SECURITY SECTOR REFORM AND GOVERNANCE IN THE PHILIPPINES

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in collaboration with **Security Reform Initiative, Inc.**

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ABOUT THE BOOK

This book is a product of collaboration between the **Philippine Center of Excellence in Defense, Development and Security (PCEDS),** a newly established research and training center at the **National Defense College of the Philippines** and the **Security Reform Initiative, Inc. (SRI)**, an independent think-tank that advocates for the adoption of policies, programs, reforms, and agenda in support of the country's human and national security well-being. This is led by PCEDS Senior Fellow and SRI Chairman of the Board of Trustees, Rear Admiral Rommel Jude G Ong AFP (Ret) and SRI Executive Director, Bernadette N Patañag.

This book project seeks to contribute to the pool of defense, development and security literature and pertinent publications which can be used as a reference for current and future policymakers, and defense and security leaders.

The authors featured in the book have extensive knowledge as regards to the topics they have dealt with in their essays. While the essay-writer has full responsibility to his/her work, each paper was reviewed and edited by the project management team prior to its publication.

No confidential information is revealed in any of the papers.

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FOREWORD

The history and the evolution of the Philippines, as a country; and the Armed Forces, as an institution, is intertwined. If we take a snapshot of history from a security perspective today, we see a country that is confronted by ***external and internal challenges***.

Our internal challenges of course involve the decades-long insurgency perpetrated by the Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF) and acts of terrorism that still manifests in some parts of Mindanao. It is well and good that the Bangsamoro Autonomous Region for Muslim Mindanao (BARMM) has come into core and hopefully pave the way for a successful transition from conflict to peace in the southern Philippines.

However, the external challenge posed by China in the West Philippine Sea has spilled over to our own backyard through their conduct of political warfare and influence operations. Through their insidious nature, Chinese influence has infiltrated key aspects of our society and our governance mechanisms. Hence, in a way, our security issues with China have migrated to become an internal problem.

As we look at the strategic landscape from the lens of ***development, governance and security***, we tackle development issues as a matter of creating and equitably distributing wealth among the people; governance as the right of the people to be provided with leadership, guidance and public service; and security as freedom from physical or mental fear in order to live as desired within the bounds of laws. Given these contexts, security sector reform and governance (SSRG) thrive best in a democratic setting, with civil-military relations clear cut, and with oversight mechanisms to manage the State's armed services functioning as designed.

However, we live in a snapshot of Philippine history where the institutions of governance as well as development are facing their own challenges. Which begs the question, how will the Armed

Forces navigate the institutional pitfalls and the systemic dysfunctionality in society and in government, in order to perform its constitutional mandate? How will it discern its role in conditions that are less democratic and equitable? How will it balance the interests of the State and the rights of the People?

Simply put, the Armed Forces today operates in an adverse and uncertain environment. The AFP needs to be a resilient institution and be true to its role as protector of the State and its People and the democratic way of life.

CHAPTER 1

Introduction

by: Kevin John S Domingo

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It has been around 70 years since the last World War. Although society is still not foreign when it comes to conflicts of global scale, we have moved from instances in which Cruz (2013), described as "blurring of lines" between government and military organizations. Nowadays, security sectors are trying to find out their role and sectoral identity in the pursuit of development and good governance, especially in Southeast Asia (SEA). SEA, the region where the Philippines is located, underwent the "third wave of democratization," according to Huntington (1991). However, compared to other countries, the Philippines and other countries in SEA are regarded as latecomers. Military dictatorships around the world, such as in Southern Europe and Latin Americans, started to transition to democracy around the 1970s to the early 1980s, according to Heiduk (2014). However, it is in the late 1980s that the Philippines transitioned after the fall of the Marcos regime. While other Southeast Asian countries followed afterward in this trend of democratic transitions, events such as in Thailand, where a coup took place in 2006, reflects the fragility of these transitions (Heiduk, 2014). Indeed, while the concept of security sector reform and governance (SSRG) is gaining ground across many countries, a challenge has arisen that tends to counter numerous efforts for reform. Lately, state actors have been entertaining the path towards authoritarianism. Executive branches have been led by strongmen - bringing in an "ideological and strategic resurgence of authoritarianism," in a scale in which we are "least prepared" (Kagan, 2019). The anti-liberal critique of these strongmen has been appealing to the people. The sudden thrust of perception, however, cannot be blamed for the intense power of the state. It is due to the strategy of highlighting the failings of the liberal society and its perceived weakness in addressing issues like poverty and corruption.

Also, what adds up to the problem of implementing SSRG in SEA is that some scholars contested the concept itself. Krempel (2014) talks about SSRG as a "key concept, accepted and used by development practitioners, democracy promoters, and security experts alike." Before delving deeper into the debate of the concept, there is a need to answer the following questions: What is security sector reform and governance? How did it evolve? What are the events that took place which provided a basis for the West to encourage it in SEA?

Realities in Southeast Asia: Western Colonialism and Civilian-Military Control and Strategies

According to Hernandez (2014), it was during World War II that the term "Southeast Asia" came to be as a geographic construct. Nowadays, Southeast Asian countries are those who are part of the Association of Southeast Asian Nations (ASEAN). There are two things pointed out by Hernandez that are common about most countries in SEA. Firstly, every SEA country except Thailand experienced colonization by Western countries. The Philippines, for example, was colonized by Spain and the United States (US). Most of these countries attained their independence only after World War II. Secondly, Western colonization shaped the ideological orientation of the colonized SEA countries, which then affected their external relations.

It is clear that institutions of governance, as we know today, appear as it is due to the factors mentioned above. The Philippines became what Hernandez said as "a showcase of US-style liberal democracy, including the pattern of its civil-military relations" (Hernandez, 2014, p. 25). These influences, though took place in long periods for most SEA countries, did not permeate well in transforming them into the colonizers' image. Since colonized countries in Southeast Asia lacked the socio-economic foundations of liberal democratic governance present in the West, SEA institutions and structures became only an imitation of their Western counterparts. Thus, the environment that SSRG tries to penetrate in SEA looks like this: an environment that has diverse patterns of civil-military relations, tending to reject the "foreign" and "Western" ideas and institutions because of its colonial past. It is in the said environment that two kinds of civil-military relations evolved.

There are two kinds of civil-military relations. Democratic control, one of the two[1], applies in the Philippines. It is among the first countries that experienced first-hand efforts for reforms and democratization of civil-military relations - even before the concept of SSRG formally existed. Democratic control of the armed forces happens if the civilian political authority, composed of individuals elected through popular elections, exercises control over the

[1] The second one is “Leninist party control of armed forces,” which Hernandez said is found in Laos and Vietnam. Since the Philippines is patterned more in democratic control, the former will not be expounded in this book.

military. Such control has two distinctions made by Huntington (1957), that is, "subjective" and "objective" civilian control. Knowing the difference between the two helps explain how civilian governments reduce the power of the military.

According to Huntington (1957, as cited by Hernandez, 2014, p. 27-28), subjective control happens when the civilian government maximizes the usage of power and influence over military groups while objective control occurs when the former maximizes military professionalism instead. The subjective component happens upon the establishment of governance arrangements that conducts oversight over the military, official bodies such as the executive, legislative, judiciary, among many others. Besides governance arrangements, the achievement of subjective control happens through social class and ethnic groups. The objective component, on the other hand, happens when "military professionals observe the principle of the supremacy of civilian authority over the military at all times and consequently do not intervene in politics" (Hernandez, 2014, p. 28). There should exist a functional and institutional separation of the security forces (e.g., the separation of the police from the military), also known as the establishment of civilian-military boundaries, as this is critical in the democratization of civil-military operations and establishing (and maintaining) effective civilian oversight.

To further understand the role of subjective and objective civilian control, Chambers (2014) explored a wide range of strategies, which came from Croissant et al. (2011), that civilians, led by the chief executive, implemented to entrench control over the military. It must be clear that controlling civilian control is not an easy task; there is always a confrontation between the two hence the need for strategies, which can be grouped into three: power, legitimation, and compensation. The explanation and strategies related in each, as described by Croissant et al. (2011), can be found in Table 1.1.

Table 1.1 *Mechanisms of Civilian Control and Related Strategies as described in Chambers et al. (2011).*

Mechanism	Example of Strategies
Power - Utilization of coercion to generate military compliance	● Sanctioning (e.g., dismissing military officers) ● Monitoring (e.g., executive oversight of military) ● Counterbalancing one security bureaucracy
Legitimation - Less intrusive when compared to utilizing power - Aims to shift military norms	● Ascriptive Selection (e.g., appointing politically loyal officers to top positions) ● Political Socialization (e.g., instilling in soldiers a respect for democracy)
Compensation - Relatively weak - Offering material rewards for military compliance	● Appeasement (e.g., offering material benefits to the military) ● Acquiescence (e.g., granting the military autonomy in a certain policy area) ● Appreciation (e.g., showing adulation)

Upon a successful application of these strategies, Croissant et al. (2011) said that it would be possible for the executive to initiate and implement changes in the overall civil-military relations and even respond towards the resistance of such change inside and outside the military. However, there are factors that a civilian government must consider when implementing these mechanisms and strategies. For the implementation to be robust and effective, civilians and their government must be united. If there is disunity among the civilians, and all the more, if the military behaves monolithically, weaker strategies to maintain control prevail. Aside from the unity of civilians to exert control, internal threats, international politics, military self-perception, and societal culture are among the common factors that lead civilians to utilize weaker strategies. Chambers (2014) then asserted that observing and analyzing the executives' extent of "being robust" in dealing with the "traditionally powerful" military is a way to understand emerging democracies such as the Philippines. This understanding is the key to determine the possibilities for the implementation of SSRG in the country. In Chapters 2 and 3, how

executives in the Philippines exercised control over the military, and what strategies it took to be effective in that aspect will be explored. However, it is necessary to trace how the concept of SSRG came to be and evolved into its current form nowadays.

The Evolution of a Concept: Pre-Security Sector Reform Governance in Southeast Asia and the Philippines

Before the concept emerged, an ideological battle between Western liberalism and Communism took an unprecedented step towards a global-scaled conflict, now known as the Cold War. In order to convince countries in SEA not to fall under the influence of Communist superpowers, the Western world strengthened its provision of assistance and aid (Heiduk, 2014). Therefore, the straightforward goal of assistance and aid during this era is vastly different from the current. The provision aims to continue the status quo and prove that it is still working through economic prosperity. Economic growth and modernization did materialize due to the support, but the other goal, which is for SEA countries to start developing their democratic institutions, did not. Heiduk explained that many countries in the region did endure the establishment of authoritarian governments, which are often either military-led or at least military-backed. The Philippines was subjected to two decades of martial law with Ferdinand Marcos as the authoritarian leader, the holder of, if not all, most powers of the three branches of a democratic government - the executive, the legislative, and the judiciary. The consolidation of the power of the said branches was due to the adoption of a new Constitution, the 1973 Constitution, and its subsequent amendments in 1976, 1980, and 1981 (Morada & Encarnacion Tadem, 2006). The role of the military in legitimizing this extent of power by the former dictator and its significant impact on the implementation of SSRG in the country will be discussed further in the next chapter.

The Western powers then understood the fight against Communism as a top priority, and they had a consensus (Heiduk, 2014, said that the United States led the consensus), that the military has a crucial role in the development and independence of SEA countries. This thought emerged due to the perception that military institutions will lead countries into an era of modernization. Militaries are seen as disciplined and experienced, making them

reliable, robust "vehicles for modernization" (Heiduk, 2014). However, an analysis by Huntington (2006) revealed that the desire for militaries to intervene most likely rises due to general observation and experience on weak civilian institutions that are unable to lead their countries into social and economic transformations. Political culture determines the level of military involvement (Janowitz, 1988). In other words, the level or the extent civilian governments govern determines the extent to which military involvement becomes strengthened or weakened. This involvement is the reason why in the next chapters, it is necessary to compare and contrast levels of influence of civilians towards military institutions in the Philippines. It is a requirement to determine the effectiveness and challenges of the implementation of reforms in the said country. Heiduk (2014, p. 3) then also asserted the conclusion of scholars:

> "...the weakness of civilian institutions and their inability to establish functioning governance, achieve political legitimacy against large ideological, religious, or ethnic divides and foster nation-building as well, the military took up a wider role in the political, economic, and social sectors."

Quoting Kintanar (2012), Cruz (2013) pointed out that the period of the Philippines' "militarization" during the Martial law years provided a way for the military to "dominate various aspects of national life," making them potential members of the ruling elite club. The "dark years of Martial Law" saw a "tango" of the autocratic regime and military organizations. The former, with its quest to preserve the regime and the latter, as a partner through opportunities given to former top officers to lead ministries, to serve as parliamentarians and bureaucrats, and to manage different businesses with relevance to the public. Likewise, countries in which civilian governments had strong partnerships with the military started to establish doctrines. These doctrines legitimized the involvement of military institutions, and some even questioned the constitutionality of these changes. The transformation of doctrines also transformed the institutions itself - it changed the rules that govern and the organizational structures that define the military (Heiduk, 2014).

These changes in the countries in Southeast Asia, especially the growing influence of the military, have been

supported by the Western states. This move further acknowledges the long-standing belief that the military, now able to access different sectors of the civilian government, will be able to place Southeast Asian countries towards modernization. Western donors considered the military as "a catalyst for economic and social" development and, thus, the West started to provide military aid and training to these military institutions (Heiduk, 2014). These aids strengthened the military and directed the Philippine government towards counterinsurgency actions. Hence, as Valenzuela (1985) puts it, Western military aid and training started to impact the policymaking process of the Donee country.

The negative implications of the increase in the strength of militaries did not escape the criticisms of scholars. Heiduk (2014) narrated that these critics pointed out that escalated military expenditures, along with the rapid increase in the trade of armament and armed conflicts, had a direct negative impact in the state. There is also an assertion that the military did not meet the expectations of Western donors. Military values and professionalism did not push forward countries to develop, especially that the militaries in the region tend to be cohorts with autocratic governments. Militaristic regimes have been observed to have little to no significant contribution to socio-political modernization and economic development when compared to actions done by their civilian governments. These regimes were known to have attached allegations of human rights violations. The criticisms also targeted not only the militaristic regimes but also the aid programs of the West, especially those in the United States (US). It compelled these donors to change some of their program policies and rubrics in order to cope up with the expectations of parliaments and the general public.

Security Sector Reform and Governance Beginnings in the Western Countries and Southeast Asia

With the problems that occurred in the military assistance given by Western countries to Southeast Asian governments, donor policies changed, which according to Heiduk (2014), provided a way towards developing the modern-day concept of SSRG. It went towards a more people-centered concept of security. It evolved into what is now known as human security, the kind that is not a commodity but a public good. An increase in the

promotion of human security, according to scholars, will not just benefit the entire society but each member in it. However, human security that positively impacts the society may only take place if donee countries transform their respective security sector into a "professional, effective, and accountable security sector," according to the United Nations (UN, 2008). The new approach and perspective on matters of security did not run through as smoothly as expected. It is often in conflict with traditional notions of security, which tends to securitize particular regimes (Heiduk, 2014).

Security, according to Mathews (1989; as cited by Hernandez, 2014, p. 24), "has acquired a meaning beyond the earlier focus on military and defense capabilities for averting external military aggression as well as its state-centric bias." The end of the Cold War marked the start of an understanding that the security sector is composed of different but interconnected dimensions and touches the principles of "freedom from fear" and "freedom from want." Hernandez (2013) pointed out, however, that society readily accepted "freedom from fear" more than "freedom from want." The former carries on some of the traditional notions of security, one that touches the physical aspect of upholding it. "Freedom from want," on the other hand, asserts an expansion of responsibilities to promote human security, meaning that focus must not only reside towards the military, but it is composed of different relevant groups known as the security sector. Cruz (2013) made a distinction of these groups by listing down the actors in the local context by following the framework set forth by the Organisation for Economic Co-operation and Development (OECD, 2007), as shown in Table 1.2. Since the Philippines is a country that is still laden with the effects of martial law, there is a need to continually remind the security sector of its sectoral identity, as seen in the said table (Cruz, 2013). The security sector, according to United Nations (UN, 2008), pertains to the "structures, institutions, and personnel responsible for the management, provision, and oversight of security in a country" (as cited by Heiduk, 2014, p. 6). The OECD further includes every institution, organization, and individual (directly connected to the state or not) that affects the provision of security and justice in the country. What countries usually forget is the inclusion of the civil service organizations and the media in the picture. Thus, the security sector as it is promoted nowadays takes a whole of government approach.

Table 1.2 *Relevant Groups of the Security Sector according to the OECD Development Assistance Committee Handbook and counterparts in the Philippine Context.*

Relevant Groups of the Security Sector	List of Actors in the Philippine Context
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 (such as *barangay tanods*).
Management and Oversight Bodies	Commander-in-Chief; National Security Council (NSC) 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.
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 Attorney Office (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); tribal councils; civil society organizations
Non-Statutory Security Forces	Non-state armed groups [Moro National Liberation Front (MNLF), Moro Islamic Liberation

	Front (MILF), and Bangsamoro Islamic Freedom Fighters (BIFF)]; guerilla armies; private security companies; political party militias [New People's Army (NPA)], organized armed groups [Abu Sayyaf Group (ASG) and Rajah Sulayman Movement (RSM)]

Understanding the role of each group is crucial in implementing SSRG. It is, according to the OECD Development Assistance Committee (OECD DAC, 2007), a process. It seeks to assess, review, adopt, and implement policies, monitor, and evaluate the security sector through national and mostly civilian authorities. First, it seeks to create within the security sector effective systems of supervision and accountability. Second, donee countries must come up with ways to enhance the delivery of security and justice services, and third, promote sustainability in the delivery of the said services. Lastly, they must compel local counterparts, particularly the donee government, to lead the reform processes.

Preconditions to SSRG and Gaps in Implementation: Southeast Asian Case

To successfully implement SSRG in its ideal setting, a set of prerequisites is necessary to be present, according to Heiduk (2014). First, there is a need to have a secured environment, a situation in which former warring parties set an agreement to disarm, demobilize, and reintegrate. Second, all stakeholders, both civilian and military, must have an understanding regarding SSRG terms, objectives, and proceedings to achieve the objective of local ownership. Third, security agents must undergo professionalization. Fourth, to support the third precondition, management, and oversight bodies, which includes the civil society as well, must be prepared, qualified, and bound to exercise due control towards security agents. Lastly, each actor with intent to pursue SSRG must remind themselves that the process is extensive and long-term.

However, why is there a perception among general literature that SSRG is yet to materialize in SEA? Schnabel (2010, as quoted by Heiduk, 2014, p. 7) provides a general description of the environment of Southeast Asian countries:

> "Such environments may be characterized by transitional, often unstable, political arrangements, endemic corruption, ongoing violence, attempts to implement imprecise, open-ended, or non-inclusive peace agreements and post-conflict architectures, lack of resources, and "stolen" or impending elections or referenda - all characteristics of a difficult, harsh environment that stand in the way of full-range, holistic, and sustainable SSR efforts."

Due to these unfavorable conditions experienced by the region, it is an undeniable fact that there is an existing gap between the doctrines and the actual implementation. Successful implementation has yet to be observed as the existing conditions need to be put closer to the ideal. SSRG in donee countries, especially in SEA, is a set of small-scale projects which then hardly resembles the whole point of doing reforms. There are reported cases of overemphasis on security and stability which is said to be problematic. Focus on one or two areas alone created a scenario of neglect towards other crucial areas, such as enhancement of democratic accountability and the strengthening of civilian institutions overseeing the military. Local implementers and third-party overseers also questioned the applicability of SSRG norms, concepts, doctrines, and the like in local contexts, and some argued about these being too ambitious.

Heiduk (2014) further pointed out that SEA countries lack the ideal preconditions that would bring SSRG implementation at a constant and acceptable pace. Aside from these, more roadblocks prevent such reforms from happening in the first place. The first one has already been mentioned earlier in this chapter—western countries providing military support and assistance primarily pushed SEA countries to focus on improving their militaries to stop an anticipated takeover of Communism. However, this was done haphazardly without mechanisms that would ensure accountability and the upholding of fundamental human rights. Aside from that, supreme focus on the military apparatus did not paved a way towards a whole of government approach. SEA countries, in connection to the said focus, continued to have problems in instituting reforms in the military, in the light of its rising political influence. Second, Hughes (2009) said that too much dependence on aid and support programs,

along with the pressures exerted by donors, have not caused enough local and self-reflection among donee countries. The lack of self-reflection, according to Krempel (2014), caused a lack of local ownership, which is a crucial factor in implementing SSRG. Third, regional organizations have helped in the implementation of SSRG, as seen with how the European Union (EU) contributed to the democratic transitions in Central and Eastern Europe after the fall of the Union of Soviet Socialist Republics (USSR). However, in the case of Southeast Asia, the ASEAN has been described as a "toothless tiger" (Levett, 2007) in the implementation of policies. The "ASEAN Way," as scholars termed, enshrines the following: non-interference, informality, minimal institutionalization, consultation and consensus, non-use of force, and non-confrontation. The ASEAN, emphasizing on non-interference, did not provide any help to bolster the implementation of SSRG, unlike how the EU became a crucial factor of Europe's success in implementing it. Also, to push SSRG from a policy to practice, implementers must veer away from a state-centric approach of conceptualizing security and instead start focusing on the reality that it deals with many dimensions: military, political, economic, social, among many others. With this, Hernandez (2014) asserted that security is everyone's responsibility. Implementers must clear this challenge first, given that another barrier to fully implementing SSRG stems from the lack of understanding that security has a wide range of dimensions. Due to its history, SEA countries tend to be "allergic" when it comes to "anything" about improving or reforming the security sector. There is a latent fear among individuals and organizations that SSRG would lead to more robust and prominent militaries, especially that these countries have already experienced having powerful militaries like in the Philippines. Advocates must educate the people on the concept of comprehensive security amidst the huge focus towards military dimension, a focus that occurred due to China's aggressive rise and the region's involvement in territorial and maritime disputes.

The traditional interpretation of the ASEAN towards national governance is incompatible with the requirements of SSRG and comprehensive security. SSRG involves dimensions connected or interrelated to multiple levels of governance, and its implementation requires the consideration of both the state and external relations. Laying down distinctions of the domestic from the external and the principle of non-interference in the domestic

affairs of ASEAN states are incompatible to the principles of comprehensive security and, thus, with SSRG.

Nevertheless, Hernandez (2014) said that there could be an opportunity in the current framework of ASEAN's three pillars, which aims to build the ASEAN as an economic community, a political-security, and a socio-cultural community. The developments in the ASEAN in the first years of the millennium include the assurance found in the ASEAN Political-Security Community Blueprint (ASEAN, 2008, par. 6 and 7) of the ASEAN Political and Security Community (APSC):

"the peoples and (the) Member States of ASEAN live in peace with one another with the world at large in a just, democratic, and harmonious environment...The APSC shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter."

With this, Hernandez raised an inferential thought that ASEAN could be planning all along to reduce the "wide diversity of the political regimes and practices of ASEAN member states (p.44) "as the said diversity had caused tensions and made the making and achievement of decisions difficult and elusive. Thus, there are still opportunities for the ASEAN to be a springboard for the promotion of SSRG in Southeast Asia. It can promote SSRG through the following: "1) sharing of experiences of democratic institutions; 2) developing programs for strengthening the rule of law, judicial systems, and legal infrastructure; 3) conducting analytical and technical studies establishing baselines, benchmarks and best practices in various aspects of governance in Southeast Asia; 4) undertaking various activities to promote human rights and encourage cooperation among human rights bodies in the region, including the AICHOR (ASEAN Intergovernmental Commission on Human Rights) and ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC), as well as the promotion of the rights of the migrant workers, and numerous others" (p. 45).

How these prospects and gaps affected the Philippines' security sector and governance reforms will be a topic for the next two chapters.

The Role of Civil Society in the Promotion of SSRG

According to Hernandez (2014), despite the challenges and barriers, SSRG's implementation takes a slow but surely course in Southeast Asia. There is a constant influx of support from donors from Western governments and non-governmental organizations, pushing further the agenda to democratize the control of civilians over their armed forces. In Indonesia, a group, known as Indonesian Working Group for Security Sector Reform (SSR), provides policy advice for their country's security sector. Among their many recommendations is their assertion that donors and local partners must have equal partnership, which means that the local stakeholders' and experts' opinions must be taken into equal seriousness with their foreign counterparts. Both donors and local partners must take into consideration the role of non-governmental organizations which may augment the implementation of SSRG through connections (e.g., multi-sectoral Non-Government Organizations that lobby consistently).

Civil society, as well as donor governments, must be careful in pressing donee countries to adopt SSRG norms without a thorough local contextualization. Krempel (2014) said that SSRG is not a "ready-to-export universal concept" since it evolved along with the historical experience of Europe with the military. The advocates of the reform among the civil society must see SSRG from the historical and cultural process that formed the context of the reforms. They must understand that Southeast Asia has a different context and must pursue a method that will encourage: 1) consideration of the donee country's culture, history, and institutions; and 2) local ownership of the reforms. With local ownership in place, advocates can expect harmonious relationships between the donor and the donee, which will then lead to effective reform of institutions. They must exercise flexibility when it comes to observed outputs as local ownership can lead to a different milestone from what the donors have experienced or expected. Therefore, donors must be open to different models of reforms and not limit themselves from their written and approved standards. They must, according to Krempel (2014, p. 78), "be self-reflective, context-specific, use in-country systems; incorporate non-state structures that are perceived as legitimate and effective; (and) respect local ownership."

What's Next?

This chapter has pointed out that security is composed of different but interconnected dimensions - it is comprehensive. This conceptualization is far from traditional notions - as the tendency for many, both advocates and critics, is to think that security only pertains to the military and defense capabilities of a state. Therefore, the first requirement must be to settle matters in regard to defining what security is. In line with this, if security is a comprehensive concept, then the security sector must be seen as a comprehensive one. The sector is not about the military, but it also involves every organization that has a stake in the provision of security and justice in the country, whether or not they belong to the government. The reform that the advocates of SSRG push start with the acknowledgment that reforms in the security sector start with involving everyone who should be involved. The danger, however, in shifting from the traditional perspective is that it seems natural to implement. This relaxed notion about SSRG brought upon barriers such as the concept is highly Westernized. The concept of SSRG evolved in a different context in comparison with Southeast Asia, and difficulties arose due to the said difference. The most notable one is the lack of self-reflection and localization of donee countries, which was augmented by the resistance of the donor countries to understand the importance of such, as reflected by various research of working groups. At first, the establishment of the ASEAN showed no "teeth" in mitigating and solving the problem, but recently, there are developments that could help in the effective implementation of SSRG.

In the Philippines, aside from the challenges experienced by Southeast Asia as a whole, other specific factors affect the implementation of SSRG. Some were already highlighted in this chapter. For the next two chapters, the events and actions that occurred and continue to occur, which affects the overall implementation of SSRG in the country, will be narrated and explored.

