spending as a percentage of the annual Gross Domestic Product (GDP) of the country, as most developed countries do.

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<sup>48</sup> Through the years under martial law, we saw a departure from a unified defense budget. From a single Key Budgetary Unit (KBU), various KBUs arose within the defense establishment. This inconspicuous shift had a profound and lasting impact on our instruments of civilian control over the military. In a democracy, the head of the defense establishment serves as the civilian intermediary between the military and our civilian political institutions. Such is the case when the military seeks appropriations from Congress. With the abolition of Congress during martial law that led to a President ruling by decree, a civilian intermediary was no longer needed since the military leadership had direct access to the Commander-in-Chief, who singlehandedly controlled the nation's coffers. The DND was reduced to become the Office of the Secretary of National Defense (OSND) in the annual General Appropriations Act (GAA). This had deep repercussions in the relationship between the civilian Secretary of National Defense (SND) and Chief of Staff of the Armed Forces of the Philippines (CSAFP). The budget split eventually led to the atrophy of the DND that needs to be reversed. This coincided with the rise of the AFP General Headquarters (GHQ) and the increasing role of the CSAFP even in matters beyond the military sphere. At some point, despite the unequivocal legal doctrine of qualified political agency (which in gist states that members of the Cabinet serve as alter egos of the President such that the SND is the alter ego of the Commander-in-chief), quarters within the military questioned whether the SND is part of the chain-of-command. The ruling autocrat encouraged this thinking to further consolidate loyalty of the military leadership to him and gain a firmer and more direct grip over the entire military.

One way to achieve this is to funnel some of our defense spending towards domestic industries that create local jobs.<sup>49</sup> This induces an economic cycle that feeds itself. It also shows in concrete terms the undeniable linkage between development and security in a manner yet to be seen in our country. Not only is this approach more sustainable, it also promotes a truly self-reliant defense posture. It is submitted that a local defense industry is essential to a truly modernizing military.

- **Intelligent & Coherent Policy Development & Execution** – Due to wide gaps in policy and capability, the target has been difficult to miss. Moving forward, however, the choices that lie ahead become tougher even as the challenges become more complex. To meet these challenges, there must be sound intellectual investments made towards this area that will yield a highly trained and motivated civilian and military cadre of professionals that will assume the task of policy development, execution and oversight. This should include, as an initial outcome, the development of a well-conceived, comprehensive and pragmatic National Security Policy and other strategic-level policy documents that must be subjected to periodic reviews.

One area in need of urgent intellectual investments is in regard to our engagements with great powers, both allies and adversaries. Given stark realities in our capabilities, this has become necessary given the growing external security threats that we face. A clear strategy in all our engagements, founded on a clear definition of our national interest, must be developed to guide defense diplomacy and ensure that it is lock-in-step with the employment of other instruments of State power towards our common goal of defending our national territory and patrimony.

- **A New National Defense Act** - To institutionalize the benefits of the transformation process, the DND and the AFP proposed a draft National Defense Act that was submitted to the Congress in 2006. The draft bill was the product of consultations conducted in various camps throughout the country. The bill intended to update Commonwealth Act No. 1, otherwise known as the National Defense Act (NDA) that was enacted in 1935. The original defense charter has become outdated and needed to be updated to suit and better respond to the changing times, particularly in the manner by which democratic civilian

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<sup>49</sup> In the 1840s, the Tokugawa Shogunate, wary of threats from the West, focused on the acquisition of military technology and began rudimentary weapons manufacturing. By the 1880s, following the Meiji Restoration, Japan was already mass-producing its own artillery and rifles. (Harries, *op.cit.*, at pp. 8 and 34) Some historical accounts show that Philippine Revolutionaries tried to source weapons from Japan as they waged their revolt against Spain, only to end up as victims of fraud.

control over the military is exercised. Clearly, as repeatedly pointed out here, defense transformation cannot be complete without corresponding reforms in the civilian institutions that manage and oversee our military as well in the policy framework within which they operate.

Written into the proposed NDA were comprehensive, institutional and systemic improvements introduced under the PDR and various AFP-wide reform programs. It also updated national defense policies, principles and concepts; stabilized key leadership positions in the AFP; strengthened discipline and professionalism in the military; and promoted the morale and welfare of men and women in uniform.

An important provision in the draft bill is the establishment of fixed terms for key positions in the AFP, such as the Chief of Staff, Vice Chief of Staff and Commanders of the Major Services to stabilize the military leadership and ensure the continuity of programs. The proposed bill also expressly included of the SND in the National Command Authority and the chain-of-command to remove any unfounded doubts.<sup>50</sup> The bill likewise emphasized the need for a professional corps of men and women in uniform that is insulated from partisan politics and provided the needed safeguards to achieve this goal.