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CHAPTER 2

Brief History of SSRG in the Philippines

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[2] *Writer's Note to the editor: The 7th Edition Publication Manual of the American Psychological Association (APA) has allowed (and encouraged) the use of gender-neutral pronouns, such as "they," instead of pronouns "he" or "she." Such encouragement from the said association has been utilized in this chapter.*

In the Philippines, the discussion of the history of SSRG implementation starts with the events during Martial Law. The Martial Law era has been used by general literature as a springboard to explain the effects of post-World War II conditions that led to the said era. It has also been used as a springboard to describe the events that took place after the Marcos regime. This chapter will trace the evolution of SSRG implementation in the country through narrating and analyzing the executive-security sector relations or the extent that the civilian executive had supreme control over those who compose the security sector of the country.

The reason why the focus of different works of literature is in the executive branch of the Philippines is that one, it is legally assigned to control the armed forces and two, it is also culturally and historically strong upon comparison with the two other branches. According to the 1987 Philippine Constitution, the civilian authority should be at all times supreme over the military (Section 3, Article II). As a response to this, the president, to whom executive power is vested, is the Commander-in-Chief of the Armed Forces of the Philippines (Sections 1 and 18, Article VII). Bernas (2003) made it clear that the Chief Executive - the president - is not a member of the armed forces. They remain a civilian to stay right with Section 3, Article II of the 1987 Philippine Constitution. As a civilian elected officer in the executive, they hold "supreme military authority and is the ceremonial, legal, and administrative head of the armed forces (Bernas, 2003, p. 866)." They do not have to possess training and talents seen as useful for military membership, but they have the power to "direct military operations and to determine the military strategy" (p. 877).

A Brief History of the Strong Executive and Executive Control over Military in the Philippines

Malolos Republic: The Struggle for Control and Dominance

Historically, the executive has exercised control over the military. Emilio Aguinaldo, the first recognized supreme military chief, had its share of conflicts with the legislative due to his non-membership from the *Ilustrado* class (Rebullida, 2006). Apolinario

Mabini, one of Aguinaldo's trusted aides in the establishment of the revolutionary government, is skeptical towards the constitution that the legislative crafted. This constitution, which will be called the Malolos Constitution, favors a powerful legislative over the executive. Mabini wanted otherwise, and this is because of the following, according to Majul (1967, 1996), as cited by Rebullida (2006, p. 124):

> "Mabini wanted more powers for Aguinaldo, as supreme military chief, to curb the misbehavior and abuses of military subordinates and followers over the civilian population; to provide strong leadership in the anticipated military action against the United States' colonization of the Philippines, and fast and efficient promulgation and execution of the laws."

This scenario shows a trend in which the executive, to be able to control the state in an impending violent or unavoidable threat (external or internal), sought to have stronger powers than the other branches, a continuing tradition even up to present.

However, despite Mabini's attempt for Aguinaldo to reconsider and propose amendments - such as legislative powers when the Congress is not in session and among many others, the former Chief Executive approved the Malolos Constitution without amendments. This event created the Malolos Republic and tested Aguinaldo's exercise of his executive powers enshrined in the Malolos Constitution. According to Rebullida (2006), Aguinaldo is skillful in utilizing political actions to secure control over his detractors and rivals. He boldly declared the First Philippine Independence and called for the establishment of the Malolos Congress and the Malolos Republic even if the political climate back then was in turmoil due to the possible American threat. These abilities would be later useful for Aguinaldo as history recorded that the "'strong executive' prevailed in practice, despite the predisposition in the Malolos Constitution for a powerful legislature" (Rebullida, 2006. p. 126).

Institutionalization of Control: Promulgation of the 1935 Philippine Constitution

Another figurehead would be crucial in institutionalizing the "strong executive" scenario in the Philippines. Manuel L. Quezon, the would-be next official Chief Executive of the Philippine Republic, is instrumental in the crafting of the 1935 Constitution (Rebuilda, 2008). Quezon carried forward to the US Congress the Tydings-McDuffie Law. Through this action, the Philippine Legislature held a Constitutional Convention in June 1934, and by 1935, the 1935 Constitution was completed and ratified. Rebuilda explained that the promulgation of the 1935 Constitution is crucial since it served as a guide for the Philippine Commonwealth and the Philippine Republic until 1972. The 1935 Constitution would be a "powerful instrument" if the president works for public interest but a dangerous tool if used by the corrupt, seen in how Ferdinand Marcos used it for authoritarian tendencies. The said constitution gives power to the president to appoint the members of their cabinets, appoint senior officers in key military positions, and exercise supervision over local government units. What also made the executive stronger is their power to appoint the Supreme Court members, including judges of all inferior courts. Also, the 1935 Philippine Constitution served as a large transition from the society back then since during the colonial rule of the US, soldiers governed several provinces in the Philippines and thus, Berlin (2008, as cited by Chambers, 2014, p. 110) said that the military became an institution that “possessed tremendous sway over society.”

With this, the constitutional provisions of the 1935 Constitution had its share of challenges concerning power relations of the executive with the two other branches of the government (but more on the legislative) and its relations with the military due to threats of war (Quezon Administration) and insurgencies and terrorism (Osmeña to Pre-Martial Law Marcos Administrations). The next parts give a brief background for each group of administration, that is, 1) the Quezon, Laurel, and Osmeña Administrations, 2) the administrations of Roxas to Pre-Martial Law Marcos, 3) the Martial Law and Post-Martial Law Marcos Administration, and 4) the Post-EDSA I administrations up to former President Benigno Aquino III.

From Quezon to Osmeña: Founding of the Independent Republic

Literature narrates Quezon's style of executive leadership as having an "image of a 'dominant executive'" and one that exemplified the use of patronage politics, such as the utilization of rewards and pork-barrel (Rebullida, 2008, 133). He encouraged the legislature to pass the National Defense Act (NDA) in response to the turbulent international affairs and as a banner of his administration towards having an independent armed force. A crucial turning point of his administration is that during his exile in Washington due to World War II, he sought amendments on presidential term limits. He proposed for a president (and the vice-president) to have a term of four years with a chance to be reelected rather than the original of having a six-year term. An attempt to lengthen the presidential term would once again happen many administrations after Quezon and will prove again as a turning point in the implementation of SSRG in the country.

During Quezon's exile, the controversial term of Jose P. Laurel, one which is famous due to the allegation of his government being a puppet of the Japanese colonizers, still has its share in the overall impact of past administrations in the current security environment and implementation of SSRG in the Philippines. Even if the restoration of the Commonwealth would then erase institutions established in the government during the Japanese occupation, it is in his administration that a rekindling of idealism and revolutionary thought took place. Despite being a "puppet" and his efforts to quell the onslaught of guerillas through the offering of amnesty, he, according to Rebuillida (2003, p. 134), "did not declare war against the US, nor did he conscript soldiers to fight on Japan's side, nor did he conscript soldiers to fight on Japan's side, nor did he stop the constabulary forces from deserting." His covert attitude towards the behavior of the military, as well as the establishment of guerillas, helped the strengthening of groups, which will be a policy focus in the future administrations, such as the existence of the group known as "Hukbong Bayan Laban sa Hapon" or the Huks.

Following the death of Quezon, Osmeña became the president of the Commonwealth in 1944. The re-establishment of the Commonwealth during his term after the war is a transition to the country's independence. As a president who only directly

managed the country in a short period, literature had remembered him as a person who upheld democratic processes as a priority over self-gains.

What is remarkable during the years of the Commonwealth and the short stint of Laurel and Osmeña is that the aspirations from the time of Aguinaldo and his comrades in the attempt to create a state have been somewhat realized. Even if the Constitution and the statutes adopted during this time are modeled after their US counterparts, it gave an identity on the politico-legal framework of the country. During the first years of its adoption, the 1935 Constitution, according to Rebullida (2003, p. 136), "elicited the legal, political, and personalistic nuances of the presidents' use of executive powers." The Quezon administration, the only one among the three who managed to lead the country extensively under the 1935 Constitution, showed the face of a dominant executive. However, the "real" implementation of executive powers and military control happened post-Commonwealth era. Beating the current president during that time, Manuel Roxas became the last Chief Executive of the Commonwealth Era and the first one for the independent republic.

From Roxas to Marcos: Democracy and Development in Independence

Osmeña's loss led to the presidency of Manuel Roxas, the last president of the Commonwealth Era and the first president of the independent republic. This period is considered among the most important parts of the democratization process of the country due to the following reasons. First, the full implementation of the 1935 Constitution had been put into a test, which includes the powers granted to the executive. Second, the leaders of the country, upon the granting of independence, are now responsible for fulfilling the democratization agenda of the country and carrying the aspirations of the propagandistic and revolutionary movements during the Spanish occupation.

Literature about executive power points out its dominance when compared to the powers of the other branches and agencies in the government. The 1935 Constitution gives the president control over the entire bureaucracy, supervision over the local government units, and the title "Commander-in-Chief" of the military organization. The environment from 1946 to 1965 is a

conglomeration of issues of communist threats, attempts to rehabilitate and liberalize the economy, and the promotion of democracy and political stability. The presidents during this time started to promote human development programs to help solve the security problem posed by the communist insurgency. Donor countries, especially the US, pushed these development programs as a way to encourage developing countries not to fall under the spell of communism. Therefore, this foreign mindset has to be managed by the executives as well, especially the wide scale intervention of the US. Lastly, the personalities and qualities of the presidents from Roxas and beyond caused a plethora of positive and negative impacts on the promotion of democracy (Rebullida, 2006).

According to Hernandez (2006), the principles of democratic civilian control reigning supreme over the military, tackled in Chapter 1, are present in the era before the declaration of Martial Law. Before the said declaration, administrations created institutions that oversee the military organization. Oversight institutions outside the government, such as the media, started to be embedded in society and provided private means for transmitting information to the public. The 1935 Constitution and other laws passed by the legislative provided civil and political rights that uphold democratic governance, such as regular elections.

It is undeniable that the functions of the military over these years expanded, and thus, its influence over the society. Therefore, it is imperative that with a widening power, the civilian government must exert more control through different strategies stated in Chapter 1. However, objective military control did not easily take place due to various factors that led the country towards a more subjective control. In Manuel Roxas' case, the focus of his administration is the restoration of the country. Foreign affairs led to one-side treaties with the US, such as the controversial Bell Trade Act. Aside from this, the Roxas administration paved the way for the United States-Republic of the Philippines (US-RP) Military Bases Agreement and US-RP Military Assistance Pact. The first gave extraterritorial rights for the US military to use its bases in the Philippines, and the second provided materials and weapons for the Philippine military. These treaties caused objection from various groups yet still pursued by the government for the provision needed to restore the country.

The problem of communist insurgency became prevalent during the time of Quirino. He had two concrete actions to address the said problem: First, he appointed Ramon Magsaysay, a former guerrilla leader, as the secretary of defense to create a solution against the Hukbalahap or *Huks* led by Luis Taruc and other communist groups. Second, he suspended the writ of habeas corpus. These actions by the executive showed success but did not reflect towards Quirino. It was Ramon Magsaysay who benefited in the success of the military and the socioeconomic policies and programs spearheaded by the government (with help from the US). Therefore, Magsaysay became the president after the term of Quirino.

Magsaysay continued to suppress communism as a response to the country's commitment to the US, who continued to provide military aid and external defense for the Philippines. Therefore, the focus of the military is in its internal defense programs that further intensified the strong influence of the military to the civilians. Magsaysay's continuous pressure towards the *Huks* bore into fruition and, before his sudden death, made Luis Taruc surrender. The government gave resettlement programs to those who surrendered and to quell further the threat of communism, continued agrarian reform programs.

Carlos Garcia succeeded Magsaysay due to the latter's death after a plane crash in 1957. He pursued a "Filipino First" policy and outlawed the Communist Party of the Philippines (CPP). But he did not get as much political support as what Magsaysay enjoyed during his term. Jose (2001) said that the army tried to stir a coup, evidence of his unpopularity compared to the past president. Diosdado Macapagal replaced Garcia by defeating him in the 1961 elections.

Macapagal, like Magsaysay, became popular due to his charisma in public. He was especially popular with rural folks, and his party mates saw this as an advantage as a politician. Upon becoming the president, Macapagal strengthened land reform and showed strong support for US economic policies. What is remarkable during his term in regard to security is that he attempted to establish an association among the Philippines' Southeast Asian neighbors. Known as the MAPHILINDO association, Magsaysay tried to have better relations with

Malaysia and Indonesia. Our ties with Malaysia, however, became sour since Macapagal pushed stronger claims for Sabah. But like the other presidents before him, he failed to win in his reelection year. He was replaced by Ferdinand Marcos, the president who would then break the losing streak upon a reelection bid.

To summarize, the administrations from 1946 to 1972 experienced challenges in controlling its military. During these years, the military's influence and power increased as they involved themselves in politics. Magsaysay's actions against the communist insurgency led by the Hukbalahap intensified the said influence further only to diminish after the former's death in 1957. It is in this period that US interventions, as a response to the threats of the USSR, guaranteed external security for the country. They also meddled with internal security as part of an ideological battle with communism. The US did not do these for free. They forced administrations to compensate security officials they favored and sanction those they opposed, which made the Philippines a semi-colony of the said state. However, military influence experienced a significant chapter during the implementation of Martial Law by Ferdinand Marcos in 1972. Since this part of the Philippine history is considered a precursor to the formal implementation of SSRG in the Philippines, the administrations from Marcos and beyond will be analyzed through their use of mechanisms and strategies mentioned in the first chapter.

Martial Law Era and the Beginnings of SSRG Environment of the Philippines

In Ferdinand Marcos' first term, he became the secretary of national defense concurrently. He handled the Armed Forces of the Philippines (AFP) to fight the communist NPA and the threat of the MNLF. The opposition accused him of militarization as he gave more work to the military in the guise of national development. He tried to project an anti-US image, but according to Rebullida (2006), he still supported US policies and even sent the Philippine Civic Action Group (PCAG) to help the latter in its war against Vietnam.

However, one of the gravest allegations against his administration is the issue of overspending and graft and corruption (Rebullida, 2006). And even if there are adverse effects

in the economy due to the allegations, the military budget increased. Despite this, Marcos had the intention to go beyond the eight-year term limit as prescribed by the 1935 Constitution. For this to happen, the 1971 Constitutional Convention was formed. But before having significant actions, Marcos, on September 21, 1972, declared martial law.

The declaration of martial law is the time in which most civil liberties were curtailed. Marcos justified his declaration due to the alleged rise of communist forces in the country, one way to address it is through aggressive actions such as the arrest of opposition leaders and militant activists. According to Chambers (2014), he sought a partnership with the military for a smooth application of his sultanistic rule. With this, Marcos personally dominated the security sector. He then implemented the mechanisms and strategies seen in Table 2.1 below.

Table 2.1. *Mechanisms and Strategies used by the Marcos Administration to Subjectively Control the Military during the Martial Law*

Ferdinand Marcos (Martial Law)	
POWER	• Sanctioning through sultanistic rule or the use of fear and rewards to his collaborators (Thompson, 1995) • Sanctioning through exiling into ambassadorships top military officers who opposed Marcos
LEGITIMATION	• Military becoming a partner in Marcos' dictatorship • Ascriptive Selection through giving important civilian positions to some top officers.
COMPENSATION	• Appeasement through sultanistic rule or the use of fear and rewards to his collaborators (Thompson, 1995); and expansion of the AFP budget. • Acquiescence by giving the military very close ties or access to the president; and giving control over the Philippine Constabulary and National Police.

Marcos did many strategies to control the military, particularly on the mechanism of compensation. With these strategies, Marcos, as highlighted by Chambers (2014, p. 112):

"...transformed the armed forces into a force loyal to himself rather than to the 'institutions of civilian authority.' Marcos' regime left a legacy of government toleration for military partisanship, factionalism, cronyism, corruption, authoritarianism, lack of civilian oversight, and the committing of extrajudicial human rights violations."

Due to the "partnership" and the partisan loyalty of the military to Marcos, Cruz (2013) said that the martial law eroded security institutions, which affected the succeeding administrations. Marcos' ambitions led to the weakening of institutions, which then led to his regime to thrive for 14 more years since 1972. The authoritarian past of the country became a huge factor in the implementation of SSRG in the Philippines. Cruz tagged this as a lasting legacy of martial law.

The SSRG environment that the next administrations would be into is an environment that experienced an absence of transparency and accountability. Cruz continued that the absence of these led to the breeding of corruptive systems and mindsets, which seeped into the security institutions funded by the government. The military, as an institution, became weak. What the Philippines saw as a professional, competent, promising force - serving for the interest of the society it has sworn to protect became an organization loyal to the regime and its benefits. Military professionalism eventually became destroyed and has affected the relationship between the civilian government and the military. The symbiosis of the military and the regime created a complicated and opaque security system transformed into a tool to suppress dissent and to maintain power.

As said earlier, martial law legacies continued to affect the country's security sector. In the next parts of this chapter, the events concerning the sector for each post-EDSA 1 administrations will be narrated and analyzed.

Post-EDSA 1 Era: Democratic Transitions in the Philippines and the Lingering Strong Military Influences

After the first People Power, the country experienced six (6) different levels of military-civilian government relations. The first four of these six will be discussed in this chapter. The last two, which are the Benigno Aquino III and Rodrigo Duterte Administrations, will be discussed in the next chapter as these administrations are relevant to the discussion of the current security environment of the Philippines.

Various literature considers the administration of Corazon "Cory" Aquino as among the start of a re-democratization project in the Philippines. This re-democratization coincided with the rise of advocacy for security sector reform and governance. However, one of the tasks of C. Aquino's administration is to tame the tendency of the military to intervene. One way that her administration did to restore democracy is to spearhead the creation of the 1987 Philippine Constitution. Even so, her administration experienced military dissension in the form of seven significant coup attempts by the disunited military. Because of these coups, Chambers (2014) said that it impeded the attempts of the administration to establish civilian control and respect for democracy among the military. These threats forced C. Aquino to rely on Ramos and his military faction. Table 2.2 shows her commonly used strategies to deal with the military during her term.

Table 2.2. *Mechanisms and Strategies used by the C. Aquino Administration to Subjectively Control the Military.*

Corazon "Cory" Aquino (1986-1992)	
POWER	● Monitoring through executive control through the newly adopted 1987 Philippine Constitution
LEGITIMATION	● Political Socialization through the 1987 Philippine Constitution: enshrining civilian supremacy over the military, active-duty soldiers were forbidden from active-duty politics except for the right to vote. ● Political Socialization through civilian

	executive power to institute martial law and to use the military for purposes of suppression and delinking of police force from the military. ● Political Socialization through the attempt to socialize/educate the military to accept democracy.
COMPENSATION	● Appeasement through appointing Fidel Ramos as armed forces chief of staff and appointing several retired officers to high-level government positions (Selochan, 1989) ● Appeasement through dismissing cabinet members accused as leftist. ● Appeasement through increasing the wages of soldiers. ● Acquiescence through supporting the military's preferred policy of repression against insurgents. ● Acquiescence through deputizing soldiers in carrying out peaceful elections, which Chambers analyzed has a potential facilitator of military interference at polls.

C. Aquino heavily relied on the mechanism of compensation to control the military. According to Chambers (2014), weak institutionalized democracy and internal unrest are among the factors on why C. Aquino used the mechanism of compensation to control the military. Even upon the promulgation of the new constitution during her term, the following are among the deterrents for C. Aquino to utilize strategies and mechanisms that would have longer impacts in the civilian government-military relations: "Ramos-led domination of the military; a Philippine political culture bestowing traditional authority upon soldiers; and the military's self-perception as protector of the nation" (Chambers, 2014, p. 114). One would wonder, though, if there is a difference when the military-famous would be the chief executive. However, history has shown that it did not lead to lasting reforms in the security sector. During the time of C. Aquino's successor, Fidel Ramos, the military continued to influence politics. Table 2.3 shows the extent to which Ramos exercised his power to represent the civilian government in controlling the military.

Table 2.3. *Mechanisms and Strategies used by the Ramos Administration to Subjectively Control the Military*

Fidel V. Ramos (1992-1998)	
POWER	● Counterbalancing and Monitoring through modernization program and enhancement of appropriations for the navy and air force in relation to the army.
LEGITIMATION	● Ascriptive Selection by appointing retired soldiers loyal to Ramos to his cabinet and senior state postings (around 100). ● Political Socialization through modernization program - pushing them to professionalize and to respect democracy. ● Political Socialization through forcing the military to undergo civilian-led appropriations processes. ● Political Socialization through an amnesty program towards ex-coup plotters, promising that they will not be prosecuted unless they support the civilian-led system.
COMPENSATION	● Appeasement through returning internal security operations to the AFP; increased their involvement in human development activities; and increasing defense expenditures. ● Appeasement through giving autonomy in acting against suspected insurgents and implementation of an amnesty program towards ex-coup plotters, promising that they will not be prosecuted unless they support the civilian-led system. ● Appeasement through increasing the wages of soldiers. ● Acquiescence through supporting the military's preferred policy of repression against insurgents.

According to Chambers (2014), Ramos is the second retired general elected as president. Ramos' administration did quite live in an unusual time of history in the Philippines (PH). The first among the significant events is the Senate's rejection of the PH-US Military Bases Agreement in 1991. The agreement did not only make American troops have encampments over military bases located in strategic parts of the country. It also served as a funding mechanism of the military. With the agreement repealed by the Senate, it concluded several years of assistance "that accounted for 90% of its spending" (Chambers, 2014, p. 115). Therefore, from 1992 up to 1996, Ramos enhanced the appropriations for the navy and air force vis-a-vis to the army as a means to counterbalance the institutions within the military - an explicit use of the power mechanism to control the whole military. Like Marcos and C. Aquino, he also used ascriptive selection and appointed five retired Ramos loyalists in his cabinet and 100 more to senior state postings.

Secondly, Ramos' plan to make the AFP undergo the Congress has approved a 15-year modernization program in 1996. With this, Ramos aimed to use the strategy of political socialization. Through professionalism and modernization, he hoped that the military would respect democracy. Even if the US became a donor of the program, the funding would still undergo the process of approval from Congress. It could be said that the military is at the whims of the legislature. One agreement made after the enactment of the program is that the government can use the military to support civilian agencies that promote disaster relief, environmental protection, and socio-economic development (Chambers, 2014, p. 116). Internal security operations continued to be a function of the police during this time.

The said hope would not significantly prosper as; lastly, the Ramos Administration experienced economic drought in 1997. With lower appropriations given to the military, Ramos had no choice but to appease the military through returning to them the function of internal security operations. He also promised increased funding and expenditures for the military and paved the way for them to have greater involvement in development activities. Ramos also practiced acquiescence through policymaking geared to allow military autonomy in the suppression of suspected insurgents. He promised that he would not prosecute

them as long as they respect the civilian-led system, which in other words, as long as they do not stage a coup. In conclusion, the reason why Ramos was able to use more intrusive strategies for military control was because of his deep connections within it.

The AFP Modernization Program of Ramos in 1996, though somewhat inconsistent in terms of SSRG norms, is a good start towards institutionalizing reforms in the security sector of the country. Such promise held during the short-lived administration of Joseph Estrada when he defeated a Ramos-backed candidate. He was also, according to Chambers (2014, pp. 116-117), "the first President since Marcos to appoint a civilian with no military background as secretary of national defense." Appointments of retired soldiers also dwindled, which may spell that a reformed security sector is on its way to establishment. Succeeding actions by Estrada, which showed less attachment to the military are as follows:

> "Indeed, tensions quickly developed between Mercado and the increasingly united, anti-Estrada military with the former's revelations to the media about AFP mismanagement of its retirement and separation benefits systems...neither Mercado nor Estrada himself exhibited adequate appreciation of the military institution. For example, Estrada chose to attend the wedding pf a personal acquaintance instead of being at the 100th-anniversary celebration of the Philippine Military Academy. Third, in 1998, Estrada appointed Gen. Joselin Nazareno as AFP Chief...he did not adhere to the practice of presidents...in choosing as AFP chief the leading officer of own of the service branches. Fourth, Estrada inherited from Ramos the inability to meet the budgetary costs of the AFP modernization program" (Chambers, 2014, p. 117).

With these developments from the Estrada administration, it can be hastily inferred that there is a success in exerting civilian control over the military. However, what is missing in the formula is the united backing from the Philippine civilians. Furthermore, the country is suffering from the 1997 Asian financial crisis during the ongoing tension of his administration and the military. Due to the reaction of the latter, he needed to become more strategic in exerting control over the military. Table 2.4

shows an enumeration of mechanisms and strategies employed by the Estrada administration for a more effective civilian control.

Table 2.4. *Mechanisms and Strategies used by the Estrada Administration to Subjectively Control the Military*

Joseph Estrada (1998-2001)	
COMPENSATION	• Acquiescence through supporting the military's preferred policy of repression against insurgents - total war against the Moro Islamic Liberation Front (MILF) and Abu Sayyaf Group (ASG). • Appreciation through specific mentions in address. • Appeasement through appointing Gen. Angelo Reyes as Armed Forces Chief of Staff and being a sponsor to Reyes' son's wedding; Estrada also extended his term for 1.5 years.

Estrada, due to the factors said earlier, had no choice but to employ the use of the weakest mechanism of compensating the military to control it. Among his most used strategies is acquiescence. He did this by declaring total war against the MILF and the ASG. He also expressed appreciation for the military, as reflected in his speeches after almost a year of revealing mismanagement acts of the said institution. He also appointed Gen. Angelo Reyes as armed forces chief of staff in 1999 and became the sponsor in Reyes' son's wedding in 2000. Reyes' term as chief of staff was also extended in January 2001.

These kind actions towards the military, however, is too late. Due to allegations of graft and corruption, a year-long impeachment trial ensued. When the trial looked going in the direction of Estrada's acquittal, the military backed the EDSA II rallies spearheaded by the former presidents, the Catholic church, and his Vice President (VP), Gloria Macapagal-Arroyo. Therefore, despite Estrada's early efforts to assert his administration, and later on his redemptive acts to get the military's trust, the latter's withdrawal of support became instrumental in the fall of the Estrada Administration.

The difference in terms of the context of EDSA 1 and EDSA 2 spoke volumes about the behavior of the military. The EDSA in 1986 is against a dictatorship, while the EDSA in 2001 is against a democratic, elected, civilian government. It gave the impression that the military is still a powerful monolithic faction - going against it or not appeasing it enough can spell the end of an administration. Therefore, it goes along with what Cruz (2013) has said about the legacies of martial law; it created an institution that poses a great deal of influence over the civilian government. Democratization, and respect to it, is yet to be realized during those times.

Estrada's successor, Gloria Macapagal-Arroyo, may have seen the trend of the military's influence towards the civilian government given the strategies that she implemented to control the military. Table 2.5 gives a picture of mechanisms and strategies implemented by Macapagal-Arroyo during her nine years of presidency.

Table 2.5 *Mechanisms and Strategies used by the Macapagal-Arroyo Administration to Subjectively Control the Military*

Gloria Macapagal-Arroyo (2001-2010)	
POWER	● Sanctioning through cancelling the extension of service for AFP Chief Angelo Reyes ● Counterbalancing and Monitoring through continuing the modernization program and the establishment of the Presidential Task Force for Military Reform and the Office of Internal Control in the Department of National Defense.
LEGITIMATION	● Political Socialization through increasing professionalism and respect for democracy.
COMPENSATION	● Appeasement through slightly increasing the defense budget and resumption of US military assistance. ● Appeasement through having 11 AFP Chiefs of Staff.

	• Appeasement through boosting of military benefits. • Acquiescence through first reverting to the negotiation's strategy of Ramos with regard to communist insurgents and the MILF, therefore acquiescing to tactics favored by Ramos. Later on, to acquiesce towards the majority of AFP, supported a renewal of military offensive against Communism. • Acquiescence through increasing allotment of modernization money for internal security operations, particularly actions against Abu Sayyaf. • Appreciation through social gratification - publicly extolling their virtues, visiting military camps, attending academy graduations etc.

According to Chambers (2014), Macapagal-Arroyo mostly used the mechanism of compensation but made sure to utilize the advantages of the other mechanisms. She supported the US' War on Terror after the latter's experience on September 11, 2001. The support of Macapagal-Arroyo's administration on the said policy of the US marked a resumption of military assistance of the former and meant increased budget for defense. She also appointed retired officers affiliated to Ramos to her cabinet and other significant positions in the government. She is also known to promote senior officers in the military based on political loyalty like what Marcos did in his term. The soldiers were also appeased through a pay hike.

Her way of acquiescence, however, is a unique one if compared to his predecessors. Unlike Marcos, C. Aquino, and Estrada, who pursued total wars against secessionists, and unlike Ramos, who pursued a negotiation strategy, Macapagal-Arroyo played it safe. She pursued both; first, a negotiation strategy concerning communist insurgencies and the MILF to get support from the Ramos clique; and second, a "hardline policy towards the Abu Sayyaf," to grant a certain amount of autonomy for the other cliques (Chambers, 2014, p. 119). However, the negotiation strategy against the communist insurgency was then lifted through the Operation Oplan Bantay Laya from 2002-2010, which was

intensified through the use of modernization money for equipment needed in internal security operations. Therefore, internal security operations (ISO) became more ingrained in the military functions since the latter years of C. Aquino up to Macapagal-Arroyo.

Macapagal-Arroyo did not let go of the prospect of instilling professionalism and respect for democracy, which is a result of a growing community and call towards SSRG. She continued the strategy of political socialization, which constitutionally started in C. Aquino's administration and formally backed up by law in Ramos' administration. Finally, Macapagal-Arroyo used the mechanism of power to secure her control of the military further. She created agencies inside the government that would either address the problems of military reforms or intensify the supervision of soldiers. In 2005, she revived the AFP Counter-Intelligence Group (AFPCIG) to monitor any allegation of destabilization plots and corruption inside the military following a coup attempt in what is now known as “EDSA Tres”. Following this coup attempt, Macapagal-Arroyo was also successful in appointing a civilian secretary of national defense, as recommended by the Feliciano Commission[3]. Five out of six secretaries in the DND fell in the category of a civilian secretary with no deep ties within the military from 2004 to 2010.

There are two ways that the military may have helped Macapagal-Arroyo secure her presidency from 2001 to 2010, according to Chambers (2014), the second being a result of using power strategies. The first one is the EDSA II. The second one, and among the controversial, is through the alleged fraud during the 2004 elections. Resources had pointed out that senior security sector officers assisted the alleged fraudulent canvassing of some votes. The allegation gets its fuel to the fact that the State had used the military to assist during elections since the independence of the Philippines - a policy linked to a possible strengthening influence of the military.

Towards the end of her administration, Macapagal-Arroyo survived one coup plot in 2006 and one coup attempt in 2007. These did not prosper, though, and it led to the prosecution of those involved in all coup attempts during the time of Macapagal-Arroyo administration. According to Chambers (2014), the

[3] The Feliciano Commission was created to investigate the 2003 Oakwood mutiny.

prosecution of those who instigated the said mutinies is a positive development in implementing stronger civilian control over the military, even if it is personalized. However, these developments did not assure the country of any lasting institutionalized civilian control.

CONCLUSION

The Philippines has a history of a strong military since colonial times. Therefore, the answer that the crafters of constitutions of the country are always to put the supremacy of the civilian over the military through the chief executive. In fact, by the time of the Philippine independence and before the declaration of martial law, the military was on its road to professionalism through the country's partnership with the US. However, the declaration of Martial Law weakened the checks and balances within the government and the military. It created chaos and fear among the populace since it is necessary to utilize legitimate violence to suppress the challenges of the regime. Military leadership became accountable and loyal only to Marcos and its attempt to hold power. As Cruz said, it eroded the security institutions of the country.

The fall of the regime in 1986 was seen as the revival of democracy, which was then hoped as a way for democratic institutions to control the military in a manner intended by SSRG advocates. However, the personalistic, subjective control of the civilian government towards the military persisted. The result of engaging in subjective strategies rather than objective ones are changes isolated within an administration, seldom beyond it. Instead of bolstering democratic control, what was bolstered is the power grab of personalities, who employ the help of soldiers through various mechanisms and strategies.

The next administrations - one of Benigno Aquino III and Rodrigo Duterte, will be compared with one another as a means to explain the current security environment. Therefore, through the said comparison of security sector policies and actions that the B. Aquino administration had done during his term, and that the Duterte administration has already done and will be done, it would be determined if the Philippine state is going towards or further from a personalized civilian control. The next chapter, therefore, will try to seek whether or not civilian supremacy has been attained or close to attainment as of the current times.

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CHAPTER 3

Contemporary Security Environment and its Current State

by: Kevin John S Domingo

The end of former President Macapagal-Arroyo's term marked a set of complex realities and challenges concerning the security sector. From the B. Aquino administration, up to the Duterte Administration, the conflict of focus between internal security operations and the ideal function of territorial defense has been at the forefront of issues needed to be resolved by the Philippine state and its military. The chapter highlights the actions of the B. Aquino and Duterte administrations because even if they operate under the same security environment, their policy approaches contrast one another.

The issues faced by the two administrations are not new ones. In 1995, one of the reasons for the legislation of the AFP Modernization Law is to respond against the movements of China in Mischief Reef, one of the Philippine-claimed islands in the West Philippine Sea (WPS). According to De Castro (2012), the intensified movement of China in the mid-1990s prompted the government to strengthen the movement for the military to the transition of its operations from ISO to Territorial Defense (TD). Before any attempt to formally modernize the AFP, the Philippines is ill-equipped in handling its TD (Rodulfo-Veril, 2014). Therefore, with China's movement, as well as the withdrawal of US Forces from the country following the Senate's withdrawal from the US Bases Treaty and the decline of the communist insurgency in the country, the state began giving space to the military to shift its focus from ISO to TD. A transition is necessary to assert the independence of the AFP from foreign influences and TD capabilities of the state spiked down due to the removal of US presence in the country. The concepts of "contemporary security" and "security reform and governance" have direct connotations to the vision of the said transition. Therefore, this chapter delivers a narrative on the state's struggle to establish an ideal path for its armed forces that will eventually transform them into a professional force that respects democracy. In short, the resolution of the issue of territorial defense and internal security operations are among the ways to promote security sector reform and governance in the country.

However, the Asian Financial Crisis in 1999, which prevented ample funding for the acquisition of vital materiel and technology, among many others, hampered the implementation of the program (Rodulfo-Veril, 2014). Also, in the late 90s, the legislature had no choice but to transfer once again counter-

insurgency measures from the PNP to the AFP due to the revival of the communist movements. During the Estrada administration, the policy of total war against the MILF and ASG brought the transition to TD into a further delay.

Concrete measures to transition to TD only materialized and restarted again during the Arroyo administration, but not as extensive as with the actions of the B. Aquino administration. Arroyo and the military in her time still have problems that involve ISO operations, and addressing them has equal weight as with addressing TD-related problems. In 2001, Arroyo led the formation of the Cabinet Oversight Committee for Internal Security to plan further reforms of how the state would utilize the military in times of crisis caused by internal factors. The committee came up with the National Internal Security Plan (NISP), which according to De Castro (2012, p. 72), "prescribes the general political framework and policy guidelines for coordination, integration, and acceleration of all government actions on domestic insurgencies in the twenty-first century." The NISP also placed AFP as the primary implementer of the campaign and drafter of plans, which promote national security, while maintaining constant communications with other government agencies regarding the overall security situation of insurgent-influenced areas. With this, the AFP released "Bantay Laya," an Internal Security Plan which provides a roadmap to defeat the communist insurgencies finally within five years. However, the presence of the ASG warranted adjustments to the plan. From the original 2007 target, 2010 became the deadline set by the AFP to defeat the Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF), which, as history had shown, did not materialize in the said year. AFP remains, even in the Duterte administration, to prioritize the function of internal security operations over territorial defense.

Did the Arroyo administration deliberately put its priorities to ISO and not in TD? It did, but for a reason to eventually transition to TD. In 2003, President George W. Bush of the US and Arroyo both reviewed and endorsed the findings of the Joint Defense Assessment (JDA) on the military capabilities of AFP. The governments of the US and the Philippines conducted the assessment as a part of the former's War on Terror efforts after the 9/11 terrorist attacks. Due to this, the formulation of the Philippine Defense Reform Program (PDR) and the Capability

Upgrade Program (CUP) of the AFP ensued. According to De Castro (2012, p. 74), the "PDR provides the 'software' for the reforms in the Philippine defense establishment while the CUP is the 'hardware' and the operational art." In order for the AFP to reach a state of capability in terms of TD, the CUP provides the following defense acquisition period divided into three phases, as quoted from Rodulfo-Veril (2014, p. 45): "Phase 1: (2006-2011) -- acquisition and upgrade of equipment for enhancing the ISO; Phase 2: (2012-2018) -- the transition phase from ISO to TD; and, Phase 3: (2019-2024) -- acquisition geared for territorial defense and peacekeeping operations."

Despite these plans, in December 2011, the implementation of the Arroyo administration's CUP-enhanced AFP modernization program expired. Aquino III, Arroyo's successor in her presidency, inherited an AFP upgraded into basic capability enough to be "back to acceptable levels of readiness" (Rodulfo-Veril, 2014, p. 45). Only PhP 35 Billion Pesos (PhP) out of the approved PhP 331 Billion for the implementation of the program was used for CUP's internal operations. There are many factors on why this happened which became a guide for Aquino III's fast-tracking of the said modernization during his term through the Internal Peace and Security Plan (IPSP) Bayanihan.

The Transition towards Territorial Defense and Lingering ISO Problems in the Aquino Administration

Aquino III's term coincided with the Phase 2 implementation of the CUP. Therefore, the situation presented a new dimension of managing the military as observers and advocates expected policies which will transition the focus of AFP to TD. Aside from the pressure from groups and individuals, the security environment Aquino III stumbled upon requires him and his administration to exert more effort to transition. First, by February 2010, months before Aquino III won the presidency, the AFP modernization law expired with the AFP not having a single purchase of a weapons system that could at least boost its territorial defense capabilities. The AFP remained a ground force and reports also showed that the Philippine government allotted or utilized fewer funds for defense starting from Arroyo's administration when one compared it with the administrations before her. Even if the government has well-documented plans

and aspirations for modernizing the defense capabilities of the Philippines, there are no significant developments that happened during the duration of these plans.

Secondly, experts fear that the AFP would eventually forget all the TD training it received from their US counterparts. Aside from this, they also feared that the materiel used in counter-insurgency measures might deteriorate and might become unusable in TD due to wear and tear issues. In light of this, De Castro (2014, p. 76) quoted Villamin's (2009, p. 8) analysis of the issue:

> "While the AFP (has) made headway in reducing the communist and secessionist forces...these (successes) were achieved at the expense of an exponentially deteriorating capability to carry out even the most basic of territorial defense operations."

Thirdly, the Philippine Navy (PN) cannot safeguard its territorial waters due to the lack of assets with anti-air and anti-submarine, and mine warfare capabilities. The Philippine Air Force (PAF) capabilities were also questionable in terms of whether or not it can conduct air defense and surveillance, among many others. The need to upgrade the PN and the PAF is a response to the aggressive actions taken by China in their own territorial claims in the WPS.

These are the security concerns which the administration of B. Aquino faced. However, even though such challenges exist, B. Aquino is still the Chief Executive of the country and thus, he is not exempt from the task to exert civilian control over the military. The following are the mechanisms and strategies employed by Aquino III to address the problems concerning military control and their functions of ISO and TD:

Table 3.1 *Mechanisms and Strategies used by the Macapagal-Arroyo Administration to Subjectively Control the Military*

Benigno Aquino III (2010-2016)	
POWER	• Counterbalancing and Monitoring through continuing the modernization

	program and reiterating the need for a transition from internal security operations to territorial defense. ● Counterbalancing through the enhancement of appropriations for the navy and air force in relation to the army.
LEGITIMATION	● Political Socialization through increasing professionalism, respect for democracy, and encouraging the AFP to be a vanguard of government reform. ● Political Socialization through filing a protest through United Nations Convention on the Law of the Sea (UNCLOS) and embracing a multilateral approach in its dealings with China ● Political Socialization through pursuing a negotiation policy with the communist insurgents and Muslim secessionists (which led to the creation of the Comprehensive Agreement on the Bangsamoro)
COMPENSATION	● Appeasement through the increase of budget due to ambitious modernization plans ● Appeasement through expediting purchase of materiel for ISO and TD. ● Appeasement through dismissing the Arroyo administration's policy of "equi-balancing" China and the US, thus strengthening the Philippine-US alliance and straining Philippine-China bilateral relations. ● Appeasement through the increase of military salaries and wages.

The B. Aquino administration, according to De Castro (2012), created momentum for a transition from ISO to TD to slightly happen. The mechanism primarily used by B. Aquino is legitimation. However, he still utilized the mechanism of compensation in some minor ways. The first step to this is through the strategy of reviving the modernization programs, and this time, taking it in a more serious and expedited manner. The one tasked to do the said process is his Defense Secretary Voltaire Gazmin.

What is interesting about Secretary Gazmin is that, like his predecessors, he was an ex-military general. However, he was long since in retirement before Aquino III commissioned and appointed him as the Secretary of Defense. Besides that, Gazmin's loyalty to the Aquino family has been around since the presidency of C. Aquino - his presence back then as the Commander of the Presidential Security Group (PSG) became one of the factors why the coup attempts against her failed. This loyalty has once again become instrumental when Aquino III tasked him as a key person in his plans to transition the focus of the AFP and strengthen the country's military capabilities. The difference, therefore, of Sec. Gazmin to other ex-military Defense Secretaries, was that he was instrumental in the legitimation mechanism of B. Aquino, more specifically, the push for a political socialization strategy in controlling the military.

The first line of agenda in the said transition is to address first the issues that kept the military in its ISO function. There are two elements in which the B. Aquino administration focused, 1) the CPP-NPA-NDF, and 2) the MILF. Despite having some violent clashes with these groups, the thrust of the administration was to pursue a peace process through negotiations. This process is evident with the B. Aquino administration's move to push for a reforming of the systems concerning the Autonomous Region of Muslim Mindanao (ARMM). In 2015, the profound success of the administration to lead the MILF into an arms turnover showed their will to push for a peaceful conclusion with the Muslim secessionists. Despite some hiccups, like the controversial January 2015 SAF (Special Action Force) 44 issue, which caused further delays, the Bangsamoro Basic Law (BBL) was finally crafted although not passed into law until the Duterte Administration.

However, the B. Aquino administration did not settle with furnishing its military's ISO functions. Alongside their efforts for the peace process with the internal elements is its strategic, democratic, and aggressive stance against a superpower - the People's Republic of China. As said earlier, Aquino III virtually debunked his predecessor's balancing act with the considered top two superpowers of the world: the US and China. Before this, B. Aquino's policies in 2010 concerning the Chinese government is described by De Castro (2014) as a "kowtow." However, in 2011, due to the continuing aggressiveness of China in the WPS, which

involved a maritime encounter with the said country when the Philippines is surveying the Recto Bank, the Aquino III administration started to file a protest in the Chinese embassy in Manila. The only explanation that the embassy gave is their reiteration that they have indisputable sovereignty in the Kalayaan Group of Island and their surrounding waters. Their presence and structures in the area continued to produce protests from the Philippine government, and around June 2011, the Philippines saw it as a "serious concern" (De Castro, 2014). The administration announced its plans to claim its Exclusive Economic Zone (EEZ) and the possibility to construct an oil rig in the area. Beijing once again asserted its right on the area and demanded that the Philippines must seek Chinese permission. Realizing that the bullying of China was detrimental to the sovereignty of the country, B. Aquino sought to undertake a unilateral defensive operation against any external aggression. His administration boosted funds meant for air-defense radars, procurement of attack and support aircraft, combat utility helicopters, and the like. DND sought to reduce the infantry, and marine battalions then reallocate the funds saved from this approach to TD key priorities. The leasing of some military spaces ensued in order to acquire naval assets, develop long-range maritime air patrol and surveillance, and reactivate the Philippine Air Defense System (PADS) through acquiring assets needed for a smooth reactivation. Basically, according to De Castro (2014), the Aquino Administration spent around Php 34 billion by 2012 to boost its ISO and TD capability.

Despite its plans and its desire, one weakness of the B. Aquino administration is its limited resources to sustain the buffing up of its TD capabilities. As already pointed out, ISO was still, at the same time, carried out by the administration. The acquisition of hardware intended for TD often went in odds with its ISO. To further add with this weakness, the hardware sought was not even brand new. In one instance, Aquino III did express his desire to buy second-hand fourth-generation jet fighters, yet he revealed that the government finds such acquisition ambitious and expensive, much more its maintenance. Therefore, there was a point among the cabinet members that despite the desire of the administration to stand up against a "modern and nuclear-armed" China, AFP would not be able to be on equal grounds with China realistically speaking. The lack of funds and the imminent threat of China became significant barriers to the said goal. De Castro

(2014) said that the administration sought, therefore, to reaffirm and strengthen its alliance with the US. In 2011, the bilateral dialogue between the Philippines and the US (which already saw the impact of China's aggressiveness in its foreign policy) resulted in an opening of new possibilities between the two. Perhaps, by cooperating with a territory located strategically in Asia-Pacific, the US' hedge strategy in containing China can be more attainable. The Obama Administration committed itself in boosting the capacity of the Philippine military in terms of TD (and even ISO to some extent), which back then experienced a setback due to the lack of funding and the growing pressure of Beijing. The goal of the US in this move is to ensure that the Philippines can monitor its claimed area and keep Asian sea lanes open. On the side of the Philippines, the Aquino III administration is vocal in its expectation that Washington would aid Manila if ever an armed confrontation takes place in the contested waters. There is also an assertion that they could also invoke the PH-US Mutual Defense Treaty if ever the dispute becomes a military problem. The Philippines, according to De Castro (2013), also received three Hamilton-class cutters from the US that can provide a way for the military to protect its oil exploration and drilling activities and enhance its effort to monitor surface movements and operations in the WPS.

The B. Aquino administration made the 1951 Mutual Defense Treaty (MDT) its trump card in case that a military encounter with China would happen. However, there are problems with the alliance and its legal foundations. First, the MDT is not explicit and direct on what would be the action of the US if ever the said military encounter happens. It only requires the two countries to conduct consultations and select the best course of action. Second, there is no final statement from the US on what they plan to do if ever China attacks a Philippine ship or aircraft in the contested area. They only declared "greater support" towards the goal of the Philippine government to strengthen its TD capabilities. Third, if ever the US would commit to assisting the Philippines in an event in which an armed clash takes place, they need to be physically positioned in the country for them to be able to help the country. Therefore, with the Obama administration giving vague support and the Aquino III administration having unfavorable legal standing in its treaty with the US, the attempt to balance the presence of the two superpowers is said to be difficult and risky. However, despite the risks, the resolve of the B. Aquino

administration to straighten out and strengthen its standing in the WPS would bore "good fruits." The first is that further efforts to increase the capability of the Philippine military came about through the signing of the Enhanced Defense Cooperation Agreement (EDCA) between the Philippines and the US on April 28, 2014. Aside from the Chinese threat, the EDCA became a response in an internal security matter which occurred in the Philippines in 2013 - the onslaught of Super typhoon Yolanda (Typhoon Haiyan). It answered the third problem stated earlier as it allowed the US to have a rotation of their troops in the Philippines, allowing them to have extended stays and the capability for them to build and operate facilities on Philippine bases provided that they would not establish any permanent military bases (Dizon, 2015). Therefore, whether a situation is ISO-related or TD-related, the presence of the US Military could help solve the problem. It also cleared some gray areas, albeit still vague, in the commitment of the US towards the concerns of its ally.

Towards the end of the Aquino III administration, besides the surrender of arms of the MILF, another critical feature that defined the current administration's contemporary security environment is the ruling of the arbitral tribunal constituted through the United Nations Convention on Law of the Sea or UNCLOS. The said tribunal ruled in favor of the Philippines on June 12, 2016. The ruling says that there was no legal basis or historical rights for China to claim the rights to resources within the contested area also known as the area within the "nine-dash line." It also clarified the standing of the UNCLOS and defined the geographical implications of the contested islands. It also reprimanded China for its insistent and aggressive behavior in the WPS despite the Philippines v. China's case being heard. However, the Chinese government rejected the ruling and continued doing the actions pointed out by the UNCLOS even during the transition of the Aquino III administration to the Duterte Administration.

The reality stated earlier regarding the weak standing of the Philippines in comparison with its "big neighbor" is also a reality of the current Duterte Administration. Experts and even the current president himself have always hinted out that the Philippines cannot simply stand against China (Cook, 2018). Therefore, the next part will tackle the different outlook of the Duterte administration with its policies concerning China. The fate

of the transition from ISO to TD will have its side discussion along with the prospects of it to still happen at the end of the chapter.

Aquino to Duterte: A Case of Continuation or Complete Overhaul?[4]

Aquino III left the presidency with a military whose capabilities at least matched the basic minimum requirements of an ideal armed force (De Castro, 2014). Even if there is no complete transition of ISO to TD, due to the barriers aforementioned in this chapter, policies during the previous administration paved the way for the promotion of democratic control of the civilian government to its military. The efforts of the Aquino III administration to professionalize, augment the capabilities, and use the military for its intended purpose of TD have set a momentum the next administration should note. It hopingly left a legacy wanting to be once again recognized and continued to the next set of leaders during the 2016 Presidential Elections.

However, during the said elections, Liberal Party (LP) candidate Manuel Roxas II failed to secure the seat for the presidency despite his parroting of the previous administration's desires and aspirations. His "Daang Matuwid" is no match with the "Tapang and Malasakit" enchantment of Rodrigo Roa Duterte, whose unique charm captured 16 Million Filipinos across the country. By winning the elections, Cook (2017) said that he became the first president from Mindanao and the first one to become a president after recently serving a term of a local government position. In essence, the usual pattern is that a president previously had a national government position such as a Vice President or a Senator. He also adopted a mayoral approach to the presidency, in which recently, he confided that his approach is more of a mayor than a president, and thus for him, people, both supporters and critics alike should expect him to act more of the former than the latter. Duterte is also known as a highly populist president, with high trust ratings lingering for the past three and so years of his term. He enjoys the privilege of a legislature similar to his predecessor, whose majority, both in the House of Representatives and in the Senate, belongs or is an ally the party which carried the presidential journey of Duterte (Partido

[4] This part focuses on the Duterte administration’s actions from 2016 to the first half of 2018.

Demokratiko Pilipino-Laban or PDP-Laban). What differentiates Duterte from B. Aquino is that the former is more popular than the latter. Therefore, due to these factors, academics tagged the 17th and 18th Congresses as a "rubber-stamp congress." When it comes to the critics of his administration, Duterte and his supporters "adopted a maximalist view of the presidential mandate in line with (his) mayoral approach" (Cook, 2017, p. 270). Others coined it as the black-or-white approach. Any criticism, as long as directed against the president or his administration, is seen as an "unjustified attack on the president and his mandate." Retaliation of the critiqued follows such criticisms. For example, Benjamin Reyes, the Dangerous Drugs Board (DDB) chairperson in 2017, became a subject of the said retaliation. Duterte fired him after citing verified data regarding drug addiction in the Philippines, which showed numbers lower than what the president used to justify the government's war against drugs.

President Duterte's popularity and leadership outlook are not the only factors which affected the internal security operations and territorial defense policies of the State. The transition of the AFP Internal Peace and Security Plan from *Oplan Bayanihan* of the Aquino Administration to the *Oplan Kapayapaan* became a huge factor in the fate of ISO and TD during the said administration. According to Simangan and Melvin (2019), the war-on-drugs rhetoric is highly related with the government's attempt to quell the communist insurgency in the country. With the focus being shifted with these, critics have complained about the Philippines' tolerant attitude towards China. The next parts will put into detail the myriad of issues concerning the Duterte administration and the status of security sector and governance with its policies.

Internal Security

Duterte's internal security plans during the electoral campaign and actions as the president sparked more exceptional promise than his predecessors. Duterte spoke of cooperation with the Philippine militant left and promised them spaces in his cabinet. The last time that this promise happened was during C. Aquino's administration, which brought adverse effects with her relationship with the military, and also during Aquino III's, although they belong to what is known as the "moderate left." What made Duterte unique, however, is his close association with the militant

left, which started during his stint as a local government official in Davao. He is also the only candidate who expressed such a radical idea. He openly declared that he is a socialist and a student of Joma Sison, the contestable topmost communist leader in the Philippines. To prove his support, in the early times of his presidency, Duterte released nineteen communist leaders. Aside from this, using his "Mindanaoan" card, he vowed to deliver the sought-upon peace agreement with the Moro Islamic insurgency in the Bangsamoro. The leaders of the insurgency, therefore, supported him, especially that the previous administration failed to launch the BBL into promulgation formally. He would then encourage and prioritize the signing into law of the BBL. On 26 July 2018, Duterte signed Republic Act No. 11054 more known as the Bangsamoro Organic Law (BOL) which legalized the Comprehensive Agreement on the Bangsamoro (CAB). The move of the President provided an attempt to finally solve the problems experienced by the then ARMM, especially that the region experienced a siege and a declaration of martial law. Speaking of Martial Law, in the first days after its declaration on 23 May 2017, it produced among the people dark memories of the martial law implemented by Marcos. However, Cook (2017) asserted that the conduct of the armed forces during its implementation has long defeated those fears and it actually polished, for the good, the image of martial law (as a concept) and the image of the AFP. Lastly, the continuous problem of the society in dealing with illegal drugs also became a magnet for public support towards Duterte. He also had enough anecdotes during his mayorship, which people then believed as the practical approach in dealing with the said crisis. It has been Duterte's primary point in his presidential campaign and he clearly made an investment to enrich discussions about the policy.