The initiative towards a new institutional charter can help ensure the continued implementation of the reform agenda and bring about a stronger organizational identity for our defense and military institutions. Through the proposed new charter for the defense and military establishment, an indelible blueprint for the strengthening of our institutions was presented to Congress in hopes that the direction of the transformation process that has begun becomes irreversible. Unfortunately, until now, the bill has yet to be enacted into law. It may be worthwhile to revisit this initiative.

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<sup>50</sup> The line dividing civilian and military spheres is often blurred. This subject is fodder to a slew of studies on the dynamics of civil-military relations. However, the following passage from Samuel Huntington is quite informative:

“A minister of war need not have a detailed knowledge of military affairs, and soldiers often make poor ministers. The military viewpoint will inevitably, of course, interact with the political objective, and policy must take into account the means at its disposal. Clausewitz voices the military warning to the statesman to note carefully the limits of his military strength in formulating goals and commitments. But in the end, policy must predominate. Policy may indeed ‘take a wrong direction, and prefer to promote ambitious ends, private interests or the vanity of rulers,’ but that does not concern the military man. He must assume that policy is ‘the representative of all the interests of the whole community’ and obey it as such. In formulating the first theoretical rationale for the military profession, Clausewitz also contributed the first theoretical justification for civilian control.” (The Soldier and the State: The Theory and Politics of Civil-Military Relations, at p.58)

The foregoing does is obviously a comprehensive list. Nevertheless, the list focuses on essential areas where investments can go a long way.

### *Democratic Civilian Control over the Armed Forces*

Ensuring democratic control over the armed forces is central to the transformation of our security sector. As aptly stated: “If democracy is to survive and flourish in today’s world, it must strike a balance between controlling the armed forces and ensuring their effectiveness. This is often easier said than done.”<sup>51</sup> Within a democracy, there are some traditional mechanisms where civilian control is manifested such as in the following: definition and limitation of the mission, limitations on the size of the military, budgetary controls, constitutional and legal limitations, culture of professionalism and other societal norms, as well as a free press. Underlying all these is the need for civilians to be sufficiently acquainted with issues affecting the military in order that the employment of said mechanisms will yield the desired results for society.<sup>52</sup>

### *Continuing Transformation*

Fortunately, our nation is currently in a state of reform instead of a state of crisis.<sup>53</sup> The current political leadership has fostered an environment conducive for security sector reform. The political leadership has repeatedly articulated an agenda for reforms in key security agencies and the same rhetoric has seeped into key policy documents.<sup>54</sup> Recent choices for positions of leadership in the military seem to reflect a premium given to those with a reformist orientation. Fortunately,

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<sup>51</sup> See: Bruneau, Thomas C. and Tollefson, Scott D., “Who Guards the Guardians and How: Democratic Civil-Military Relations,” (Univesity of Texas: 2006)

<sup>52</sup> Ibid., at p.24, *et seq.*

<sup>53</sup> See: Cleary, *op. cit.*, at p.34

<sup>54</sup> See: Speech of Senator Benigno Simeon C. Aquino III, Makati City, 22 April 2010 during his campaign for the presidency of the Republic of the Philippines. The current Internal Peace and Security Plan (IPSP) also manifested a paradigm shift in efforts to address our internal security challenges by introducing a whole-of-nation approach with security sector reform as a key component: “For the military, [Security Sector Reform] SSR is operationalized by adhering to the principle of democratic control of armed forces. It emphasizes that the military must adhere to democratic principles, such as transparency and accountability. The national government has given the broad policy strokes to initiate efforts to attain the ideals of democratic control of armed forces.” x x x “Due priority shall likewise be given to clearing the ranks of the military of corrupt practices and involvement in partisan politics. Emphasis will also be given to ensure the insulation of the military from partisan politics”.



most of those currently holding key positions of responsibility in the military previously worked on and provided inputs in the blueprint for transformation, as junior officers. New thinking in the development of policies also seems to be encouraged. Coalitions are being mobilized to support the direction set, as in the case of the passage of the law extending the AFP Modernization Act.

It is time to build on this momentum to achieve more transformation milestones under this favorable climate fully aware that reform is a continuing and never-ending process. The current political climate allows for these measures to take root within our security institutions, as transformation remains a work-in-progress. Thus, along with capability upgrade, considerable attention (and not just lip service) must be given to development of needed “software” which includes the establishment of systems, processes and policy guidelines in defense management, acquisition of needed expertise in various areas, reinforcement of professionalism within the ranks, more positive and substantive engagement between civilian and the military on security issues, among other things, to ensure that our security sector provides stability and security of our State and our people that underwrites development and progress in our maturing democracy.

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