Cook, however, contended that at the end of 2017, the Duterte administration led these three internal security concerns in worse positions when compared to what Aquino III has done. The government of the Philippines (GOP) had turned on and off continuously the negotiations table with the CPP-NPA-NDF. To reiterate, the relationship of the communist group and the GOP was not sour from the start. After the May 2016 elections, Duterte declared a unilateral ceasefire while the Communist Party released its hostages directly to the president (Simangan & Melvin, 2019). This communicated to the public that the aspiration for the long-sought possibility of peace and cooperation between

the Communist Party and the GOP might happen in this administration. Jose Maria Sison, the figurehead of the said Party, also openly supported Duterte's plan to shift the country to federalism. The initial actions of these two groups, plus the large possibility of the Bangsamoro Bill being passed into law (after its delay in the previous administration), may give augmentation to the transition of the military towards territorial defense issues. Other developments include the following: the signing of the Comprehensive Agreement on Social Economic Reforms (CASER) and the reaffirmation of the Hague Joint Declaration. The CASER is an important step as it aims to provide environmental protection, economic security, and the protection of the marginalized sectors in the society. According to Simangan & Melvin (2019), a better solution for the communist insurgency is to tackle the same issues that the CASER is trying to solve. A government committed to such framework would be a good development towards the promotion of non-violent means to address issues pertaining to internal security operations. However, on the third round of the peace negotiations, the good head start and the relationship of these two groups started to fall apart. In January 2017, clashes between the military and the communist militia ensued which then prompted Duterte to declare an all-out war against the latter. The government also terminated their commitment towards the Joint Agreement on Safety and Immunity Guarantees (JASIG) which was signed in 1995 with the NDF to protect the individuals involved in the talks. The strained relationship eventually fell into the abyss as the government, in response with the five-month siege against Islamic militant groups in May 2017, declared Martial Law in Mindanao. The move was denounced by the Communist Party and as a response called for the "intensification of armed attacks against the government" (Simangan & Martin, 2019). The Party intensified their criticisms as well towards the alleged extrajudicial killings brought forth by the war on drugs. As a response to these movements by the Communist Party, the government altogether put a halt on the peace negotiations and declared the Party as a terrorist organization. The legal front of the Communist Party did not escape the retaliation from the government. Ex-military generals have long replaced the militant left in the cabinet positions; a move compared continuously to what Marcos had done in the past. The Makabayan bloc, composed of congresspeople belonging to the militant left spectrum, had turned from being supporters to staunch critics of the administration. The shift happened because of three

things: the said rejection of militant left members from Duterte's cabinet, the war on drugs, and the burial of Marcos in the Libingan ng Mga Bayani (Cook, 2017).

Another thing, while Duterte honored the assessment of the AFP in January 2017 that declaring Martial Law is not an answer in dealing with any internal security threat experienced in the country, back then, he already gave a stern warning against the alleged spread of the Islamic State of Iraq and Syria (ISIS) ideology in Mindanao. However, after the military failed to arrest the terrorist leader Isnilon Hapilon, the latter, along with his Abu Sayyaf followers, laid siege to the city of Marawi. As a response to this development, on 23 May 2017, Duterte declared martial law and lifted the writ of *habeas corpus* in Mindanao, which would then last until December 2019. The Duterte Administration then assured the public that the siege led by the Maute Group-led network would be dealt with as soon as possible. Nevertheless, the Maute Group-led network is skillful enough to seize and defend large parts of the city and therefore, the military took a long time to conclude the siege. Even though the government successfully quelled the siege, there is no denying that the peace process in Muslim Mindanao became threatened. In the Aquino III administration, one major factor that led to the delay and eventually, non-passage of the BBL is due to what Cook said as a "botched police raid." This "botched police raid" in January 2015, also known as the SAF 44 issue, is among the controversial events that took place during the administration of Aquino III and stopped the legislative process of the BBL for the last months of the said administration. Therefore, there was a fear that a similar case would happen in the current administration. These fears materialized since it would take time before the bill gained sponsors. The Congress, after the 2017 State of the Nation Address, also removed the priority status of the said bill. The legislature would only start the reading of the bill in the 4th quarter (4Q) of 2017 (House of Representatives) and 1Q of 2018 (Senate). Lastly, Duterte did not escape the human rights narrative. The accusation of acquiescence of the state resorting to extrajudicial killings has always been thrown towards the chief executives of the country. But the topic of human rights violation (HRV) has become a hot one during this administration. For example, the most critiqued internal security policy that Duterte is said to be accountable for is the War on Drugs. Cook stated that in 2017, the number of those who oppose the said policy, either

local or international, reached a significant level. Non-governmental organizations (NGOs) started to publish reports linking the war on drugs to thousands of deaths in the country. These groups accused Duterte and his administration of entities committing crimes against humanity. Senate hearings started to tackle topics of police misconduct, and surprisingly, those who spearheaded the hearings were not all from the opposition. The publicity that the PNP received during those times and as a result of the hearings, erring police officers were sent to Muslim Mindanao and the PNP was withdrawn from being agents of the government in the said war. The PDEA would then lead the PNP to ensure that the abuses done by the latter would not continue. After all, the PNP promised to clean its ranks from corruption and acts of extreme violence. Yet what happened is a cycle or series of withdrawing and rejoining since the PNP leadership is seen incapable of assuring the people that its ranks are indeed cleansed, and the administration is also unable to suppress the public outrage the killings have caused.

Territorial Defense and Foreign Policy

In the first months of his term as the president, Duterte has been vocal to adopt an independent and Filipino-focused foreign policy. It sought to limit its relations with the US (through a number of ways like downscaling military exercises) while strengthening its relationship with its immediate neighbors, such as the ASEAN states and China. The Marawi siege, however, exposed many inconsistencies with this plan. Cook (2018) said that the American military influence significantly tipped the scale of the battle towards the favor of the Philippine government. Duterte, realizing the still-living potential of strengthening the Philippine military force when guided by their American counterparts, allowed the upscaling of bilateral military exercises, which would start in 2018.

While the relationship between the Philippines and the US became rocky, the former significantly improved its relations with the ASEAN community and China. After the Marawi siege, a trilateral alliance to conduct counterterrorism measures was established by the Philippines, Malaysia, and Indonesia. It involved maritime and air patrols and cooperation among the three so that terrorist movements would be controlled. However, the

downside is that the focus of the ASEAN Community in the events of Marawi took away its sights towards the WPS.

Even though China continued its aggressive behavior concerning the WPS, which is similar to what conspired in the Aquino III administration, the reaction of the current administration is a bit different from the former. According to Cook (2018), the president and the DFA reacted with a milder tone compared to the past administration. Duterte encouraged respect and cooperation with the said superpower. With his blessing, the country restarted agreements to conduct joint resource development programs. The reason why Duterte always points out the need to embrace China is that the latter's support would be instrumental with the former's administration's economic plans. According to Cook (2018), while the Philippines benefited from the US in the dimension of security, specific policies of China, such as the Belt and Road Initiative, could support infrastructure programs. Therefore, relations were improved in the side of China to seek support for the Duterte administration's Build, Build, Build program.

SSRG Prospects: A Way Forward

The writing of this chapter coincided with one of the major issues that the Duterte Administration would face - the COVID-19 Global Pandemic. It is important to note though that the current president has retained its popularity from the start. It is most likely that in the rest of 2020 and up to 2022, that popularity would not sharply decline. The popularity that Duterte enjoys affects his subjective control over the military. Despite his juggling foreign affairs policies, shifts in ideological alliances, mayoral approach in presidency, and among many other factors, he retained the loyalty of the military in his hands. He has succeeded in controlling the military subjectively. However, objective control is still the desirable means to control the military since the control is through governance and not through a single entity like the Chief Executive. Objective control stays true with its other term - civilian control, in which the people are supreme over the military institution. It can only be done through a reform in the security sector.

Given the challenges that the country faces in transitioning the military from ISO to TD, it is most likely that the trend of subjective control will continue. There are still two years that remain for the Duterte administration and its foreign alliances would play a key role in establishing SSRG in the country. There are already reports that China allegedly puts countries into debt traps, and once the country is "trapped," China offers a way out through an exchange of the country's assets and resources. While Beijing continuously denies this phenomenon, it would indeed affect the Philippines if it really is the case since it would mean that the former exercises both hard and soft strategies to justify their claim in the contested area at the Panatag Shoal.

The Philippines' rocky relationship with the US still holds a significant part in the success of SSRG in the country. It is among the countries with a strong backing by civil society organizations that promote SSRG. The greatest weakness of this relationship however is the US' insistence to stay in a gray area in terms of its response once China steps on a higher gear in its aggressiveness in the contested regions of East and SEA. The Duterte administration's recent actions, such as its pullout from the EDCA, further creates a distance between the two countries who have been allies since the end of World War II.

The Duterte Administration must also deal with the criticisms coming from the international community. The War on Drugs and the declaration of the government that the Communist Party are terrorists are the usual issues that groups, such as those fighting for the promotion of human rights, point out. Simangan and Martin (2019) said that as a result of Duterte terrorist-tagging, policies such as "hamletting" of communities were implemented. They explained that even though the Communist Party is known to commit human rights violations, the government must not implement a military solution as it "will only feed the violent cycle of insurgency and counter-insurgency." The orders of the administration are communicating that rule of law and the current form of the security is not effective and therefore must be thrown away. Simangan and Martin (2019) recommended that the government must continue to have a sober but effective approach towards the insurgency and not fall towards the path of even violating the Comprehensive Agreement to Respect Human Rights and International Humanitarian Law (CARHRIHL) which it signed alongside the Communist Party in 1998. After all,

CARHRIHL did not came into existence to protect the lives of insurgents but it is to protect the civilians which are among those greatly affected by the war. The challenge for this, however, is the fact which was opened up in the previous chapters: the country's democracy is fragile. Despite the critique that the government is embracing non-democratic means to quell a rebellion, the War on Drugs still is ongoing, and the administration still enjoys a high approval from the people.

The next few years would test how Duterte would use these relationships with China and the US to bring the country towards territorial integrity, economic prosperity, significant human development, and the like. With a crisis looming not just in the country but in the whole world and a potential to spawn both ISO and TD problems, it is only necessary that the country starts re-assessing its priorities and thread a path towards reform. It must make its military efficient by removing and transferring responsibilities intended for ISO to the police and start allocating its budget towards TD-related expenses and training. Without a doubt, the future actions of Duterte and his successor in terms of the security sector would be instrumental in leading the Philippines either closer or further to SSRG. If there would be no significant developments that would happen for the next years, further complications in the internal security which would then cause a delay in a more robust focus in territorial defense would most likely follow.

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CHAPTER 4

Legal Context of SSRG in the Philippines and its Relevance

by: Madeleine Mae DC Yabut

Each country has its own historical, cultural, political, and socio-economic conditions and experiences of security ("Security sector reform," n.d.). The linkage between these conditions and experiences and how they affect each other greatly shape the landscape of a country's security sector. However, when states fail to provide stability and security for their citizens, a security sector reform is necessary. Under the report of United Nations Security Council (UNSC) on SSR (2008, p. 16), a number of common features are needed in a security sector:

(a) a legal and/or constitutional framework*: a framework providing for the legitimate and accountable use of force in accordance with universally accepted human rights norms and standards, including sanctioning mechanisms for the use of force and setting out the roles and responsibilities of different actors;*

(b) an institutionalized system of governance and management: *mechanisms for the direction and oversight of security provided by authorities and institutions, including systems for financial management and review as well as the protection of human rights;*

(c) capacities: *structures, personnel, equipment and resources to provide effective security;*

(d) mechanisms for interaction among security actors: *establishing transparent modalities for coordination and cooperation among different actors, based on their respective constitutional/legal roles and responsibilities; and,*

(e) a culture of service: *promoting unity, integrity, discipline, impartiality and respect for human rights among security actors and shaping the manner in which they carry out their duties.*

These five features are fundamental tools to attain an effective, efficient, and well governed security provision system,

which then contributes toward conflict prevention, stability, peacebuilding, good governance, and sustainable development (UNSC, 2008). However, at the core of these features is the idea that a reform in the security sector must be a nationally owned process based on each country's needs and priorities (Ebo & Powell, 2010). This means that national actors must develop their own security sector reforms based on their security challenges, as well as the capacity to sustain the whole reform process.

In the Philippine context, reform in the security sector officially began after the fall of the Marcos regime when it transitioned from an authoritarian system of government to a democracy. While security sector reform is necessary, it is not a sufficient instrument for lasting peace and security. Thus, there was a need to integrate it to the broader democratization process of the country towards respect for rule of law, human rights, and good governance (Commission of the African Union, 2014). This chapter aims to show how the Philippines, as a national actor, reformed and developed its security sector based on its prevailing security challenges and priorities.

Legal Context of Philippines' Security Sector

The concept of security sector reform highlights the importance of democratic principles of governance such as transparency, accountability, responsiveness, and wider participation of the people. In the 1987 Philippine constitution, a mandate of democratic principles governing the security sector is clearly provided. This is then further supported by legislative statutes, executive decrees, and policy pronouncements by government agencies. Institutions are either created through the constitution, through its bylaws or through the security sector institution concerned. As an example, the provision in the 1987 constitution that created the Office of the Ombudsman became a guide in the provision of a deputy ombudsman in charge of the military and other law enforcement agencies like the NAPOLCOM (Institute for Strategic and Development Studies, 2011). The NAPOLCOM is an agency responsible for ensuring a more efficient administration and supervision of the PNP (*National Police Commission*, n.d.).

In terms of transparency, the Philippines' legal framework is also straightforward in defining the tasks and responsibilities of the agencies within the security sector. Although most often far from what is practiced, there is clear institutional and functional separation between the military and the police (Institute for Strategic and Development Studies, 2011). While the military is in charge of addressing external and internal threats to serve the people and secure the land, the police focus on the enforcement of laws and ordinances, as well as other statutory functions. Furthermore, there are oversight mechanisms in order to check if they uphold the Constitution and other pertinent laws and issuances, strategies, and policies in accomplishing their tasks and responsibilities ("Philippine National Police," n.d.).

On accountability, the Philippines has different legislation in order to make government officials and other personnel responsible and sanctioned for their actions in case of a violation. Examples of these legislation are Republic Act no. 3019 (Anti-Graft and Corrupt Practices Act), Republic Act no. 6713 (Code of Conduct and Ethical Standards for all Government Officials and Employees), and Republic Act no. 7080 (Act defining and penalizing the crime of Plunder). Within the security sector, the military also has a Code of Ethics which allows them to become accountable if they go against their tasks and responsibilities. The police, on the other hand, has various programs and activities which provide moral and ethical guidelines for all members of the police force (Institute for Strategic and Development Studies, 2011).

For a more responsive security sector, there are mechanisms in place in order to accommodate complaints and recommendations of the people. Under the Office of the President, the Office of Military Affairs and the NAPOLCOM are the two government agencies which are tasked to receive complaints and recommendations involving the military and police respectively (Institute for Strategic and Development Studies, 2011). Due to this, different institutional changes and reform initiatives were established to promote better governance in the sector.

The constitution, as well as its by-laws, generally give voice to the public and other groups in the country to partake in matters relating to the security sector. For example, civil society organizations (CSOs), which are considered vital agents for

empowering people, enforcing political accountability, and improving inclusiveness of governance, have the power to monitor military and police forces and provide input into its security policies (Caparini, 2004).

These lay out the foundation of how the Philippines has changed in addressing its security priorities, issues, and challenges post-martial law and upon the formation of the 1987 constitution. While democratic principles in the security sector are already present, much is to be done and improved. Laws and policies are still needed in order to fully achieve a good and democratic security sector governance.

On National Security, Defense, and SSG

To continually meet the evolving security environment and challenges of the 21st century and strengthen the integrity of the security sector, reforms are necessary within the sector and in other areas where security is concerned. One of the significant strategic policies passed in relation to a reform in the security sector is the National Security Policy (NSP) during the presidency of B. Aquino (2011-2016) when he formally included security sector reform in his social contract with the Filipino people. The NSP is a statement of principles which guides national decision-making and determines strategic priorities of the country under its current administration.

In then President B. Aquino's NSP, a great shift was seen in terms of the concept of security. Unlike the customary military-centered security, he highlighted a people-centered security where the safety and overall well-being of the people is the utmost priority. Furthermore, his NSP highlighted the significance of democracy and further emphasized plans to provide an enabling environment conducive in achieving security, peace, and prosperity of the nation. While there is a difference in focus and approach, the NSP of President Duterte (2017-2022) still stressed the importance of the Filipino people in the development of one's country. According to his NSP, long-lasting peace can only be attained if the fundamental needs of every man, woman, and child are met. Additionally, his NSP encourages wider participation of the people in governance, in the implementation of public policies, in cultivating a culture of peace, and in safeguarding the safety of the people, as well as enactment of peace and security legislation

that would further strengthen security sector governance and peace-building efforts of the government. Specifically, President Duterte's NSP included a 12-point National Security Agenda – Human and Political Security, Health Security, Economic and Financial Security, Food and Water Security, Military and Border Security, Socio-Cultural Security, Environment and Disaster Security, Energy Security, Maritime and Airspace Security, International Security, Informational and Cyber Security, and Transportation and Port Security – which highlights the security priorities of the administration in protecting the Filipino people, their way of life, safeguarding territorial integrity and sovereign rights, among others.

Aside from the NSP, laws and policies were also passed in other institutions and agencies of government to better improve and reform the whole security sector. One of these institutions was the DND. Upon the formation of the 1987 constitution, the DND was given the executive supervision of the AFP, the Office of Civil Defense (OCD), the Philippine Veterans Office, the National Defense College of the Philippines (NDCP), and the Government Arsenal in order to fulfill its mandate to serve and protect the Filipino people, to protect the States, and to ensure security and peace in the country ("The Department of National Defense," n.d.).

In 2018, the DND launched a National Defense Strategy (NDS) for 2018-2022. The NDS is anchored on two previous policy strategies under the Duterte Administration – 2017 NSP and 2018 National Security Strategy (NSS). The former outlined the overall national security objectives of the government, while the latter characterized the country's national security interests based on their importance. These then were harmonized into the NDS which maps out the planning, prioritization, and resourcing processes of the DND. Among other things, the NDS emphasizes that national security is no longer about defense merely, but also guaranteeing public safety and achieving good governance. It lays down a plan for the attainment of the national vision of creating a safer and more prosperous Philippines where our national values and way of life are protected and enhanced.

With the help of the DND, Republic Act no. 7898, or otherwise known as the AFP Modernization Act, was formulated in 1995. The AFP Modernization Act is a security sector reform

modernizing the AFP to the extent where it can effectively and efficiently perform its constitutional mandate in upholding the sovereignty and in preserving the patrimony of the Republic of the Philippines. Specifically, it called for the “civilianizing” of the AFP to become a more self-reliant and strategic citizen-based force where respect for people’s rights is upheld and where peace-keeping and external security is the utmost priority. The act was amended in 2012 during the presidency of B. Aquino as Republic Act no. 10349 in terms of the acquisition of equipment, development of doctrines, period of implementation, and most importantly, to become a multi-mission-oriented force capable of effectively addressing both internal and external security threats.

In addition to the aforementioned modernization act of the AFP, a Development Support and Security Plan (DSSP) Kapayapaan for 2017-2022 was created, which centers on compassion and radical change on sustaining peace, ensuring security, and maintaining public order to foster the foundation for inclusive economic and human development of the Filipinos adherence to the principles of Human Rights, International Humanitarian Law, and Rule of Law (HR/IHL/RoL) are continuously internalized by the whole AFP. Under the plan, the AFP recognizes that a military-focused solution is insufficient in addressing prevailing security concerns and that cooperation with all other stakeholders – NGOs, CSOs, academe, and the religious sector – can help bridge the gap in the realization of sustainable and lasting peace. In relation to this, the AFP also launched the IPSP Bayanihan in 2010, which was concentrated on the idea of “Winning the Peace” through the “whole-of-nation” and people-centered approaches. To follow this, the main strategy of the plan is the adoption of a Development-Governance-Security framework where the AFP’s operations and activities are harmonized with the efforts of other stakeholders under the shared understanding of the linkages between development, governance, and security. The DSSP Kapayapaan also serves as support to the 2016 Executive Order no. 5, adopting “Ambisyon Natin 2040” of the National Economic and Development Authority (NEDA) as the 25-year long term vision and aspirations of the Filipino people for themselves and for the country. Specifically, the “Ambisyon Natin 2040” highlights the destination, a picture of the future of where Filipinos want to be, which manifests the overall development plans of the country.

In relation to this, the NEDA has also launched a Philippine Development Plan (PDP) in 2016, the first of four medium-term plans that will work towards realizing “Ambisyon Natin 2040”. The plan’s main objectives are to empower the marginalized sector, push for improved transparency and accountability in governance, and fuel a globally competitive knowledge economy. Specifically, it intends to make growth more inclusive by lowering the poverty incidence in rural areas, creating and making more jobs available, making individuals and communities more resilient, driving innovation, and building greater trust in government and in society as a whole.

To counteract threats to peace and order posed by criminality, insurgency, and subversion, and to strengthen the citizens’ participation and good governance, the DILG was mandated to create and further reorganize a Peace and Order Council (POC) in every province, city, and municipal in pursuant to Section 116 of Republic Act no. 7160, or the “Local Government Code of 1991” and Executive Order no. 773 in 2009. To further expand and enhance the effectiveness of the POCs in preventing crimes and suppression, every Barangay was then mandated to create a Barangay Peace and Order Committee (BPOC) as the implementing arm of the city/municipal POC at the barangay level in pursuant to Executive Order no. 366. Specifically, the tasks of the POCs are to formulate and adopt mechanisms intended for peace and order such as adopting the Peace and Order and Public Safety (POPS) Plan and creating a Special Action Committee (SAC) on anti-insurgency and anti-criminality, crisis management, and other relevant issues. In 2019, a new Memorandum Circular no. 143 took in effect to harmonize and codify existing policies relating to POCs and additional guidelines concerning POPS plans. The local PNP, in partnership with DILG, was the agency tasked for the implementation and enforcing of the plans created by the POCs.

In connection with the POPS plan, the PNP, a community and service-oriented agency pursuant to its mandate found in Section 2, Republic Act no. 8551, has developed its Community and Service-oriented Policing System (CSOP) in order to implement the POPS plan. The CSOP is a strategy of policing that focuses on building ties and working closely with members of the communities. It is a philosophy promoting organizational strategies, as well as the systematic use of partnership and

problem-solving methods, to address immediate conditions that give rise to public safety issues such as crime, social disorder, and fear. Aside from the creation of a system which engages the citizens and institutions to promote public safety and deliver good governance, the PNP has also undergone reforms through the adoption of the PNP Patrol Plan 2030. The Patrol Plan 2030, or otherwise known as the PNP Peace and Order Agenda for Transformation and Upholding of the Rule of Law, is the PNP's strategy for real and lasting transformation through the adaptation of the Balanced Scorecard as a management and measurement tool in order to attain its vision of becoming a highly capable, effective, and credible police service where justice, accountability, and human rights are valued and instilled. To address the evolving threats and risks of the internet, the PNP has also created an anti-cybercrime group in order to capacitate the police force on issues relating to cybercrime and cyber security, as well as to enhance response in maintaining a safe and secure Philippine Cyberspace. Laws enforced by the PNP in relation to cyber security also include Republic Act no. 9775 also known as the Anti-Child Pornography Act of 2009, Republic Act no. 9208 or the Anti-Trafficking in Persons Act of 2003, amended as 10364, and many more of which affects the overall national security of the country and well-being of the Filipino people.

Another reform in the security sector is the creation of the Office of the Presidential Adviser on the Peace Process (OPAPP) on September 15, 1993 through Executive Order No. 125. The Executive Order no. 125 mandates the agency to oversee, coordinate, and integrate the implementation of the comprehensive peace process. The OPAPP has been taking part in two peace tracks. The first of which is to negotiate for peace settlements with rebel groups. As examples, last December 6, 2002, the Government of the Philippines' peace panel signed a peace agreement with Rebolusyonaryong Partidong Manggagawa ng Pilipinas/Revolutionary Proletarian Army/Alex Boncayao Brigade (RPM-P/RPA-ABB), which ended armed conflict between the two parties. Specifically, the agreement called for the cessation of hostilities, release of political prisoners, establishment of confidence building measures, implementation of development projects in addressing poverty and rehabilitation, and lastly, enactment of policy reforms promoting the actualization of empowerment of the marginalized sector in governance. Another example of the peace settlements is the Closure

Agreement with Cordillera Bodong Administration and Cordillera People's Liberation Army (CBA-CPLA) which was concluded on 14 July 2011 after years of talks and peace negotiations. The Closure Agreement contains community-identified projects, livelihood and employment support for CPLA members, sub-regional development projects, legacy documentation, and final disposition of arms and forces, toward their complete transformation into a socio-economic organization helping in the promotion of peace and the development of Cordilleran communities. The second peace track of the OPAPP is to address the roots of armed conflict on the ground through the PAyapa at MAsaganang PamayaNAn (PAMANA) program. The PAMANA program was officially launched in 2011 as a priority program of the government supporting the peace negotiation track and contributing to the goal of just and lasting peace. It was further embodied in Chapter 9 on Peace and Security of the PDP for 2011-2016 and Chapter 8 on Peace and Security of the updated PDP for 2011-2016. The objectives of the program are to address injustices, to improve governance by building the capacity for National Government Agencies (NGA) and Local Government Units (LGUs) for a conflict-sensitive, culture-sensitive and gender-sensitive approach to human rights promotion and development, peace-promoting, and lastly, to empower communities in addressing issues of conflict and peace.

Just recently, on March 11, 2020, the DND, DILG, and OPAPP signed a tripartite Memorandum of Agreement (MOA) to jointly implement 643 high-impact peace and development projects in the country under the PAMANA program. According to the General Appropriations Act for the year 2020, PAMANA projects will be implemented by LGUs, while the DND, through the AFP, will monitor and supervise the implementation of the projects in coordination with OPAPP and DILG project management teams. On the other hand, the DILG will help OPAPP oversee, monitor, and validate the implementation of PAMANA projects, while ensuring the active participation of local chief executives (LCEs), DILG field offices, and other community stakeholders.

On Muslim Mindanao Security Reform and Governance

In the southern part of the Philippines, security sector reform has emerged from a concrete context of conflicts, which were triggered by the state's failure to resolve the problem of

political powerlessness, economic underdevelopment, social injustice, and cultural alienation of the Moros. Due to growing discrimination and marginalization, the MNLF was formed in 1969 and officially begun an armed resistance in 1972 against the administration of then President Ferdinand Marcos to establish a self-determining Moro identity in the Bangsamoro. With the increasing deaths from both the government soldiers and the MNLF, the Organization of the Islamic Conference (OIC) mediated and facilitated negotiations between the Government of the Republic of the Philippines (GRP) and the MNLF, but the former broke off the negotiations. On 14 August 1975, President Marcos proposed a peace plan, but the MNLF rejected the proposal. Finally, in 1976, with the help of the OIC conciliation commission, the parties agreed to sign the Tripoli Agreement in Tripoli, Libya, which resulted in the cessation of military hostilities, as well as ceasefire. In 1979, then President Marcos issued Presidential Decree no. 1618, establishing an autonomous region in southern Philippines. However, many were still unsatisfied, which caused the creation of the MILF in 1984 (Bell & Utley, 2015).

The administration of C. Aquino resumed talks and negotiations with the MNLF, resulting in the creation of the Jeddah Accord in 1987, which sought to create a Joint Commission that will discuss and draft a mechanism and details of the proposal to grant full autonomy to Mindanao. On August 1, 1989, Republic Act no. 6734 or the Organic Act for the ARMM was passed, but the MNLF rejected it and negotiations were halted until 1992 when then President Ramos resumed the peace negotiations. After four years of an interim ceasefire and exploratory talks, the Final Agreement on the implementation of the 1976 Tripoli Agreement was signed by the GRP, now Government of the Philippines (GPH), and the MNLF in 1996. The agreement contained two phases. Phase 1 includes a three-year transition period to join MNLF elements with the AFP and PNP, as well as intensive socio-economic rehabilitation in the region. Phase 2 consists of the devolution of powers and amendment or repeal to the Republic Act no. 6734 of the ARMM. While the MNLF was already appeased, the MILF resisted and negotiations between GPH and the latter continued (Bell & Utley, 2015).

After 17 years of negotiations with the MILF, the CAB was finally signed on March 27, 2014. The CAB is a five-page,12-point text document representing the final peace agreement between

the two parties, paving the way for the creation of a BBL, which will provide the establishment of a Bangsamoro Autonomous Political entity.

The BBL, now the Bangsamoro Organic Law (BOL) or the Republic Act. no 11054, was officially passed and ratified on January 25, 2019, which created a new autonomous political entity in the Bangsamoro Autonomous Region (BAR), ending their decades-long struggle for independence and self-determination. The passage of the BOL was seen as a new hope for the Moros to finally have long-lasting peace and an effective governance where human rights and rule of law is preserved and respected.

On 21 January and 6 February 2019, the plebiscites, where the Moros vote for the inclusion in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), were held. The previous ARMM areas now include Maguindanao, Lanao del Sur, Basilan, Sulu, Tawi-tawi, and the cities of Marawi and Lamitan, as well as Cotabato City and 63 barangays in six North Cotabato towns. In May 2022, the first Parliamentary elections will be conducted to elect officials that will fully cater the needs of the Moros in the BARMM areas.

In the exercise of its right to self-governance, BARMM is free to pursue its own political, economic, social, and cultural development as provided in Article IV, Section 2 of BOL. From extensive military presence and rule in previous ARMM, The BAR will establish a parliamentary and democratically civilian government where civilian authority is superior over the military at all times. The BAR will have the authority to enact laws in promoting, protecting, and ensuring the general welfare of the Bangsamoro people and other inhabitants of BARMM. It will be headed by a Chief Minister, which will be elected by the Parliament through a majority vote of all its members while the members will be elected by the people. Consistent with a parliamentary form of government, a Wali will be chosen from a list of names of eminent residents of BARMM, which will serve as the ceremonial head of the Bangsamoro government.

The justice system of BAR will be in accordance with the 1987 Philippine Constitution, Shari'ah law, traditional or tribal laws, and other relevant laws. However, according to Article X, Section 1 of BOL, Shariah will only apply to cases involving

Muslims, unless in a case where a non-Muslim is involved and voluntarily submits to the jurisdiction of the Shari'ah court. On the other hand, traditional or tribal laws will be applicable to disputes involving Indigenous Peoples in BARMM. The BOL does not prejudice the rights of all residents of BARMM and contains significant provisions on the most vulnerable sectors of society, including the non-Moro Indigenous Peoples. The BOL entails an obligation to ensure reserved seats in elections for non-Moro IPs and lists extensive IPs' rights in Article IX, Section 2. Indigenous Peoples Code will also be created, which provides opportunity for the Indigenous communities, leaders, and activists to promote their rights and interests.

Despite greater autonomy and a separate form of government, the Bangsamoro government will remain an integral part and have an asymmetrical relationship with the National government. Various intergovernmental coordinating bodies will be organized to ensure proper coordination between BARMM and the central government. Article XI of BOL, however, outlines that the defense and security of the BAR will remain a responsibility of the National government. In accordance with the Department of the Interior and Local Government Act of 1990, as amended by the Philippine National Police Reform and Reorganization Act of 1998, the Police Regional Office in BAR will be under the direct operational control and supervision of the PNP. Members of the MNLF and MILF may be admitted to the police force with the qualifications for age, height, and educational attainment waived if availed within five years after the ratification of the BOL, provided further that the requirement of educational attainment will be complied within fifteen years upon entry and that their ranks and grades will be subjected to existing laws, rules, and regulations governing the PNP.

On Terrorism and Transnational Crimes

The Philippines has had a long history of terrorism. With the evolving internal and external security threats, terrorism has already infiltrated other forms of crime like transnational organized crimes. Terrorism involves crimes committed with political or social objectives while Transnational organized crimes seek to obtain financial or other material benefit (United Nations Office on Drugs and Crime, 2018). However, activities of terrorists and organized criminal groups can overlap. Nowadays, terrorist

groups use organized crime activities to fund their political or social objectives such as drugs, arms, and human trafficking, sex slavery, extortion, and many other illicit and illegal activities. The Philippines has had a long history of terrorism. Despite evolving internal and external security threats and challenges, the issue remains persistent across the country. According to a study of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Human Rights, Terrorism, and Counter-terrorism (2008), terrorism directly affects the people through devastating consequences for the enjoyment of their right to life, liberty, and even physical integrity. Alongside this, terrorism also destabilizes the Government, undermines civil society, jeopardizes peace and security, and threatens the overall social and economic development of one country. Thus, a measure and strategy under principles of human rights and rule of law are needed in order to properly address this grave issue. On 6 March 2007, the country passed Republic Act no. 9372 or the Human Security Act (HSA) of 2007, which condemns terrorism as inimical and dangerous to the national security of the country, as well as to the welfare of the Filipino people. Although it went under numerous debates, the law emphasizes that security and human rights go hand in hand with each other. Without respect for human rights, security can never be fully achieved. Furthermore, the law was specifically legislated in order to address terrorism in the southern part of the country, where most militant groups are primarily located.

Aside from the HSA of 2007, other laws and policies are being used by the country in order to tackle terrorism and address its prevailing impacts to human life and dignity. Last 23 May 2017, Marawi City was besieged by militants affiliated with the Islamic State of Iraq and the Levant (ISIL), which caused a five-month long conflict between the said group and the Philippines' security forces. A death toll of 100 were reported and 98% of the total population of Marawi, as well as residents from nearby municipalities, were displaced and compelled to leave due to fear, severe shortage of resources, and constriction of the local economies. As part of the solution, President Duterte declared Proclamation no. 216 in order to put Mindanao under a state of Martial Law. The main purpose of the declaration was to address the Islamic terrorism in the area and to keep it from escalating to other parts of Mindanao. Moreover, the Martial Law helped the government to rebuild and rehabilitate the city of Marawi and to ensure the safety of the Moros residing in the area.

To avoid a repeat in the most prominent act of terrorism in recent history, the National Action Plan on Preventing and Countering Violent Extremism (NAP-PCVE) was approved by the government's Anti-Terrorism Council (ATC) on 27 May 2019. The plan is the government's comprehensive approach to addressing terrorism and violent extremism in the Philippines through the participation of a wide range of stakeholders, including communities, schools, religious sector, and social media groups where, according to the then AFP Chief Eduardo M Año who headed the battle in Marawi, almost 90% of recruitment takes place. This approach follows the plans being adopted by other countries like the US, as well as multilateral organizations like the UN when it released a plan in 2016 and a counterterrorism office in 2017. The DILG is the tasked agency in the implementation of the plan in pursuant to Memorandum Circular no. 2019-116. According to DILG's Undersecretary for Plans, Public Affairs, and Communication, Jonathan Malaya, the ATC recognized a number of factors behind violent extremism that will be addressed in the plan: 1) poor governance, corruption, political injustice and marginalization, and lack of basic services, which are to be addressed by the DILG; 2) lack of business and livelihood opportunities, to be addressed by the Department of Finance and NEDA; 3) minimal or no infrastructure projects, to be addressed by the Department of Public Works and Highways (DPWH) and NEDA; and, 4) existing presence of terrorist groups, porous borders, massive incidence of violence, addressed by the DND.

In relation to this plan, Executive Order no. 70 was also issued by President Duterte which called for the creation of a national task force that will help work out mechanisms to end the decades-long communist insurgency in the country. A "whole-of-nation" approach was utilized, which aims to address the root causes of insurgencies, internal disturbances, tensions, and other armed conflicts and threats by prioritizing and harmonizing the delivery of basic services and social development packages in conflict-affected areas and vulnerable communities to attain an inclusive and sustainable peace. The main role of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) was to formulate and start implementing a national peace framework, which outlines the principles, policies, plans, and programs of their actions such as strategic communication, advocacy and peace constituency plans in case of ceasefire, and

capacity-building measures to enable LCEs and local peace bodies to engage in and facilitate local peace engagements or negotiations and interventions. NTF-ELCAC's mechanisms in maintaining public safety and internal security include strengthening internal security operations of the security forces against armed groups, providing basic services and social development packages in conflict-affected areas and vulnerable communities, and conducting localized peace talks. This is in relation to Administrative Order No. 10, which created the Task Force Balik-Loob to implement the Enhancement of the Comprehensive Local Integration Program (E-CLIP) to the Community Party of the Philippines/New People's Army/National Democratic Front (CPP-NPA-NDF). Exploratory talks with CPP-NPA-NDF started during the Macapagal-Arroyo administration where the Comprehensive Agreement on Human Rights and International Humanitarian Law (CAHRIHL), which served as the landmark agreement between the Philippine government and the CPP/NPA/NDF, was created.

On Territorial Defense and Maritime Domain Issues

As early as the 1970s, the Philippines and other sovereign states – China, Brunei, Indonesia, Taiwan, and Vietnam – have begun to claim islands and various zones in the South China Sea which possess rich natural resources and vast fishing areas, resulting to a dispute. The case of the Philippines is focused on two basic claims: first is the claim to the features known as Scarborough Shoal; and second is the claim to the Kalayaan Island Group (KIG), which encompasses a variety of notable features in the Spratly Island chain, including Reed Bank, Mischief Reef, Itu Aba, Second Thomas Shoal, and Fiery Cross Reef (Rosen, 2014). From a legal perspective, all the claimants are parties to the two most significant legal mechanisms regarding multilateral disputes: The United Nations Charter and the 1982 UNCLOS. Under these conventions, state parties have the obligation to settle their disputes by peaceful means, such as negotiation, regional arrangement, and international arbitration. The UNCLOS, however, goes a step further and indicated detailed approaches of solving conflicts at sea for its parties. For example, chapter XV, Section 2 of UNCLOS have compulsory procedures that allows a state party individually to take its conflict with another state in an international court or arbitration depending on the type

of dispute, which was the strategy of the Philippines against China in the South China Sea arbitration (Trang, 2019).

The Philippines pursued its case in accordance to its national constitution and its laws and policies on territorial, maritime, and fishery matters. According to the 1987 Philippine Constitution, Article XIII, Section 2, “The State shall protect the nation’s marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.” Additionally, Republic Act No. 8550, also known as The Philippine Fisheries Code of 1998, mandates the government to protect the rights of the Filipino people to exclusively benefit from the fishery resources; ensure the sustainable development, management, and conservation of the fishery resources in the Exclusive Economic Zone and the adjacent high seas; and provide protection against foreign intrusion. To further adhere to the UNCLOS and firm the legal basis for determination of sovereignty and jurisdiction and for purposes of negotiation with countries whose claims overlap with Philippine territory and maritime jurisdictions, the Philippines amended baselines law through Republic Act No. 9522 on 10 March 2009. On September 6, 2011, then President B. Aquino issued Executive Order No. 57 to enhance governance in the country’s maritime domain, establishing a National Coast Watch System as a central inter-agency mechanism for a coordinated and coherent approach on maritime issues and maritime security operations. Specifically, the Inter-agency National Coast Watch (NCW) was tasked in exercising total jurisdiction and direction over policy formulation, implementation, and coordination with other government agencies, experts, and foreign and local organizations on all maritime issues affecting the country.

Finally, on 22 January 2013, the Philippines filed an arbitration case against China at the United Nations-backed Permanent Court of Arbitration (PCA) to settle the maritime dispute. However, on 19 February 2013, China rejected the court’s authority to rule on the case. In the meantime, China has increased its presence in the region with Chinese government ships and fishing vessels spotted in Ayungin Shoal, part of the Kalayaan Island Group of Palawan and missile launchers, runways, barracks, and other security facilities installed in the Spratly Islands and Paracel Islands. Despite China’s refusal to participate in the arbitral proceedings, the tribunal delivered its first

award finding that it had jurisdiction to hear the case on October 29, 2015. On July 12, 2016, the tribunal ruled in favor of the Philippines in its case against China. Specifically, the tribunal concluded that China had no legal basis to claim historic rights to resources within the sea areas falling in the 9-dash line. The tribunal also settled that China violated the provisions of UNCLOS by temporarily prohibiting fishing in areas of the South China Sea falling within the EEZ of Philippines, by failing to stop Chinese vessels from fishing in the EEZ of Philippines at Mischief Reef and Second Thomas Shoal, by preventing Filipino fishermen from fishing at Scarborough Shoal, and by constructing artificial islands, installations, and structures at Mischief Reef.

CONCLUSION

The rapidly changing security landscape has obliged countries like the Philippines to strengthen its resilience to threats which affect national security and public safety. In this chapter, the different laws and policies mentioned have laid the foundation on how the country has developed in addressing its security priorities, issues, and challenges. While it has come a long way post-martial law, much is still to be done. Aside from further commitment from policy makers to effectively evaluate the nature of security threats and to formulate strategic laws and policies, strengthened coordination with institutions and other relevant actors throughout the whole reform process is necessary. There must also be continued mechanisms to ensure accountability in the implementation and enforcement of the laws and policies being adopted by the country to fully achieve a good and democratic security sector governance

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CHAPTER 5

The Role of SSRG in Preventing Conflict

by: Joed Martin S Cruz

This chapter focuses on the importance of SSRG in preventing conflicts in society. The succeeding discussion is structured into five (5) sections. Section 1 defines conflict prevention and attempts to distinguish it from related efforts such as conflict management and conflict resolution. Section 2 discusses who and what compose the security sector is in the Philippine context. The section also explains what SSRG is, and why it is important in societies, particularly in democracies. Section 3 explains the strengths of SSRG in conflict prevention. This includes a discussion on the various principles and requisites of governing and reforming the security sector, and the key actors and processes important in a successful SSRG and conflict prevention. Section 4 identifies key issues and challenges to implementing SSRG for conflict prevention in the Philippines. Section 5 concludes the chapter.

Core Concepts on Conflict Prevention

Notions of Violent or Armed Conflict

Conflict is a struggle for power by two or more opposing social actors with incompatible goals. It underscores the "heterogeneity of interests, values and beliefs that arise as new formations generated by social change come up against inherited constraints" (Miall et al., 1999 as cited in Parlevliet et al., 2005).

The conflicts referred to in this chapter are armed and violent.[5] Ott & Luhe (2018a) identified four elements that define armed or violent conflicts. First, armed conflicts involve some level of violence inflicted on opposing parties by one another. Second, they involve a group of people (*i.e.,* at least more than two individuals) than spread or expand "horizontally" to other members of the same group or "vertically" across other groups of

[5] Conflicts, in this sense, are not to be construed as individual complaints or ordinary disputes between two or among a few individuals (e.g., conflicts between neighbors, domestic violence or street riots), but are to be understood in the context of "larger societal tensions and violence" (Khan, 2005). These differences come either in the form of structural violence that is "built into the unequal, unjust, and unrepresentative social structures (Galtung, 1969 as cited in Khan, 2005) or latent conflicts that are "social tensions, differences and disagreements, which are hidden or underdeveloped" (International Alert, 1996 as cited in Khan, 2005).

people. Third, these types of conflicts involve state and/or non-state actors. It normally involves people against people, people against the state and its institutions, or states against states. And fourth, they can happen across all levels of society and can have causes, implications and consequences that are local, national, regional or international in nature. Conflicts, in this sense, are "protracted disputes" among social groups within a state or between states that can undermine peace and order, and adversely affect the development and well-being of an entire population (Igarape Institute, 2018).

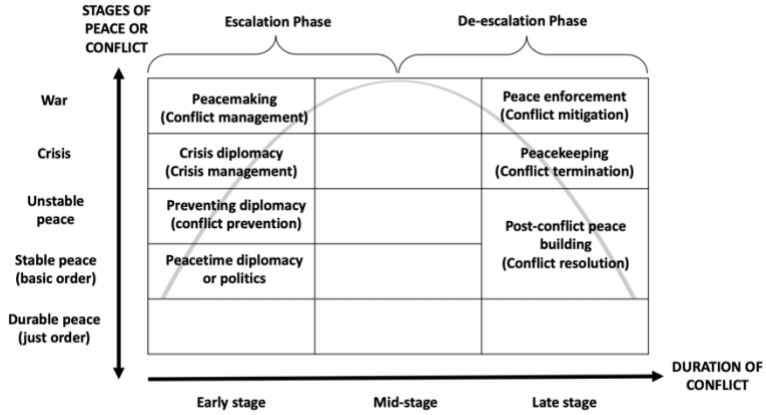
Various Approaches to Conflict

Across the vast literature focusing on conflicts across various levels of society, the concepts of conflict prevention, conflict management and conflict resolution are often interpreted synonymously, if not used interchangeably in an inappropriate manner. While the three concepts are intertwined as they may appear to share the same objectives of avoiding, minimizing and managing conflicts from occurring, escalating and/or relapse of armed conflict in society, they must be treated distinct from one another. While the three concepts are fundamentally regarded as different concepts and processes, scholars like Swanstrom and Weissman (2005) argued that they are "closely related and in many ways even inseparable."

The differences between conflict prevention and related concepts such as conflict management and conflict resolution can be best explained using the conflict cycle (or conflict curve) illustrated in *Diagram* 1 introduced by Michael Lund.[6]

[6] Michael Lund asserted that any conflict evolves as a function of conflict duration and conflict intensity. Conflicts progress in various phases (*i.e.,* durable peace, stable peace, unstable peace, crisis and war/open conflict), and those appropriate tools (*i.e.,* peacetime diplomacy or politics, conflict prevention through preventive diplomacy, crisis diplomacy, conflict management/peacemaking, peace enforcement, peacekeeping, and conflict resolution/post-conflict peacebuilding) must be applied to effectively deal with conflict work best in these phases.

Diagram 1. The Conflict Cycle[7] according to Michael Lund



Preventive measures best apply at earlier phases of a conflict (*i.e.,* where there is an "unstable peace" situation, which is characterized by high tension and suspicion among parties, but violence is either just sporadic or absent) before disputes develop into clear and active violence or armed conflict. Simply put, to qualify as conflict preventions, strategies and measures must include "preventing large-scale violent conflict explicitly among their goals" (Woocher, 2009). On the other hand, conflict management can be defined as a set of practices and responses to "limit, mitigate and/or contain a conflict without necessarily solving it" (Igarape Institute, 2018; Swanstrom & Weissmann, 2005). Management measures come in later phases when conflict become obvious and violence is imminent but has yet to occur. Moreover, conflict resolution refers to the "resolution of the underlying incompatibilities in a conflict and mutual acceptance of each party's existence." It is however effective during the de-escalation phase after the occurrence of violence or armed conflict.

Conflict Prevention

Igarape Institute's *Handbook of Conflict Prevention* (2018) provided a more elaborate definition of conflict prevention as a "combined set of tools, actions and approaches designed to

[7] as cited in Ott & Luhe, 2018a and Swanstrom & Weissman, 2005

prevent the onset of armed conflict and/or its recurrence by tackling both the root causes of conflict and its immediate triggers, both endemic and external to that setting."

Ott and Luhe (2018a) presented various definitions of conflict prevention from existing literature. Lund defined conflict prevention as "any structural or intercessory means to keep intrastate or interstate tension and disputes from escalating into significant violence and use of armed forces, to strengthen the capabilities of potential parties to violent conflict for resolving such disputes peacefully, and to progressively reduce the underlying problems that produce these issues and disputes." Meanwhile, the Berghof Foundation defined conflict prevention through four pillars of conflict prevention, namely: "identifying situations that could result in violence, reducing manifest tensions, preventing existing tensions from escalating and removing sources of danger before violence occurs."

Preventive measures consist of various activities on a spectrum between operational and structural conflict prevention measures[8] that include strengthening human right institutions, early warning and early response (EWER) (*i.e.* mechanisms to alert decision-makers of a potential conflict), infrastructures for peace or I4Ps (*i.e.* "a network of interdependent systems, resources, values and skills held by government, civil society and community institutions that promote dialogue and consultation), creation of local peace committees at the community levels, dispatch of local or "insider" mediators, and multi-stakeholder dialogues, among others (Ott & Luhe, 2018b). This broad range of activities seeks to prevent conflict not through a single intervention at one point in time, but rather "through a process of interlinked structural and operational efforts involving multiple stakeholders."

[8] According to Ott and Luhe (2018a) and Swanstrom and Weissmann (2005), conflict prevention measures generally fall into two categories: direct or operational prevention and structural prevention. Direct prevention measures are aimed at "preventing short-term, often imminent, escalation of a potential conflict," such as deploying or sending a mediator or withdrawal of military or security forces. On the other hand, structural prevention measures are long-term measures that seek to address root causes of potential conflict and its triggering or escalation factors. Such measures "shape underlying socioeconomic conditions and political institutions and processes," and seek address the basic needs of security, well-being, and justice such as provision of economic development assistance or granting of increased participation in the political processes by involved party/ies.

Out of these available definitions, a barebone definition of conflict prevention is to see it as a set of operational or structural actions that aims to hinder or prevent the occurrence, escalation, or recurrence of armed or violent conflict within and beyond a state. It fulfills at least three essential elements common to these definitions: (1) preventive measures are either direct/operational or structural, and even systemic[9]; (2) preventive measures target conflicts and tensions within borders and across states involving both state and non-state actors; and (3) preventive measures are implemented before violence happens, escalates or recurs into an open and active conflict.

The Security Sector Reform and Governance

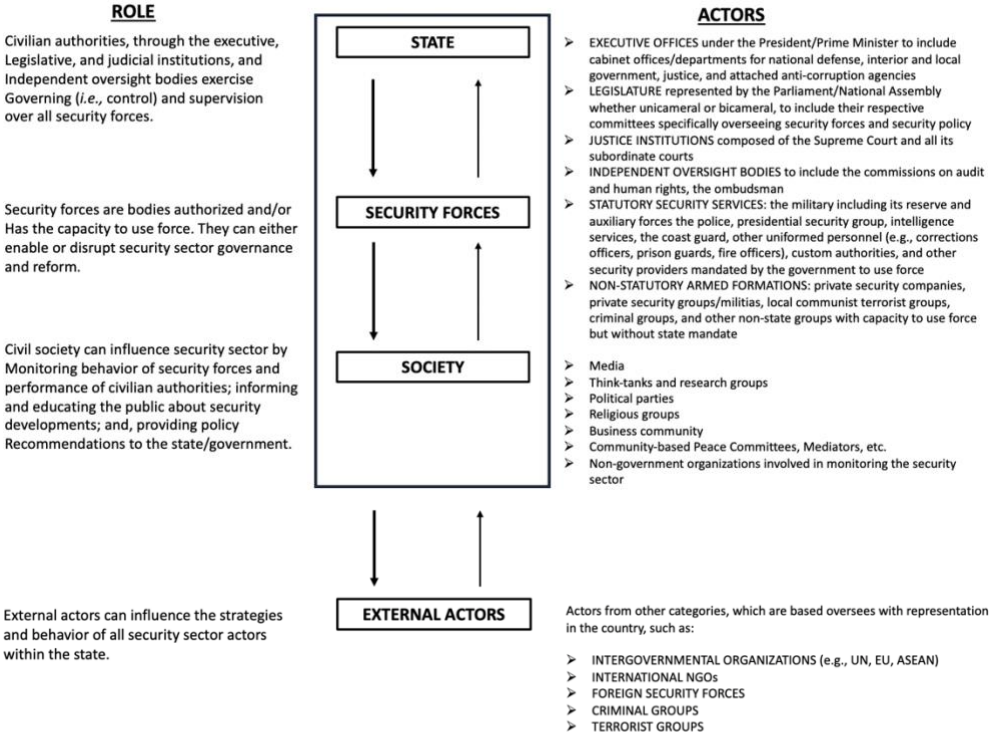
The security sector can be defined as the aggregation of all institutions and actors that are involved in the development of a state's security policy, and the provision of security for the state and its constituents (Delas Alas, 2011; DCAF, 2009; Edjus, 2010; Hanggi & Tanner, 2005; Miradora, 2018; Schnabel & Born, 2011; U.S. Agency for International Development et al., 2009). It involves a wide range of military and civilian actors at the international, regional, national and sub-national levels. It generally consists of state security forces (*i.e.,* uniformed personnel such as the military, police, intelligence services and even paramilitary forces), elected and appointed civilian management (*i.e.,* various executive, legislative and judicial offices) and independent constitutional and/or oversight bodies, non-state providers of justice and security and even the civil society.

Diagram 2 illustrates the interrelationship of various players in the security sector landscape. It also discusses how state institutions and civil society organizations interact with and influence the behavior of security forces, both statutory and non-statutory forces. While security forces are traditionally bodies that

[9] Ott and Luhe added a third category of preventive measures: "systemic prevention," which was introduced by former UN Secretary-General Kofi Annan to refer to "measures addressing global risk of conflict that transcend particular states." Examples of these are internationally-agreed measures to combat human trafficking or arms.

are authorized to use force in society, the presence of non-state security forces (*e.g.,* liberation armies, guerilla armies) are inevitable, and are a "manifestation of low levels of democratic governance" (Ball et al., 2003). Thus, a strong security sector would go beyond traditional military elements to include government institutions (*i.e.,* the executive offices, legislature, judicial institutions and oversight bodies), civilian organizations and even international organizations that have roles in implementing governance and reforms to support effective conflict prevention.

Diagram 2. SSRG Landscape



Note: Adapted from DCAF (2009) and England (2009)

In the Philippines, security forces are composed of: the AFP including the CAFGUs; the PNP; the PCG; other uniformed service personnel from the Bureau of Corrections (BuCor); Bureau of Jail Management and Penology (BJMP), and Bureau of Fire Protection (BFP), among others; the NBI; and, other attached law enforcement agencies.

The 1987 Constitution of the Philippines provides the legal backdrop for civilian management control over security forces and various mechanisms for checks and balances among civilian authorities, and oversight through various constitutional bodies. Civilian management of security forces is exercised through the President, who acts as the commander-in-chief of the armed forces and the head of interagency councils such as the National Security Council and the National Intelligence Coordinating Agency. Core institutions include executive departments acting on behalf of the President to oversee the affairs of key statutory security forces that include, among others, the DND (for the military), the DILG (for the police) and the Department of Transportation (DoT) (for the coast guards). Constitutional committees include the Commission on Audit (CoA), the Commission on Human Rights (CHR), the Civil Service Commission (CSC) and the Ombudsman. The OPAPP also serves as an oversight body for the government's peace talks and negotiations related to all internal conflicts and rebellion in the country.

The civil society in the Philippines also plays a significant role in the country's security landscape, particularly in ensuring public accountability and democratic control of security forces. CSOs exercise influence over the policy programming and reform agenda of security forces and state institutions. One of the key success stories is the *Bantay Bayanihan sa Kapayapaan* (more publicly known as Bantay Bayanihan), which was launched in 2011 as a civil society-led initiative to oversee the military's performance under the AFP IPSP Bayanihan and the succeeding DSSP Kapayapaan 2017-2022. Another successful case is the Security Reform Initiative, Inc. (SRI), which was established in 2014 as an independent think-tank involved in various security policy researches and programs undertaken through grants and partnerships locally and overseas.

The Concepts of Reform and Governance in the Security Sector

SSG is about the organization, management and oversight of the security sector. It refers to all "structures, processes, values and attitudes that shape decisions about security and their implementation" (DCAF, 2009). "Democratic security sector governance" is another yet similar concept used by scholars (as cited by Edjus, 2010) that refers to "the transparent organization and management of the security sector based on the accountability of decision-makers, respect for the rule of law and human rights, checks and balances, equal representation, active civic participation, public agreement and democratic oversight."

On the other hand, SSR can be defined as the "set of policies, plans, programs and activities that a government undertakes to improve the way it provides safety, security and justice" (U.S. Agency for International Development et al., 2009). It is to be thought as wider and broader than security sector governance as the former pertains to the "process through which security sector actors adapt to the political and organizational demands of transformation" (Edmunds, 2007 as cited in Edjus, 2010). SSR is about transforming the present institutions of the state to be capable of delivering security to citizens consistent with democratic norms (Mancini, 2005). Reform activities normally focus on areas concerning security force and intelligence, management of the military and civilian oversight, strengthening of the justice sector, and disarmament, demobilization and integration (DDR), among others depending on conflict context and circumstances of the country involved.

Security Sector Reform and Governance

Security sector governance (SSG) and SSR are inter-related component strategies of the security sector reform and governance (SSRG) that countries adopt to ensure an effective and responsive security sector. SSG defines what a state aims for while security sector reform tells how to achieve it. While SSG organizes and manages how the various security sector actors shall act and perform, SSR ensures the resilience and sustainability of these security structures, processes, and value systems to remain relevant and adaptive to current and emerging

security challenges. Thus, a dysfunctional security sector governance not only hinders but undermines any progress or attempt for security sector reform (Bryden & Chappuis, 2015).

The former Geneva Centre for Democratic Control of Armed Forces (DCAF), which was later renamed as DCAF – Geneva Centre for Security Sector Governance, in its 2009 report explained several reasons why states and governments need to strengthen their respective security sector governance frameworks and reform them as necessary. Among these are protecting human security and human rights; preserving the rule of law; advancing development; transitioning, strengthening and advancing maturity of democracies; promoting regional stability; contributing to international stability; and, integration, as in the case of geopolitical and economic blocs like the European Union (EU) and collective security frameworks like the North Atlantic Treaty Organization (NATO). Their implications to preventing conflicts are summarized in *Table 1.*

Table 5.1 Reasons Why Countries Need a Well-Governed Security Sector to Prevent Conflicts

Key Result Areas	Implications to Conflict Prevention
Human Security and Human Rights	☐ Security is the first and foremost function of the state. Strong SSRG with a democratically-controlled security forces operating effectively is correlated with effective safeguarding and promotion of human rights and security.
Rule of Law	☐ SSRG requires creating or strengthening a reliable law enforcement capability, which can be perceived by stakeholders as reliable, efficient and fair.
Socio-economic Development	☐ An effective SSRG maximizes efficiency in building credible security forces (*i.e.,* the appropriate level of resources is attributed to security forces). This in turn allows states/governments to maximize their resources for non-security services for socio-economic development.

Democratization / Democratic Maturity	☐ A functional SSRG is a precondition to successful transition to democracy after conflict. In post-conflict and/or transitioning democracies, a weak and/or poorly managed security sector can lead to the postponement, derailment or reversal to conflict. Likewise, a democracy with "dysfunctional security sector" risks itself of democratic reversal, *i.e.,* relapse to conflict.
Regional and International Stability	☐ The strength of a state's SSRG shapes the quality of national security. A state with a dysfunctional security negatively impacts the security landscape of the region it belongs in. Moreover, a state's level of capability shaped by its SSRG would influence its ability to contribute in regional and international security through sanctioned activities like peace support operations.
Integration	☐ In the cases of EU and NATO, enlargement or expansion of membership takes into key consideration the maturity level and state of the applicant's security sector.

Source: DCAF, 2009

SSRG and Conflict Prevention

Numerous studies support the strong relationship between conflict prevention and security sector reform and governance. SSRG is an important requisite of preventing conflicts as it shares the same objective with conflict prevention: to avoid occurrence and escalation of existing conflicts and prevent reoccurrence of violence in a post-conflict era. To prevent conflicts from occurring and escalating, Hänggi & Tanner (2005) have summarized SSRG initiatives to fall under three broad categories:

- **restructuring security institutions** (*i.e.,* building transparent, responsible, efficient and effective security forces);
- **strengthening control mechanisms** (*i.e.,* strengthening civilian control and management and oversight mechanisms by independent bodies and civil society groups to make security forces accountable and conform with democratic standards and principles); and,
- **reconstructing the security sector** (*i.e.,* enhancement and reform activities to make the post-conflict security

sector adaptive to current and emerging security challenges, and requirements of various regional and international security agreements).

Restructuring security institutions

Various cases of worsened internal conflicts have been largely attributed to poor security governance and politicization of security forces beyond the controls of democratic processes (Delas Alas, 2011; Evans, 2015). The ineffectiveness and poor integrity of security institutions have been triggers or critical factors to escalating conflict as what have been observed in many country cases of conflicts such as South Sudan, Democratic Republic of Congo, Somalia and Central African Republic (DCAF, 2017).[10]

To be effective, formal security institutions such as the military and the police must be adequately funded to build their respective capabilities as a credible service provider for safer society to the state and its population. Becoming effective security providers entails greater visibility of security forces, which in turn improves public perception and increase public trust to security institutions.

Restructuring security institutions also requires making security forces more transparent, more accountable and ultimately, more answerable to democratic control. Thus, effective SSRG legalizes and legitimizes the state's use and mobilization of its armed and law enforcement forces as the only allowable use of coercive power in society subject to civilian authority and checks and balances from co-equal branches of government (*i.e.,* legislature and judiciary) and independent oversight bodies (*e.g.,* human rights commission). It is believed that the more the "legitimate use of coercive force" is placed under democratic control and management, the less violence and conflict within a

[10] In fact, as observed in the cases of many conflict-torn and failing (or failed) states such as South Sudan, Democratic Republic of Congo, Somalia and Central African Republic, the ineffectiveness, poor management and unaccountability of their security and justice systems have been attributed as one of the root causes and often triggers or fuels conflict (Burian, 2018; DCAF - Geneva Centre for Security Sector Governance, 2017).

state is expected as “socio-political cohesion” is preserved and strengthened (Ejdus, 2010).

Strengthening control mechanisms

Effective prevention of conflict requires the establishment and/or strengthening of “institutions and mechanisms to provide for constructive resolution of disputes and for institutionalized respect for human rights” (Maloka et al., 2004). A strong SSRG provides the framework for the effective control of the use of force in societies under the rule of law.[11] To uphold the rule of law, functional and successful democracies hold armed forces (*i.e.,* military) under an elected civilian authority with the intent of strengthening the rule of law and “democratizing security to prevent conflict and build peace” (Hanggi & Tanner, 2005).

To achieve these objectives, SSRG manages the security of the state within the framework of democratic governance. The practice of good governance basically upholds the key principles of accountability, fairness and transparency. However, putting good governance in the context of managing the affairs of the state, particularly managing the security sector, would factor in other principles and elements of governance. For think-tanks and scholars, good security sector governance would follow commonly accepted essential principles such as: (1) democratic and civilian control of the security sector; (2) accountability and oversight; (3) transparency; (4) prioritization of and respect for human rights; (5) compliance with international law and agreements; and, (6) public legitimacy. These principles are detailed in *Table 5.2.*

[11] A defining element of SSG is the rule of law, which the United States Department of State (as cited in U.S. Agency for International Development et al., 2009) referred to as the “principle under which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights law.”

Table 5.2 Basic Principles of SSG

Principles	Definitions	Suggested Measures and Actions for SSG
Democratic and Civilian Control	☐ Subordination of all security forces to elected civilian representatives, whose mandate are based on a democratic constitution and national laws	☐ An established institutional hierarchy with clearly defined mutual rights and obligations for the civilian authority and security forces ☐ Enabling legislative oversight and judicial review over the actions and affairs of security forces ☐ Coordination and communication mechanisms among relevant security forces ☐ Depoliticization (*i.e.,* political neutrality) of security forces ☐ Creation of oversight bodies that work with civil society groups to monitor the security sector and provide constructive recommendations to security policies
Accountability	☐ *Horizontal accountability:* Making security forces answerable to civilian authorities on a regular basis and when asked ☐ *Vertical accountability:* Enabling the civil society (*i.e.,* NGOs, syndicates, professional associations, social	☐ Empowering civilian authorities and oversight bodies to impose effective sanctions for inappropriate actions or if actions are not sufficiently explained ☐ Creating and empowering organizations directly engaged in security affairs such as think tanks, research institutes

	movements, educational institutions, faith-based communities, pressure groups, etc.) to influence, oversee, and scrutinize the legitimate use of coercive force	and advocacy groups that can conduct continuous oversight, provide alternative sources of information and expertise, and channel or consolidator of different societal interests concerning the security sector
Transparency	☐ Allowing all information about the security sector activities to be "publicly, widely and easily accessible" to civilian authorities, justice and rule of law institutions, and the public	☐ Making spending of statutory actors in the security sector transparent to strengthen accountability ☐ Effectively regulating the process of data classification to prevent arbitrariness and tendency of excessive bureaucracy
Rule of Law and Respect for Human Rights	☐ Defining rules to manage and discipline security forces and citizens with full respect of human rights and civil liberties by and within the security sector	☐ Continuous education and training of security forces on human rights standards ☐ Continuous monitoring of decisions and actions of security forces through civilian authorities and oversight bodies ☐ Ensuring representation of gender, minority or disadvantaged groups (*e.g.,* in decision-making and oversight bodies ☐ Enabling complaint mechanisms for human rights violations that promote independent investigation, appropriate disciplinary measures and remedial actions; and, that safeguards complainants and witnesses from discrimination and intimidation

Compliance with International Law	☐ Subjecting the security sector to international law as codified in various international treaties and agreements such as but not limited to: the UN Charter, human rights treaties, the Geneva Conventions, Hague Conventions and regional agreements	☐ Continuous education and training of security services on their responsibilities under the international law ☐ Capacity-building for oversight bodies and empowerment of civil society for continuous monitoring of the behavior of security forces and accountable civilian authorities under international laws
Public Legitimacy	☐ Increasing people's acceptance that the security sector is "responsible to, representative of, and responsive to the community it serves, and that the community is able to influence the security sector"	☐ Enhancing institutions that deliver security, justice and social services ☐ Enabling freedom of the press ☐ Maximizing participation of the public in shaping and reshaping security policies ☐ Ensuring representation of gender, minority or disadvantaged groups (*e.g.,* in decision-making and oversight bodies

Sources: Ejdus (2010), England (2009) and the U.S. Agency for International Development et al. (2009)

Security, justice and state institutions for effective delivery of social services are the common interfaces between the state and the populace, and their effectiveness contributes to the collective strength of the security sector.[12] To prevent conflict,

[12] In the case of Aceh Conflict in Indonesia, institutional reforms to how the military operate, from structural changes (*i.e.* creation of a police force separate from the

security sector governance emphasizes the need to create greater access to justice and effective and accountable institutions that adhere to democratic norms and principles of human rights.

Reconstructing the security sector

Setting-up the governance framework for the security sector helps affected states and/or territories transition from conflict to peace, but continuous reforms sustain the effectiveness of the state in providing security and preventing any conflict to happen again. Moreover, such reforms boost public legitimacy of state institutions and even security forces as people gradually increase trust and confidence in their government on its ability to deliver public goods and social services.[13]

In the effective management of conflicts with the intent of preventing a relapse into another one, security sector reform is necessary to "entrench peace and build resilience into the fabric of a state" (Evans, 2015; Schnabel & Born, 2011). Many scholars have identified that what conflict-torn states have in common are security forces that are ineffective, are unaccountable to democratic processes, and have gross violations of human rights. To address these, peace agreements have major provisions largely focusing in setting-up defense and armed forces structure that is under a civilian authority (*i.e.,* democratization of military control) and incorporates rebel groups. Promotion of human rights is also included by subjecting members of the armed forces through series of developmental education and trainings to conform with human rights standards.

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military) to a whole-government and all-stakeholders' approach for counter-insurgency (*e.g.* economic inducements to support reintegration of former combatants, cooperation with civil society groups and non-government organizations, involvement of external observers from the European Union and the ASEAN, among others) made notable progress in managing the conflict in said region (Aspinall, 2005; Muzwardi, 2016).

[13] In the case of Timor-Leste, building a resilient security landscape did not end with the establishment of an independent, democratically-elected government after a decade of armed conflict for independence from Indonesia. It is through sustained long-term reform processes through years of "significant and noticeable improvements in the effectiveness and accountability" of state institutions, particularly those involve in security and justice services, that sustained peace and stability in the country (DCAF, 2017). Such institutional reforms have boosted the "perceived legitimacy and trust" of the population to state institutions, which the lack thereof have previously fueled social unrest and violence in Timor-Leste.

An All-Stakeholder Approach to SSRG and Conflict Prevention

SSRG is a cooperative activity that requires unity of vision and effort from various security stakeholders (U.S. Agency for International Development et al., 2009). Governance and reform of the security sector entails continuous consultations and coordination mechanisms among all stakeholders to achieve mutual understanding of different mandates, to create a common set of security objectives and agenda to work on, alignment of skills and capabilities to support security objectives, and to establish and/or strengthen linkages and networks for collaboration and cooperation among security sector actors and other stakeholders.

Some researchers recognized SSRG as a "whole of government" approach and/or a "whole of nation" approach to conflict prevention (Doyle, 2019; England, 2009). A whole of government approach entails the collective and coordinated efforts of the security forces and civilian agencies to achieve the state's security objectives, while a whole of nation approach widens the scope to include integrated response and efforts from all organizations and stakeholders, whether governmental or non-governmental, to support peace and stability. Both whole of government and whole of nation approaches underscore the importance of SSRG as an inclusive and sustainable framework towards conflict prevention and long-term peace.

In the Philippines, the military has played for many years the central, if not the only, role in addressing the various armed conflicts in the Philippines. Evident from the IPSP Bayanihan in 2011 and the current AFP's DSSP Kapayapaan, the role of the military has since evolved from being a lead force in combatting armed internal threats towards becoming an active partner of the national government and local government units in the implementation of various peace initiatives, socio-economic programs, civic works and other programs to address the root causes of conflicts in the country.

Such a multi-stakeholder approach towards conflict prevention and national security has been the guiding principle behind the Philippine Government's recent approaches to preventing conflict. The PAMANA Program that started in 2011 is

a whole of government "conflict-sensitive and peace promoting (CSPP)" framework that seeks to prevent occurrence and recurrence of any source of conflict by addressing social injustice, improving governance of national and local state institutions, and empowering communities to address issues of conflict and peace (Office of the Presidential Adviser on the Peace Process, 2016).

Executive Order No.70 was issued by President Duterte in 2018 to institutionalize a "whole-of-nation" approach to peace, particularly to end local communist armed conflict. Said EO adopted a National Peace Framework that upholds a multi-sectoral approach to address the root causes of internal armed conflicts, and to attain inclusive and sustainable peace in the country. An interagency Task Force was established under the leadership of the President that brings at the frontlines of ELCAC at least 19 executive offices and oversight bodies to formulate and executive the government's peace initiatives encompassing delivery of basic services and social development packages and local peace engagements and interventions, among others.

At the grassroots, strong police-community relations positively impact police service delivery, public engagement and trust and community development. The Community Policing Project in the Bangsamoro of the British Council Philippines, in partnership with the *Bantay Bayanihan* Network and SRI, supports the peace agenda of the National Government that underscores the importance of a "community and service-oriented policing" and proactive partnership between the local police force and citizens to address unique and diverse security needs of communities. Community policing in Parang, Maguindanao has been credited for decreasing crime rates, increasing public trust in the police, and deepening engagement of the civilian population in securing local peace and order (British Council & Security Reform Initiative, 2017).

Studies and lessons learned from the Philippine case could confirm that an inclusive and integrated approach is essential to developing and sustaining an effective and responsive SSRG to prevent and end conflicts. Efforts must go beyond the traditional means, *i.e.,* employment of military and police force. A holistic and multi-sectoral approach underscores the need to maximize engagement and involvement of all institutions, both state and non-state, in any SSRG and peace undertaking.

Some Issues and Challenges to SSRG

Instituting security sector governance is complex, challenging and difficult. Even if achieved, an effective, efficient and reliable security framework would require continuous maintenance and necessary reforms to adapt with an ever-changing environmental condition. Security sector governance and reform is far from being a perfect system as governments and security institutions face operational realities and challenges. The main challenge to SSRG are limited resources (*i.e.,* material, human, financial and public legitimacy) that significantly affects how state institutions execute governance and reform processes (Bryden & Chappuis, 2015; England, 2009).

Challenges in coordination (*i.e.,* siloed planning) and building consensus (*i.e.,* fragmented authorities) make unity of effort among the various security actors and stakeholders difficult to achieve (Kleinfeld, 2016). Planning and programming of actions are often not coordinated in interagency initiatives and even within departments and offices. Transparency, human capacity, gap between formal and informal processes, and change management are "cross-cutting issues" in the analysis of democratic governance and reform (Bell et al., 2003).[14]

In the Philippines, there remains a need to fully develop an effective governance and reform framework for the security sector. There is notable progress in preventing and managing conflicts with the passage of the BOL (Republic Act 11054) in 2018 as a direct consequence of the CAB between the GRP and the MILF in 2014, which effectively ended the decades-old MILF-led armed struggle across the predominantly Muslim areas of Mindanao. Community policing and a whole of nation approach to addressing security issues have positively contributed to

[14] According to Bell et al., confidentiality of the often-covert character of security activities is often abused at the expense of public accountability as observed in many post-conflict or fragile states. Civilian authorities often lack the expertise and sufficient knowledge on handling security issues, which in effect undermine civilian management and oversight. Informal structures of authorities and processes that include partisan ideologies, personal relationships, corruption and red tape can create adverse effects to the normal implementation of formal rules and processes. Some practices under these informal structures and processes are deeply embedded in institutions that they are considered normal and "standard operating procedures" but actually prevents and undermine democratic governance and rule of law. And, instituting governance and reforms often face resistance especially from those who support and/or benefits from the old social and/or political order.

implementing peace initiatives and preserving law and order across communities. However, there remain credible continuing threats to internal security from the CPP and its armed component, the NPA and other terrorist groups with international terrorist linkages such as the ASG.

Security forces have yet to fully delineate their core functions to remove functional overlaps and to improve effectiveness in performing their roles in the security sector. The military, whose traditional function is external or territorial defense, continues to be at the forefront of internal security operations, and effectively relegates the police to support status. While the military succeeds at the local front, it becomes ineffective in securing the country's territory from encroachments as its resources and efforts are being redirected to internal security operations.

Moreover, security forces, particularly the military, have yet to be fully professional and depoliticized. Political interference by the armed forces has been evident in various coup d'état challenging presidencies since 1986, which supports some arguments calling for reforms and good governance in the military. Notably, the post-Marcos military has actually been involved in a series of coup attempts against former President Corazon Aquino from 1987 to 1989, the withdrawal of support to an elected president that has been critical in the ouster of former President Joseph Estrada in 2001, and the failed Oakwood Mutiny in 2003 and an alleged coup attempt in 2006 calling the ouster of then President Gloria Macapagal Arroyo.

The police force has yet to be fully capable in handling such complex internal security matters on its own. As of date, the military continues remains a lead force in the internal security operations, particularly counter-insurgency efforts. Moreover, the involvement of the police as a lead implementer of the current administration's campaign against illegal drugs, which was marred with human rights violations and extrajudicial killings, has worsened the public's already weak perception and trust in the police force.

While some may argue that the foundations of the security sector governance in the Philippines are in place, there remains the need to institute and sustain reforms that will address the various issues and challenges (across all areas of governance as

summarized and discussed in *Table 3*) to make the security sector effective, efficient, and reliable.

Table 5.3. Key Issues and Challenges to SSRG in the Philippines

Area of Governance	Key Issues and Challenges of SSRG in the Philippines
Democratic and Civilian Control	☐ Corruption and excessive bureaucracies ("red tape") affecting efficient social service delivery ☐ Weak institutional arrangements to support strategic and implementation processes for interagency security initiatives (*i.e.,* "siloed" planning, and poor communication and coordination particularly among security forces since they belong to different overseeing executive departments) ☐ Weak criminal justice system, particularly in the areas of law enforcement, courts' efficiency and effectiveness and correctional systems
Accountability	☐ Weak accountability of security forces and civilian offices to oversight bodies such as audit and human rights ☐ Perceived impunity of erring leaders and officials from both security forces and civilian authorities
Transparency	☐ Flawed Freedom of Information (through Executive Order 02, s-2016) that largely exempt security matters from public scrutiny
Rule of Law and Respect for Human Rights	☐ Weak government institutions to deliver basic social services and economic programs ☐ Lack of adequate resources (*i.e.,* funds, human resource) to support effective performance of mandate and duties by oversight bodies such as the Commission on Human Rights

	☐ Presence of private armed groups worsened by proliferation of illegal possession of firearms undermine peace and security ☐ Minimal representation of marginalized and vulnerable sectors (*e.g.,* ethnic minorities/indigenous peoples, religious minorities) in key elective and appointed government positions
Compliance with International Law	☐ Enactment and alignment of local laws as implementing mechanisms of various international agreements entered into by the Philippine Government ☐ Termination of membership with the International Criminal Court to pose serious challenges in the protection of Filipino human rights locally and overseas
Public Legitimacy	☐ Duality of the military's mandate (*i.e.,* for both external and internal security); that is, retaining the armed forces at the forefront of internal security operations adversely affects its effectiveness in carrying-out its core function of territorial defense ☐ Slow progress in boosting the capacity for both external (especially with reference to current incidents involving territorial disputes in the West Philippine Sea) and internal security operations has weakened public perception of security forces to defend and preserve the state from various security challenges

CONCLUSION

This chapter discussed the importance of security sector governance and reform in preventing the occurrence, escalation or recurrence of conflicts. SSRG presents a constructive approach to hindering the progression of conflict by establishing and/or strengthening various institutions and mechanisms that promote security, socioeconomic development and justice through the rule of law and human rights protection. A strong SSRG framework effectively organizes and manages the various players in the security sector and sustains and makes security forces and state institutions adaptive and responsive to current and emerging security challenges. A weak and/or poorly managed security sector can undermine peace and even lead to a relapse to conflict.

It is for these reasons that this chapter argued for strengthening SSRG in the Philippines underscoring the needed reforms to sustain democratic and civilian control, enhance accountability and transparency, preserve the rule of law and respect for human rights, intensify compliance with international law, and increase public legitimacy (*i.e.,* public trust and confidence). Thus, there is a need for an all-stakeholder approach to SSRG and conflict prevention, such that interlinks the critical roles of security forces, state institutions (*i.e.,* civilian management and oversight bodies) and the civil society groups, for governance and reforms in the security sector to work and be sustainable in the years ahead.

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CHAPTER 6

The Role of Civil Society Organizations in SSRG

by: Mereniza C Gomez

With the evolution of the norms and beliefs of the countries in the world, the approaches of various issues being encountered by each country generally coincide and are similar from each other. These approaches towards these developments include not only the main actors concerned which are usually government institutions but also the public or the civil society. Throughout time, the importance of the role of civil society in contributing directly or indirectly to the solutions of a country's issues has been evident.

In the field of security, a concept emerged from the ashes of the various wars of the world called Security Sector Reform (SSR). SSR is described to be a “holistic” approach of development which incorporates and emphasizes on security concerns both traditional and non-traditional. It argues “for [states] to escape from a downward spiral wherein insecurity, criminalization and underdevelopment are mutually reinforcing, socio-economic and security dimensions must be tackled simultaneously” (OECD-DAC, 2008). Primarily, government institutions who are traditional security actors, oversight bodies, justice, law enforcement institutions, and non-statutory security forces are to lead in this undertaking (Hernandez, 2014; Arugay, 2007; Schanbel & Born, 2011; Heiduk, 2011).

In later discussions, the concept of Security Sector Governance (SSG) was introduced. This refers “to the structures, processes, values, and attitudes that shape decisions about security and their implementation. The mentioned is different from SSR as the latter aims to enhance SSG through the effective and efficient delivery of security under conditions of democratic oversight and control” (Center for the Democratic Control of Armed Forces, 2009). SSR also provides “a framework for conceptualizing which actors and factors are relevant to security in a given environment as well as a methodology for optimizing the use of available security resources” (Center for the Democratic Control of Armed Forces, 2009). For OECD, SSG implies provision of security to a State and its people in an effective and accountable manner, within a framework of democratic civilian control, rule of law and respect for human rights (Hernandez, 2014).

The two concepts were later merged to be the SSRG; however, this new concept has yet to be defined. Still, the OECD

(later spell out) surmises its meaning based on their accepted definitions/implications of both SSR and SSG. Based on the Organization for security and Co-operation in Europe (OSCE), SSRG "concerns all actors involved in security provisions, management, and oversight, and includes all roles and responsibilities." It is also a "political and technical process through which a country seeks to enhance the governance of its security sector" (Organization for Security and Co-operation in Europe, 2019). In short, all actors involved, and activities undertaken with regard to the security sector concerns falls under this concept.

Through time, it was learned that the issues in the security sector may not be done solely by the government institutions. Cristoph Bleiker and Marc Krunpanski cited that the "professional groups; the which includes media; research organizations; advocacy organizations; religious organizations; NGOs; and community groups" has a role in the undertakings of the security sector (Bleiker & Krupanski, 2012). Thus, more and more CSOs in the global community have emerged to contribute to SSRG which also includes peacebuilding.

Such as in the global community, the Philippines has accepted the SSRG concept especially in dealing with the security issues such as internal security threats. There are efforts being undertaken by the government in the sector of security. However, how does CSOs contribute to the Philippines' SSRG approach and peacebuilding? What are the challenges faced by these organizations in asserting its role in SSRG?

With these, this paper aims to discuss the global trend of the role of CSOs in the sector of security. Discussions on their functions will be presented along with example CSOs. The trends in the Philippines also be emphasized as well as the challenges of the CSOs in the Philippines' security sector.

Global Trends of CSOs in SSRG

Various studies on the role of CSOs in SSRG had already been published and countless had been a comparison of the various experiences of different countries. Generally, there are seven (7) functions or activities by the CSOs. These includes the

following: (a) protection, (b) monitoring, (c) advocacy, (d) socialization, (e) social cohesion, (f) facilitation, and (g) service delivery (Paffenholz & Spurk, 2010).

Protection

Supposed to be, the protection of citizens against violence in any form is one of the primary responsibilities of the government (Paffenholz & Spurk, 2010). However, in some instances, CSOs provide for the security needs of people either alone or with other government or non-government agencies (Paffenholz, 2009). Peace Brigades International, for example, provided direct and indirect support to local actors whether as watchdog or international accompaniment of the actors. Another example is the efforts of Amnesty International (AI) to lobby for a UN monitoring mission during the Civil War in Nepal.

Monitoring

Such in other projects undertaken by other CSOs, monitoring is quite relevant. However, monitoring in the case of CSOs is not only confined to the development of the projects but also other relevant issues affecting the people. Examples include the number and form of HRVs in the area and the development of the implementation of the peace agreement. These monitoring activities help CSOs in coming up with recommendations and information for the decision-makers or other CSOs who have a direct role in the matter. For example, the International Crisis Group (ICG) monitors the situation in conflict-affected countries and provides political analysis and recommendations to decision-makers (Paffenholz & Spurk, 2010).

Advocacy

Advocacy is the setting of an agenda and application of pressure. Pushing for a dialogue or discussions on dispute settlement and information dissemination of terms agreed by parties involved are samples of advocacy work (Paffenholz & Spurk, 2010). These advocacy works are usually done for the promotion and protection of human rights (Paffenholz, 2009). This may also be done through lobbying with the people or government actors for possible arrangements or solutions to security issues.

There are two forms of advocacy work: public and non-public. Public advocacy involves petitions, demonstrations, press releases, social media or public relations campaigns. While non-public advocacy involves back channeling and informal dialogues. Both forms may be done depending on the situation and message to be delivered. Campaigning for what is deemed by the CSO as its focus is very important however, this would strengthen true results from monitoring activities.

An example of advocacy work is what has been done by several CSOs in Northern Ireland. These organizations served as lobbyists for the integration of human rights provisions into a peace agreement (Paffenholz & Spurk, 2010).

Socialization

Activities under this form focus on building a foundation of values shared within one group. Through socialization, democratic behavior is supported, and tolerance and peaceful values are promoted. These activities are usually made in associations, networks, and/or movement. The key institutions in society that influence how people learn democratic and conflict-response behavior are families, schools, religious groups, secular and cultural associations, and the workplace.

Like the advocacy activities, socialization has two (2) forms namely, socialization for peace and in-group identity building. Socialization for peace activities is made to form and promote a culture of peace either within one group or within the society as a whole. In-group identity building activities, on the other hand, is done in smaller groups usually marginalized groups in order to empower them to operate peacefully in the arena of politics while having a strong sense of identity. In Guatemala, the Catholic Church put in efforts to build-up an in-group education of the Maya and empowering civil leaders. In a way, this led to the formation and reinforcement of a Pan-Maya identity (Paffenholz & Spurk, 2010).

Social Cohesion

Social Cohesion activities are beyond the socialization activities since these are conducted with an inter-group approach including those from the adversary. The aim of these activities is

to foster and develop relationships between groups in order for the groups to peacefully coexist. These relationships are usually severed or damaged due to a war. These activities are challenging especially for CSOs that are not key institutions in the society. However, it would be impactful if these groups work together for a common cause or goal. An example of CSO that conducts these are those clan-based organizations in Somalia that worked to reinforce social cleavages and to weaken national cohesion (Paffenholz & Spurk, 2010).

Facilitation

One solution for disputing parties is dialogue and CSOs take part in these talks by being facilitators. They act as a third-party to bring together the groups involved in the disputes towards a resolution towards peace. This is often seen in disputes involving governments with other governments, a government with a certain group in their country, or between certain groups.

The nominated priest of the Catholic Church by the Nigerian government mediated between Ogoni groups is an example. Another is the role of the Tribal Liaison Office during the Taliban rule in Afghanistan in the peace between the Taliban and other Afghani communities (Paffenholz & Spurk, 2010).

Service Delivery

During conflicts, CSOs may also take the role of providing for the citizens which are supposed to be government responsibilities. These include essential and social services such as provision for food, sanitation, shelter, and/or medical services. Albeit, these activities are conducted in generally war-affected areas. Reconstruction of buildings that are essential in providing services are also part of these activities.

Islamic charities were able to provide for the people of Somalia after the absence of the government support for over 20 years. Peacebuilding then was focused only on service delivery because of the need of the people. However, these CSOs built on that as part of their peacebuilding efforts (Paffenholz & Spurk, 2010).

A CSO may not undertake all of the mentioned types of activities as it would depend on the situation and the CSOs involved in the SSRG. Still, recommendations on how to apply each type is given in several studies. In a study published by the Center on Conflict, Development and Peacebuilding, these forms of activities should be held at specific phases of war and with other forms of activities. An example would be the effectiveness of increasing facilitation and advocacy activities during the phase of armed conflict (Paffenholz, 2009).

As mentioned, these activities are done depending on the circumstances faced by the CSO in the conflict area. In the Philippines, security issues are different however, the CSO also takes part in the SSRG initiatives towards conflict resolutions.

CSOs in the Philippines SSRG Initiatives

The Philippine Government through the AFP has continuously led the country in its initiatives in the sector of security. Generally, the focus of these current efforts has been on the resolution of the conflict between the state with several insurgent military groups such as the CPP-NPA, MILF, and MNLF. Some of the government efforts are even in partnership with the CSOs.

The role of CSOs in the resolution of security issues is nothing new for the country. Since the Spanish colonization, organizations were formed in order to assist the military groups in its efforts towards the independence of the country.[15] The civil society has also taken an initiative to protest against its government to oust the two presidents through two (2) “People Power” protests (Romero & Bautista, 1995; Glasius, Kaldor, & Anheier, 2006). Now, the role of the civilians in matters of the state has been furthered by the 1987 Constitution wherein it emphasizes the supremacy of the civilians over the military.

Efforts of civil society in security issues have even been described as “very active and quite creative” in the international community. An example would be the efforts in monitoring the

[15] For a brief history of civil society in the Philippines, see “Asian Development Bank (2017, December). Overview of NGOs and Civil Society: Philippines. http://www.adb.org/sites/default/files/pub/2007/CSB-PHI.pdf.”

ceasefire which is an innovation being copied in other countries. Another approach is leading the negotiations of peace between the government and the insurgent groups (Herbolzheirmer, 2018).

The government has also given importance to the empowerment of civil society through various projects. One is the recruitment of the civil society leaders to be part of the Bangsamoro Development Agency which is ran by the government and receives international funding for development. Another is the development of civil society leaders through the capacity-building done by the Bangsamoro Institute for Leadership and Management (Herbolzheirmer, 2018).

CSOs in the grassroots level have also made progress through building up their platform at provincial and municipal levels. An example is the coordination and collaboration established by CSOs with the local government in areas infiltrated by insurgents such as in Bohol. A mechanism was formulated for former members of insurgent groups who have chosen to return to the law.[16]

Because of the development in the role of non-traditional actors in the field of security, the Duterte Administration adopted the "whole of nation" approach through the signing of Executive Order 70 series of 2018. This policy aims to ensure the participation of all sectors of the society in attaining an inclusive and sustainable peace.

EO 70 s. 2018 also paved the way for the government to come up with the National Plan of Action on Preventing and Countering Violent Extremism (NAP PCVE). The NAP PCVE was finalized in 2019 and to be implemented by the DILG. The efforts in PCVE would involve not only the government but also the "communities, schools, and social media groups" (Parameswaran, 2019).

PCVE is a fairly new concept as it was brought about with the conception of the UN Office of Counter-Terrorism which was launched in 2017. NAP PCVE of the Philippines was part of the

[16] See the case studies on the Province of Bohol and the Municipality of Leon, Iloilo in Institute for Strategic and Development Studies (2009). Developing a Security Sector Reform Index in the Philippines: Towards Conflict Prevention and Peace-Building, pp 110-153.

commitment to the newly established UN office (Parameswaran, 2019). With the PCVE Action Plan, CSOs in the Philippines would have a guide to an extent to support the efforts to be undertaken by the government to bring about peace.

As mentioned, there are various CSOs in the Philippines that are focused on addressing the security issues of the country at present. However, these organizations not only exist in the major island group of Mindanao but all over the country. Thus, there was a need to create a venue where all security actors coordinate with each other. This is the reason for the conception of the Bantay Bayanihan sa Kapayapaan (BBK).

Bantay Bayanihan sa Kapayapaan

The BBK was conceived partly due to EO 70 s. 2018 as this is part of the initiative to handle security issues through the "whole of nation" approach. It acts as an oversight body to check and monitor that there are no violations of human rights, international humanitarian law, and the rule of law by the military (Partlow, 2019).

This body "engages the security sector in critical and constructive collaboration towards peace and security sector reform. It provides dialogue spaces for various stakeholders to come together and work towards addressing peace and security issues at the local and national levels" (Sangulia & Leguro).

The SRI serves as the National Secretariat for the organization BBK local bodies also convenes in order to "enable the general public at the local level to communicate directly with local security forces and local government". The bodies are also involved in the implementation of AFP policy and programs such as in Negros Oriental wherein the local BBK body monitors the implementation of the Internal Peace and Security Plan (Partlow, 2019).

In an article written by Sangulia & Leguro (n.d.), BBK aims for the joint implementation of the IPSP in order to ensure and advance human rights, international humanitarian law, rule of law, accountability, civilian engagement and democratization of the armed forces. BBK had the following tasks in connection with the mentioned:

- Serve as a venue or direct channel to raise issues regarding the IPSP-Bayanihan, including peace and security concerns of local communities
- Conduct and validate periodic evaluations of IPSP-Bayanihan
- Provide recommendations to the AFP Chief of Staff (national level) and Commanding General (unified command/ division/ brigade level) on IPSP-Bayanihan
- Generate concise policy recommendations on security reforms together with peace and conflict dynamics, to be submitted and presented to respective peace and order councils (local executive) and *sanggunian* (local legislative), all the way to national-level Cabinet security cluster (executive) and Congress (legislative)
- Promote BBK to other potential partner stakeholders
- Institutionalize the active partnership of government and civil society

The formation of this organization initiated the strengthening of the partnership between the government and civil society in undertaking issues in the field of security. However, there is still much to be done in the conduct of CSOs in SSRG.

Challenges of and Issues with the CSOs

Despite its collaboration with the government, the CSOs should be conducting activities by themselves. One of these is monitoring in conflict areas. This activity is also conducted by the government however, with the experience during the Martial Law, monitoring should be done by a group or an organization that has established confidence in the area (Delos Reyes & Layador, 2014). This is also an answer to calls for "greater vigilance regarding reported incidents of the core security forces' alleged involvement in extra-judicial killings and human rights violations"[17]. Unbiased monitoring is important as findings on

[17] See Olea, R. V. (2012, September). Human Rights Groups Raise Concerns on Extra-Judicial Killings. Philippine Daily Mirror. http://www.philippinedailymirror.com/index.php/pdf/asia/hman-rights-groups-raise-concerns-on-extra-judicial-killings.pdf. Relatedly, UN Human Rights Council special rapporteur Philip Alston claimed in his 2007 report that the Armed Forces of the Philippines (AFP) was behind extra-judicial killings. See Philippine Daily Inquirer (2007, November), Alston Report: AFP Behind Killings. http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20071128-103… _killings.

issues concerning the civilian communities and traditional security forces holds value in furthering efforts in the security sector.

Independently activities conducted by CSO is important in order to further strengthen the trust of the community to the organizations. Thus, the DILG should provide space for the CSOs to conduct their activities. Although, it is understandable that the DILG requires the submission of various requirements for activities such as for PCVE through DILG Memorandum Circular 2019-116 for monitoring purposes only.

In 2014, Delos Reyes and Layador cited that another issue of CSOs is the fragmentation of the organizations in the security sector. This is said to have been brought about by several factors such as deep participation in politics and difference in views in approach towards SSRG. However, with the BBK and with policy documents such as NAP PCVE, CSOs may strengthen their coordination and collaboration with other organizations. Universal approach towards peace is truly essential in the work of the CSOs.

CONCLUSION

Truly, the government should be the lead in undertaking SSRG initiatives as it is its responsibility to provide security to its people. However, civil society also has a role to play in this matter such as with other social issues that each country faces. Thus, it is relevant that CSO activities should not be stopped in any way but supported by the government. It is however a challenge to the CSOs in implementing activities based on the universally agreed efforts towards peace.

Through the efforts of CSOs, concerned parties' human rights are protected and promoted. These efforts would be invaluable in the confidence building and capacity building of these groups in dealing with the security issues peacefully. The empowerment of CSO activities would lead to a smoother flowing discussion among the parties involved. However, the government should provide space for the CSOs for their activities.

Luckily, in the Philippines, the government acknowledges the role of the CSOs in peacebuilding and SSRG initiatives with some organizations being in close collaboration with the military. It is also worth highlighting the commendable work towards achieving peace and SSRG through a “whole of nation” approach. However, much is still to be done in the field of SSRG in the Philippines both for the government and the CSOs. There is still a need to further develop the relationships between the government to include the military and the civil society groups.

There are other issues also with the government which is in need of clarification to further the efforts done by the CSOs. These include defining the concept of security and national security as well as detailing concrete plans of the government towards attaining peace.

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CHAPTER 7

Muslim Governance and Salafi Orthodoxy

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The spread of Salafi orthodoxy (also known as the Wahabi-Salafi-Jihadist creed or sometimes shortened, Salafism) changed the dynamics of present-day believing Muslims. Using petro-dollars to build mosques, disseminate unscholarly translations of Qur'an and hadiths, and provide bursaries to Muslim Filipinos to learn Salafi orthodoxy in the Middle East, particularly in Saudi Arabia, lead to the disturbance of pre-1960s polyphony of Islamicate cultures in the region. From forbidding Christmas greetings, wearing Saudi/Arab-styled clothing, banning certain music, disenfranchising women to treating non-Muslims (even Muslims that do not subscribe to Salafi orthodoxy) as enemies of the religion. It raises the pertinent question of how, in just over a half century, Salafi orthodoxy penetrated Moro's multicultural traditions. The article started addressing Muslim perspectives on authority and territoriality as imperative components of an ideal Muslim governance. Despite these ideal notions in Muslim history, the last section presented an aberrant ideology that had supplanted historical views on authority and territoriality. Salafi orthodoxy became the dominant political theology which had affected the security of contemporary Muslim Filipinos.

Authority

The concept of authority in Islam is one of the most difficult to assess; political authority is especially ambiguous. Contestation over political authority is the prime reason why political and theological divisions emerged (i.e., Sunni vs. Shi'a), particularly after the death of the Prophet. The Prophet's multiple roles as religious founder, political leader, head of state, and spiritual guide comprised the key understanding of the concept of political authority (Khan, 2014b, p. 521). His political and diplomatic abilities in concluding treaties, as in the Medina Charter and the Hudaybiyya Treaty (Piscatori, 1986, p. 49), are worth emulating. Fazlur Rahman (1986, p. 88) argues that leadership in Islam stems from the Qur'anic revelation (3:104) that recites: "Let there be of you a community who calls (people) to virtue, commands good and prohibits evil, these shall be the successful ones."

Some would argue that “authority belongs to ummah” (Al-Barghouti, 2008, p. 37; Newell, 2007, p. 7), while others contend that authority is only possessed by God. Iqbal (1986, p. 37) asserts that authority lies with God alone and that laws in Islam have already been legislated through the revealed Qur’an and the Sunnah of the Prophet. Thus, the leader of the community or head of state has no legislative power, and if there is a need to alter or modify some laws, he/she must, first, appoint advisers (although their opinions are not binding), and second, subordinate altered laws to the Qur’an and the Sunnah (Iqbal, 1986, p. 38). In principle and in theory, supreme authority lies only with God and not with the ruler of the state.

However, Hallaq (2003, pp. 244–245) insists that “Islamic law derives its authority not just because it is believed to be the law of God, for hermeneutically God did not reveal a law but only textual signs or textual indications that were to remain empty of legal significance had they been left unexplored.” Thus, the agents of interpreting the texts and making it into laws are solely the jurists. They are responsible for the interpretative construction, methodology, and codification of the Qur’an and the Sunnah into Islamic law (Hallaq, 2001). But the legislative activities of jurists are limited to three functions: “(1) to enforce laws in accordance with the Qur’an and the Sunnah (these are the primary Islamic sources); (2) to bring all existing laws in conformity with the Qur’an and the Sunnah; and (3) to make laws as subordinate legislation which do not violate the primary Islamic sources” (Iqbal, 1986, pp. 49–50). Crone (2004, pp. 286–287) adds that early Muslim government was all about the lawful maintenance of a moral order.

The jurists’ discursive construction of the texts required constant interpretation and commentary in “which their schools of law were not only elaborated but also expanded and modified to meet the exigencies of changing times” (Zaman, 2002, p. 38). The identity and authority of their schools of jurisprudence were preserved and maintained through their commentaries, interpretations of Islamic sources, and fiat (or fatwas) that served as forms of dialogue between the past, present, and future generations of scholars in expounding the Qur’an and hadith (sayings of the Prophet Muhammad). However, their roles and duties were challenged by the emergence of lay interpretations of non-jurists that fragmented their authority (Robinson, 2009, pp.

345–348). Particularly in the globalized internet age, any individual with proper higher education may have the audacity to solely interpret Islamic sources, even without looking back to classical texts produced by scholars in medieval times.

From another perspective, Arjomand (1988, p. 1) opined that obedience is an important component of authority, as evidently stated in the Qur'an 4:59, that is, "O believers, obey God, and obey the Messenger and those in authority among you …" And "those authorities" are entitled to issue commands since Sunni Islam considers a caliph as heir to the Prophet, and succeeding authorities and subjects are obligated to obey the caliph. The collection of hadiths (sayings) of the Prophet "facilitated a great expansion in the scope and detail of the rules derived from God's law" (Hefner, 2011, p. 13–14) in relation to the duties and responsibilities of the ruler. One may argue that there are two bases of authority revealed in the Qur'an: the din (religion) and the *mulk* (temporal rule) (Arjomand, 1988, pp. 1–2). Leadership is associated with another Qur'anic term, *sultan*, representing the sole legitimate political authority during the age of empires in Muslim civilization.

To Al-Barghouti (2008), the political expression of authority is manifested through the creation of the *dawlah*, a political concept referring to any authoritative political arrangement that is not necessarily associated with supreme power or sovereignty. Throughout Islamic civilization, the *dawlah* evolved into a caliphate (Khan, 2009, pp. 447–473). Sunni scholars elaborated the significance of the elective nature of the leader (imam) (Al-Barghouti, 2008, p. 38) as restricted to only having executive power, but Shi'a scholars emphasized the infallible nature (Arjomand, 1988, p. 3) of the imam, who has inclusive powers over the government's executive, legislative, and judicial roles (Rahman, 1986, p. 92). During the peak of the Abbasid dynasty, the leader (caliph) possessed both religious (Krämer & Schmidtke, 2006) and secular (political) jurisdictions of authority, that is, a combination (Zubaida, 2003) of an imam and a sultan. However, there is a balance (equilibrium) (Ayubi, Hashemi, & Qureshi, 2009) of designation of powers, and these are distributed among "the caliph as guardian of the community and the faith, the ulama or religious scholars involved in the function of rendering religio-legal advice, and the judges who settle disputes according to religious laws" (Ayubi, 1991, p. 23). In

addition, “the influence of religion in all aspects of life in the society thus confirmed the social role of ulama” (Akbarzadeh & Saeed, 2003, p. 21).

Before the advent of dynastic families or hereditary political power in Muslim polities, the Sunni tradition of selecting a leader was usually done through rigorous mutual consultations (*shura*) among selected stakeholders (mostly “senior” scholars) of the community. Next, a binding and consensual (ijma) decision was made, in which the chosen or elected leader took an oath of allegiance while the ruled made a pledge of obeisance through the process of *bay’ah* (or a social contract between them). Some scholars have argued that the process of *shura* may be binding (Rahman, 1986, p. 91) or not (Iqbal, 1986, p. 39) depending on one’s take on the concerned Qur’anic interpretations and hadiths. It is important to note that the selection or election is done through the judgment of the jurists, scholars, and ulama on the basis that the chosen one is competent and expected to rule according to Shari’ah.

The juridical authority of the leader, especially the caliph, serves as a political symbol in unifying the ummah, but as the Muslim polity evolves, the basis for this ideological unity is no longer attainable (Ayubi et al., 2009). As the Abbasids declined in the 12th century, the role of the caliph bifurcated into separate realms of the sacred and secular (Eickelman & Piscatori, 1996, pp. 46–47). In addition, the prominent source of legitimate authority became a security issue that referred to the lesser jihad or defending Muslim territories from Crusaders, Mongols, and other foreign invaders. Moreover, the Shi’ite peoples’ non-recognition of a caliph as heir of the Prophet and their belief in occultation (Belkeziz, 2009, pp. 50–52) symbiotically coexisted with the Persian-style kingship and sultanate systems as temporal rule (Arjomand, 1988, p. 4). Ayatollah Khomeini’s Vilayat-i Faqih (or rule or guardianship by jurists) later became the central body of contemporary Shi’a political thought (Arjomand, 1988, p. 3), controlled by a guardianship-based political system while recognizing the absence of an infallible 12th Imam (Vaezi, 2004, p. 53).

In the modern period and after the demise of the Ottoman Caliphate in 1924, political authority broke into three types: monarchical, dictatorial, and semi-democratic (Khan, 2014a, p.

520). The power of the *ulama* weakened with the adoption of the modern nation-state system and was divided into two categories: the official ulama and the non-official (independent) (Akbarzadeh & Saeed, 2003, p. 14). The official *ulama* (Zaman, 2009, pp. 226–229) are part of the state bureaucracy, while the non-official is (financially and politically) independent of state control. The non-official ulama are relatively small in numbers, and, at times, the state manages to penetrate their leadership. The nation-state took almost all the powers of the *ulama* and curtailed their influence among the people.

The only role left for the *ulama* was administering local family laws, and yet this still fell under the civil law and the supremacy of the state's constitution. Even trainings, tools (such as manuals and technical books), salaries, and proficiency degree programs to become a member of the *ulama* were directly supervised by the state (Akbarzadeh & Saeed, 2003, p. 23). In addition, permits to build and manage mosques were also taken over by the state. Moreover, crisis in the authority of ulama may also be attributed to and caused by them as well. There have been increasing numbers of *ulama* preferring to study Islam in Western institutions such as Oxford and Cambridge, rather than in their own madrasas or universities; thus, most of them have rejected past scholarship of their own traditions. They also halted person-to-person (oral) transmission of knowledge by printing and translating Islamic sources from Arabic to various vernacular languages (Zaman, 2009, pp. 221–222). Consequently, according to Robinson (2009, pp. 345–348), "they themselves began to destroy the 'closed shop' which gave them the monopoly over transmission and interpretation of knowledge."

Numerous scholars have discussed what form/s of political authority or government is/are appropriate for the Muslim world in the postcolonial age. Rashid Rida (b. 1865, d. 1935) argued for the necessity of a caliphate that will cater to a balance of the worldly and religious interests of the Muslim world (Black, 2001, pp. 325–326). He likened the caliph to the Catholic papacy, serving as a model for emulation. This was refuted by Shaykh 'Ali 'Abd al-Raziq (b. 1888, d. 1966), who contended that Islam did not prescribe a system of government and that there is no mention in the Qur'an regarding a preferred political system for the ummah ((Black, 2001, p. 330). Even the Prophet did not elaborate any particular polity or provide instruction on ways and criteria in

choosing a leader. All his political and diplomatic actions were means to propagate Islam. For al-Raziq, the caliphate was a product of a historical moment catering to political needs, and Shari'ah could also be changed because it was also influenced by specific historical circumstances. Abdullahi Ahmed An-Na'im (b. 1946) argues that Shari'ah principles could not be imposed by the state (Black, 2001, p. 336). He is in favor of a secular society where different groups of peoples or communities share equally the same political space.

Territoriality

The *ummah* is also essential to an understanding of territoriality. As Derrick (2013, p. 2) points out, it has various synonyms, interpretations, and understandings among Muslim scholars, depending on the context of its usage in the Qur'an. It may mean Muhammad's closest followers, encompassing all living creatures, a mother (in Arabic), a community (in Sumerian, Aramaic, or Hebrew), or a unified Muslim world (in modern discourse) (Mandaville, 2001). In some respects, al-Farabi (b. 872, d. 950) referred to it as the gathering of tribes or clans or the structure of a city. He also considered Indians, Abyssinians, Persians, Egyptians, and Syrians as another ummah and differentiated it with the term *milla* (which may mean a way, path, or cult under a divine ruler with a set of views and deeds), because ummah rules the entire life of a certain community, including its physical character, natural traits, and common tongue (Ayubi, 1991, p. 19).

The first historical record of an established *ummah* was when the Prophet Muhammad became the leader of different communities composed of Muslims, Jews, Pagans, and Christians in Medina, cemented by an agreed treaty or charter stipulating articles of collective security. According to Mandaville (2001, p. 36), "this 'treaty' provided an overarching sense of authority for the anarchic settlement. Because it demanded complete loyalty from all factions it also effectively prevented the formation of unstable alliances between clans." Muhammad's ability to demand commitment from all warring factions of Medinan society made him an able and efficient political authority. This is because his previous successes in wars against the settlers of Mecca had put him on a pedestal, and neighboring nomadic tribes

relied on and pledged allegiance to him due to his skillful leadership (Davutoglu, 1994). Thus, the *ummah* of Medina may be described as a conglomerate of numerous communities—be they tribal, confessional, or confederate in nature. The contemporary *ummah* is represented as an imagined politico-religious community patterned and based on the paradigmatic experience of Muhammad's Medinan society (Jabareen, 2015, p. 53).

This type of ummah is envisioned by Islamists (political parties in Muslim states) and jihadists (transnational terrorist organizations such as al-Qaeda and ISIS) with the aspiration of recreating and reviving it in today's world to counter the hegemony of the nation-state system. However, most Islamists have come to accept the current political configuration of their states. Within the *ummah*, there is a kind of polity mentioned in the Qur'an called *dawlah* (usually representing the state or country in the modern sense). According to Ayubi et al. (2009), the original meaning of *dawlah* as used in the medieval era connotes "to turn, rotate, or alternate" (Ayubi et al., 2009). It was even used to describe fortunes, vicissitudes, or dynasty during the Abbasid period. It was only then that it became territorial rather than communal, mainly because of the study done by al-Ṭahtawi (b. 1801, d. 1873), who presented the idea of watan or fatherland (Sawaie, 2000). The first time the word *dawlah* appeared to mean "state" was in the Turkish memorandum of 1837 (Ayubi et al., 2009).

Territory is "dar" in Islamic legal terminology, and etymologically it means "house" (Bouzenita, 2012, p. 192). It is synonymous with the term *mawdhi* (place), *balad* (land), or *watan* (home or place of residence) (Bsoul, 2007, p. 74). The concept evolved through its interrelatedness with the political and legal dominance of the ruler over his jurisdiction. The *dar* was structured as a legal framework in order to distinguish the Muslim political order from the rest of the world (Ayoub, 2012, p. 2). In Qur'anic terms, it is used to describe a place of residence, final abode, or simply a house. Moreover, it is also a specific territory where the ruling regime and its subjects are Muslims. This sense could be attained if any of the four cases was upheld: "(1) the residents of a territory converted to becoming Muslims; (2) the territory is captured by force but the government allows the Muslims to practice and enforce their Islamic rulings; (3) the non-Muslim residents accept Islamic law under the Muslim protection;

and (4) if the territory is conquered through a peaceful agreement where Muslims are allowed to settle and implement land tax" (Ayoub, 2012, p. 84).

In classical Sunni jurisprudence, the *dar* is basically classified into two divisions: *dar al-Islam* (the abode of Islam or peace) and *dar al-Harb* (the abode of war or the enemy). These are not Qur'anic terminologies but jurists' interpretations that emerged in the middle of the 8th century (the second century in the history of Islamic civilization). Ayoub (2012) argues that it was the Sunnah (traditions of the Prophet including its hadiths or sayings)—and not the Qur'an—that played an essential role in developing these two categories. He further states that "in their efforts to synthesize this theory, most jurists projected their legal reasoning upon two major events in Muslim history" (Ayoub, 2012, pp. 7–10). First, they relied upon the event of the migration (hijra) from Mecca to Medina in 622. Second, many of their legal determinations were inspired by the conquest of Mecca in 630 (Ayoub, 2012, p. 13). These theoretical divisions became so resounding that most Sunni jurists have accepted them uncritically, especially during the 1255 Mongolian invasion (and even after the last Crusaders were defeated in 1187) of most Muslim lands. Thus, scholars such as Ibn Taymiyyah (b. 1263, d. 1328) have adopted it in their works, which are very much cited by both contemporary Islamists and jihadists alike (Bori, 2009).

Dar al-Islam is a legal construct that has a territorial dimension where Islamic law prevails and, to some extent, a political expression of the ummah is present. In short, it is a politico- territorial manifestation of the Muslim community (Parvin and Sommer, 1980, p. 5). This concept has pre-Islamic roots, notably, nomadism (non-sedentary lifeways) and urbanism (non-rural lifeways). This is embodied in Mecca as a religious sanctuary and Medina as the first Islamic state that functioned as the center of trade and commerce during that time. Moreover, it is based on a concept of individual allegiance to the universal Islamic message. Most jurists believed that even if a majority of the people are non-Muslims or nonbelievers, as long as the dominant laws follow Shari'ah, then it is still the abode of Islam.

Dar al-Harb is also a legal construct that has a territorial dimension, but it denotes a realm that is politically or economically subjugated by a non-Muslim power. According to Iqbal (1986, p.

37), “Muslims would be left with only two alternatives: either to conduct jihad (struggle) in order to regain their independent status, or to migrate to some Muslim country.” It is quite important to understand fully this division, because some jurists, especially the Hanafis (one of the surviving schools of Sunni jurisprudence), contend that even if the majority of the population are Muslims but the laws and security are governed by kufr (nonbelievers or infidels), then it is still the abode of the enemy of Islam (Ayoub, 2012). Shafi’i coined a third division, the *dar al- Sulh* (territory of friendly non-Muslim nations) or *dar al-Ahd* (land of temporary truce) (Ayoub, 2012, p. 4), where a Muslim territory has diplomatic relations with non-Muslim territories in order to protect the lives and property of both Muslim and non-Muslim minorities in both areas, in exchange for paying (or receiving) tribute (Bouzenita, 2012, p. 193). It signifies that Muslim minorities are free to practice their religion even if they are ruled (not protected) by a non-Muslim leader. However, some jurists think that even if there is an armistice concluded between the rulers, this division still forms part of the *dar al-Harb*. Bouzenita (2012, p. 193) argues that this division is not an entirely independent territorial one, because it relies on the conditions of the contract at hand.

Out of all the Sunni schools of jurisprudence (fiqh), the Hanafis mostly focused on the study of territoriality, developing a legal concept called *ikhtilaf al-darayn* (translated in English as “territoriality” as well). The founder, Abu Hanifa (b. 699, d. 767), emphasized that the core factors in declaring a place as the abode of Islam or of war/the enemy are security (aman), fear, and absence of protection (isma). The Hanafis viewed Muslims and non-Muslims as “two independent legal characters, each having its legal status” (Ayoub, 2012, p. 5), where religion is not a determining factor in the legal structure of territoriality.

According to Ayoub (2012, p. 2), there are three main factors in Hanafi’s concept of territoriality: “(1) residency; (2) legal status of the individuals; (3) the existence of al-man`a (secured jurisdiction).” The applicability of his territorial concept rests in two conditions: “(1) the disparity of the legal and physical proximity of two jurisdictions; and (2) the absence of inviolability or protection for people’s life or property” (Ayoub, 2012, p. 5). However, despite Hanafi’s insistence on the personal legal status of peoples within the divisions of *dar*, Abou El Fadl argued that “all Muslims belong to a single community (umma wahida) regardless of their

residence" (Ayoub, 2012, p. 3). In turn, he claimed that Hanafis were preoccupied with territorial and jurisdictional intricacies, rather than engaging in moral obligations.

It is important to note that Islamic territoriality is a result of the historical evolution of Muslim governance and the legal conceptualizations of jurists, that is, from Medinan society, the caliphate, and empires to the adoption of postcolonial polities (nation-states). In the 9th century, al-Muqadassi (b. 946, d. 991) distinguished between the cultural regions of Arabs and Persians (Parvin & Sommer, 1980, p. 11). The Hudud al-Alam (Regions of the World, 983), a 10th- century geographical book, contained 51 nations divided into provinces and towns. But among the perennial social elements that bind nations, as argued by Ibn Khaldun (2015), is *asabiyyah* (usually translated as solidarity). Parvin and Sommer (1980, p. 13) point out that through solidarity, people tended to acquire landed property in order to maintain political and economic security. By the 16th century, competition in amassing lands became fiercer because of the dominance of strong empires such as the Mughals (South Asia), the Safavids (Persia), and the Ottomans (presently Turkey).

However, with the arrival of the European colonialists and the imposition of the idea of permanent territorial borders, *dar al-Islam* gradually delegitimized the idea of the abode of Islam based on the history of Muslim civilization that had been characterized by its expansionist and occupationist tendencies, in contrast with the European colonial polity. In the face of threats of widespread European intervention into Muslim lands during the 19th century, Jamal al-Din al-Afghani (b. 1838, d. 1897) proposed to the then caliphal ruler, Sultan Abdulhamid, a return to the pristine message of unity in a single Muslim ummah in order to restore universal solidarity (Derrick, 2013, p. 14). Derrick (2013) addresses how Muslim thought about territoriality, *dar al-harb* and *dar al-Islam*, similar to al-Afghani's conceptualization of ummah as an emulation of the German idea of a nation, which could be achieved through a confederation of Muslim states.

Mauriello and Marandi (2016) and Abdel Haleem (2008) discuss the Shi'a reaction to European colonialism. The Shi'a version of *dar* is not represented by the *dar al-Islam* or *dar al- Harb* but by the mustad'afun (oppressed) and mustakbirun (oppressor) world views (Mauriello and Marandi, 2016, p. 4). Shi'a scholars

argue for the "oppressed–oppressor" dualism of *dar* in Qur'anic terms (notably 4:75, 97–98, 127 and 8:26) (Abdel Haleem, 2008), compared with the Sunni conception of territorial division, which was a result of 8th-century juristic interpretation by the Hanafis. However, there is no clear explanation of whether the Shi'a version of abodes of Islam and of the enemy, as represented by the oppressed–oppressor duality, is territorial in nature. According to Mauriello and Marandi (2016, p. 16), the Shi'a world view is more concerned with justice, corruption, and knowledge than with formal categorization of the territory.

In contemporary Iran, the late Khomeini described the Shi'a society in terms of two antagonistic components (aside from the oppressed–oppressor dualism of dar): oppressed nations (mellat-e mostadʿaf) versus Satan's government (hokumat-e sheitan), slum dwellers (zagheh- neshin-ha) versus palace dwellers (kakh-neshinha), poor (foqaha) versus rich (servatmandan), and the lower (tabaqe-ye payin) and needy class (tabaqe-ye mostamdan) versus the aristocratic class (tabaqe-ye aʿyan) (Mauriello & Marandi, 2016, p. 17). Furthermore, as it is anchored in sound Qur'anic language and Islamic epistemology (and ontology), this model of oppressed-oppressor has a distinctive Islamic legitimacy and authority. The legitimacy of an authority's jurisdiction over a territory is sacrosanct to God's sovereignty.

Salafi Orthodoxy

Salafīyah, widely misunderstood in both the Western and Muslim worlds, is a complex term denoting various conceptualizations especially when its philosophy is applied to practice. Salafis are not directly Wahhābis, especially the version espoused by al-Afghānī and ʿAbduh (Ali, 2016). Generally, it refers to someone or some group of people who devoutly emulate (sometimes confidently mimic) the first three Muslim generations (known as al-salaf al-ṣāliḥ) in all of their lifeworld system, including beliefs, acts, norms, and ritual performances. Their aim is to purify Islam and cleanse its creed from unwanted and deviant alien influences accorded for over a millennium of corrupt Muslim societies (Al-Atawneh, 2010), particularly found in some theological interpretations of Māturīdīyah, Ashʿarī, and Muʿtazilah, excessive taqlīd (imitation) to past jurists,

hermeneutics of Muslim philosophers, heretical Ṣūfī practices, and their ultimate enemy: the apostate Shia Muslims.

Salafis hold extremely to their belief in the oneness of God (tawḥīd al-uluhiyya) and that Muslims who stray from this sacred belief (e.g., veneration of Ṣūfī saints or Shia imams) are considered shirk (polytheists) and kufr (disbelievers). They interpret the Qurʾān and sunnah literally. For instance, faith by heart alone is not enough to be a Muslim; it must exemplify with correct rituals and practices based from their reading of the prophet's sunnah and ḥadīth. They also believe in the absoluteness of Sharīʿah that must be applied in all sociopolitical systems of the entire ummah (community). Without the application of Sharīʿah (predominantly Ḥanbalī law), the entire society constitutes sinful unbelievers.

Middle Eastern Salafism in general, and the Saudi orthodoxy in particular, had entered the religious psyche of Filipino Muslims in the 1960s, carried by what many consider to be the massive material wealth of petro-dollars. The Middle Eastern Wahhābī version of Salafism in the Philippines appeared through scholarships offered to young men to study in their countries, funding the creation of Salafī mosques, madāris, and organizations, and supplying arms to Jihadi-Salafis (e.g., the Moro Islamic Liberation Front, Bangsamoro Islamic Freedom Fighters, Abu Sayyaf Group, and several others). With the rise of such Saudi- or Middle Eastern–educated Filipino Muslims, traditional practices, norms, and folklores began to disappear. Customs such as commemorating the birth of the Prophet, musical expressions in singing and dancing, use of colorful traditional dress codes (e.g., women's right not to wear Arab-styled ḥijāb), use of traditional linguistics on Islamic holidays, use of prayer beads, saying of more than eleven prostrations in the tarāwīḥ prayers, and many others are being practiced less. Instead, influences such as Arabized (predominantly Saudi-styled) dress codes (e.g., the mandatory of wearing ḥijāb, niqāb, or burqa for women), culture, and lifestyle are considered to be manifestations of pure and true Islam (Lauzière, 2016).

The sanctity of familial community is disturbed by friction between traditional syncretic Islam (union of Moro's long-held customs and culture with Islam) and modernist Wahhābī–Salafī Islam and there is a gap between old-age traditional Muslims,

characterized by inter-civilizational and multicultural linkages, and that of exclusivist young-age Middle Eastern–trained Muslims, who describe a world of black and white (i.e., pure Muslims versus other Muslims and non-Muslims). This dichotomous worldview is exacerbated by Moro grievances with historical injustices and socioeconomic and political disenfranchisement from imperial Manila (Riviere, 2016). Due to poverty, lack of education, conflicts, insurgencies, political anomie, *rido* or clan wars, among other things, the Moro peoples are susceptible to frequent Wahhābī–Salafī hypnosis by material wealth, particularly from Gulf countries and privately rich Arab individuals or organizations.

The Salafī Filipino Muslims can be divided into two categories: the Silent-Salafis and the Jihadi- Salafis. The first category refers to adherents who are not politically vocal in the public sphere and uses proselytizing tools (e.g., the dawah movement) in various small communities to spread their ideology. It could be in the form of media (e.g., Mensahe TV based in Davao City; education (Almaarif Educational Center Inc. in Baguio City, private madāris, state-regulated madrasah, *toril* or boarding schools, various Markaz learning centers); the Balik-Islam movement made up generally of Filipino Christian converts to the Islamic faith that started between the 1980s and 1990s (most are overseas workers in the Middle East who had contacts with Wahhābī cells and received Salafī educational materials); higher education such as Islamic Studies programs at the University of the Philippines and Mindanao State University (beneficiaries of Saudi donations of Salafī educational materials); and NGOs such as the World Assembly of Muslim Youth (WAMY) and the Muslim World League.

Some representative groups include Daʿwatus-Salafiyyah Philippines, Salafi Media Philippines, and Nida-ul Islam Foundation Inc., based in Zamboanga City. The Daʿwatus-Salafiyyah Philippines, mainly comprised of Tausugs, have publicly presented their identity in some of the following tenets of their beliefs: oneness of God with other forms considered polytheism; love of the Prophet's Companions and family; love of the People of Ḥadīth and all salaf; and despising of theological and philosophical knowledge systems because they are viewed as the cause of Muslims' fragmentation; non-acceptance of any books on *fiqh* (jurisprudence), on *tafsīr* (Qurʾānic commentaries), or historical academic books; shirk, apostasy, and that non-

practicing Muslims are great sinners punishable by expulsion; politics is congruently part of Islam and they are mutually inclusive.

An antecedent to the second category of Salafī Filipino Muslims is the unique locally based Balik-Islam movement. Its members do not want to be called “converts”; they instead prefer to be called “returnees” or “reverts” to Islam. They believe that the original religion of the Philippines is Islam, and that their Christian identity is a product of historical accident over which they had no control (Lacar, 2001). The RSM is one of the extreme Balik-Islam groups, founded by Hilarion Santos III (aka Ahmed or Lakay), which wanted to impose Sharīʿah and eliminate Philippine secular laws.

The RSM is an example of a Salafī Jihadist group whose aim is to wage continuous violent jihad until they achieve a pure Islamic society. Jihadi-Salafis, mostly influenced by the writings of Sayyid Quṭb, promoted war against apostate rulers and saw this actuation as a divine obligation. The founder of the RSM has no formal training in Islamic studies. He was an overseas worker in Saudi Arabia who converted to Islam in 1992 and returned a year later to the Philippines in order to propagate his version of Islam. This is a similar method and approach used by Filipino Muslims and converts who, upon return to their country and local communities, immediately joined several dawah movements. These self-proclaimed Islamic intellectuals, who received some favorable response from Muslim communities, have no formal scholarly training in Islamic education.

Another Jihadi-Salafi exemplar is Aburajak Janjalani, the founder of the ASG, who went to Saudi Arabia in 1981 to study Islamic jurisprudence and immersed himself in jihadī thinking and literature (Ramakrishna, 2018). After coming back to the Philippines, he recruited similarly minded Salafī individuals who had studied in Saudi Arabia, Egypt, Pakistan, and Libya to form the ASG and to advance its desire to counter MILF hegemony and imperial Manila’s Christian secularism. It is worthy to note that most of the Salafī educational institutions in the country (e.g., Darul Imam Shafii) are well-funded by Saudi- based organizations including, surprisingly, the International Islamic Relief Organization (IIRO) (Abuza, 2003). The extent of financing networks commenced during the Afghan war, where more than a

thousand of Filipino Muslims sent by the MILF were trained and indoctrinated (Mendoza, 2010). It is no wonder that the recent bombings in Mindanao and the Marawi crisis are manifestations of an increasing number of adherents to the Jihadi-Salafi version of Islam (Kumar, 2018).

Despite the incompatibility between Middle Eastern Islam and Southeast Asian Islam, it was the poor economic conditions and conflicts in Muslim-dominated regions of the Philippines that laid for the groundwork for a speedy conversion of Filipino Muslims to Wahhābī Salafīyah. Thus, the link between Middle Eastern Salafism, particularly of Saudi orthodoxy is the strongest Salafī representation in the country.

Bangsamoro Governance

Muslim missionaries, mostly *sufis* (mystics) from South Asia, arrived in the southern Philippines in 13th century and started spreading the message of Islam. Muslim traders have also reached Philippine islands via monsoon winds in 14th century where some businessmen married the locals. The locals who accepted Islam were later known as the Bangsamoro (literally means the nation of the Moro people) in contemporary 21st century Philippines. Etymologically, the word Moro was derived from the term 'Moor', which the Spanish rulers in colonial Philippines used it to refer to Muslims in Southern Spain, the al-Andalus. Spanish efforts to subjugate the Moro homeland resulted in the Spanish-Moro wars that began in 1565 and lasted for over 300 years (Kamlian 2012). The Moro communities are composed of 13 major ethno-linguistic communities located in the islands of Mindanao, Sulu, and Palawan. These are the Badjao, Iranun, Jama Mapun, Ka'agan, Kalibugan, Magindanaon, Maranao, Molbog, Palawani,Sama, Sangil, Tao-Sug, and Yakan (Lingga 2002). There are also Muslims among the other indigenous peoples of Mindanao like the Teduray, Manobo, Bla-an, Higaonon, Subanen, T'boli, and others. In recent years, significant numbers of people from Luzon and the Visayas islands, as well as migrant communities in Mindanao, have converted to Islam (Hussain 2012).

Due to historical injustices and economic negligence caused by the Philippine government, including the corrupt Moro

elites themselves, towards the ordinary Moro peoples, rebellion ensued with the formation of two Muslim armed separatist groups: the MNLF and the MILF, an offshoot of MNLF. The latter group (MILF) had succeeded its negotiations with the Philippine government to form the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) in 2019. It replaced the 1989 ARMM with an asymmetrical power with the Republic of the Philippines in parliamentary setting. Ideally, authority in Islam is supernatural-bounded and divinely-constructed but its operationalization depends on interpretations of religious elites of scholars (ulama) and jurists mostly crafted through the process of consensus (ijma) basing from the established (Sunnah) practices or traditions created by the Prophet, and laid down to his companions to generations.

The Qur'an possessed supreme authority over all written human laws which also complement the Sunnah. Thus, it is universal and cannot be altered or modified. However, Shari'ah (legislated laws of the jurists) could be modified (added, omit or alter) depending on the exigencies of changing times. The idea that Philippine sate monopolize violence is equivalent to Islam's monopoly of moral order under the dictum of 'commands good and forbids evil'. Territoriality is loosely conceptualized as *ummah* that has physical aspects, cultural traits and lingua franca. Within *ummah* polities (*dawlah* or state) emerged and it evolved historically into *watan* (fatherland, which expresses the link between group of peoples and specific geographical location). The Islamic term for *watan*, land, place, house or abode is called '*dar*', where in 8th century juristic interpretation two abodes were created, the abode of Islam (*dar al-Islam*) and the abode of war/enemy (*dar al-Harb*). There are also several contested abodes such as abode of truce, agreement, treaty or of friendly nations whereby Muslims are minority in non-Muslim regimes.

However, the idea of territorial sovereignty is gradually being recognized by contemporary Islamic scholarship as a result of historical conditions that something Islam recognizes it as a reality. The Organization of Islamic Cooperation (OIC), in reality, operates and configured within the confines of nation-state system as opposed to the Islamic *dar* or Hanafi's *ikhtilaf al-darayn* (i.e., territoriality). The territoriality of BARMM postulates contiguous borders which are legally imposed and adjudicated, for instance, Muslim governance are adjudicated by juristic division of realms

or abodes of Islam and of war/enemy including certain period of truce or peace treaty and its politico-territorial unit of analysis (the *ummah*). Moreover, this also includes Hanafi's study of territoriality on the bases of security, fear, existential threat, protection, and the independent legal status of the peoples comprising the whole territory. On the other hand, it is different with the Shi'a version of territoriality (i.e., *mustad'afun*/*mustakbirun* paradigm) referring to Quranic revelations and their understanding of the message of God, which explicitly manifests justice, knowledge, and prevention of corruption. Thus, the shi'a version is vague and unclear whether it connotes territoriality or not.

The reconfiguration of the political arrangement or system within the Muslim society in the guise of the recently formed BARMM system entails the following residuals:

1) The establishment of a new Bangsamoro political entity with its own structure of government (i.e., parliamentary form) supervised by the Philippines' presidential form of government.

2) The relationship between the National and Bangsamoro governments shall be asymmetric.

3) All issues that may result in a dispute between the National and Bangsamoro governments shall be resolved by an intergovernmental relations mechanism. The nature of powers between these two governments will have reserved, concurrent, and exclusive powers.

- *Reserved powers* are matters over which authority and jurisdiction are exercised by the National Government.
- *Concurrent powers* refer to the powers shared between the National Government and the Bangsamoro Government.
- *Exclusive powers* are matters over which authority and jurisdiction pertain to the Bangsamoro Government only.

4) Whatever power the Bangsamoro may exercise over its territory, it must be consistent with and not

contravening to the country's international obligations and commitments.

5) The Bangsamoro Government's treasury power is exercised through the development of Islamic Banking.

6) Under the explicit language of the BOL, the Shari'ah law shall have application over Muslims only. The national justice system will remain intact for all matters outside the jurisdiction of the Shari'ah Courts, and the inherent power of judicial review by the Supreme Court (to review any grave abuse of discretion amounting to lack or excess of jurisdiction by the Shari'ah Court) under the 1987 Philippine Constitution.

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CHAPTER 8

Implementing SSRG and Key Challenges to its Implementation

by: Kevin John S Domingo

Banking from the previous chapters, the Philippines had a fair share of both the best practices, that made it easier, and hurdles, that made it harder, to implement policies and changes that uphold principles of SSRG as described from the first chapters of this book. Chambers' (2014) commentary that the Philippines, over the years, while attempting to promote civilian control and democratize its security sector, is still affected by its authoritarian past. People who are in pursuit of promoting SSRG must first take into factor the importance of democratic consolidation. Also, as Cruz (2020) pointed out in the fifth chapter of this book, a well-governed security sector is a crucial factor in preventing conflicts. Therefore, as a country that has to place a fine and clear line between internal security operations (ISO) and territorial defense (TD), while addressing problems concerning terrorism, communist insurgency, Moro secessionism, and territorial integrity, it is important to talk about tools or framework that can be used to assess the implementation of SSRG. Afterwards, by talking about SSRG and the tools needed to assess it, the chapter will also try to pinpoint possible challenges that the country may face (or is already facing) upon implementing the very principles talked about in this book.

The chapter will use the framework used by Nicole Ball (2007) in her journal article *Reforming security sector governance.* According to Ball (2007), "good governance in the security sector implies that the sector is (1) guided by the principles of democratic governance and (2) takes a peace building approach to security."

These two (2) implications will be the guiding principles of the chapter to help the reader reach a point of personally evaluating if the Philippines, as it stands in the current administration, is on its way towards fully implementing a reformation of its security sector. Therefore, the chapter won't give an evaluation, but would rather provide details from what has been said from the previous chapters and some notes from key informant interviews (KIIs) conducted with some sector experts.

Implementing SSRG in the Philippines and Key Challenges

To reiterate, the implementation of SSRG in the country must be guided by the principles of democratic governance and

must take a peace building approach. The reason for this shift of mindset is that due to the previous mindset, which focuses security-related assistance towards the enhancement of the operational capacity of security services (with no primary or even secondary concern for the rule of law) led to the following, according to Ball (2007): “tolerance of politicized security bodies, war as a means of resolving disputes, flagrant disregard by security bodies for the rule of law, serious human rights abuses by security bodies, and high defense budgets.” These factors are the first aspect that we must use to assess the country’s implementation of SSRG - are we heading towards the same direction of the old mindset? Are we avoiding the emergence of these factors or are the actions being done by the current and previous administrations results to them? Upon translating the above-mentioned factors into questions, security bodies and other organizations may use the following to incite initial discussions on the implementation of SSRG:

- Is “waging war” a national policy in solving particular problems in the society?
- Are there existing and proposed policies that can arguably derail the professionalization of security bodies?
- Are there accusations towards security bodies of any form of disregard for the rule of law and human rights abuses?
- Are the proposed defense budgets from the previous years to present justifiable?

It must be noted that the context of the said factors can be traced from the time of the Cold War, in which according to Ball (2007), the time in which assistance related to security were focused only on the enhancement of operational capacities but limited to without concern for democratic governance. Having discussions on these questions can give relevant realizations whether the country is having a remission to a Cold War-like scenario. However, what does it mean to have a peacebuilding approach to security? What does it mean to have democratic security sector governance? To what exactly should we lead the security sector into? The next paragraphs deal with defining the peacebuilding approach and the democratic security sector governance. It will try to address the usual question of those who advocate SSRG in the country - what should be done to promote it?

According to Ball (2007), there are three factors that must be present to improve the democratic, civil control of the security forces. First, “the national leadership must be committed to a significant transformation process.” This is important in light of the need for the country to have its armed forces transition from an internal security-focused operation to a territorial-defense-focused one. Second, “the principles, policies, laws, and structures developed during the transformation must be rooted in the country’s history, culture, legal framework, and institutions.” It means that changes to be implemented by whatever organization, governmental or non-governmental, must take into consideration the Philippine context and not carelessly apply ideas taken from foreign funders and institutions. Lastly, “the transformation should be consultative both within government and between government and civil society.” There is a need to involve every sector of the society to fulfill the goal of democratizing the security sector. Ball included these factors due to the reality that activities that have been conducted It can be observed among these three factors that local bodies are primarily responsible in ensuring that SSRG is implemented in the country.

There are several factors as well that make the Philippines, as a developing country, different from other countries implementing SSRG. According to Ball (2007), developing and transitioning countries experience situations of conflict and insecurity to the point that the governments of these countries would then try to stop or address through bolstering the capacity of their security forces. In the Philippines, the sources of conflict come from international terrorists, communist networks, Moro secessionists, and among many others. Currently, the Armed Forces of the Philippines are being bolstered, both in capacity and in budget, to address these conflicts. However, due to budgetary constraints that are common to developing countries, there is a tendency for the country to think that it is a luxury investing in long-term and nationally mandated transformation processes, even if the majority agrees that SSRG is the good way to go. Also, despite this reality, the security sector, which again includes bodies mandated to use force, justice and public security bodies, and civil management and oversight bodies; should still follow a nationally mandated transformation process. Another challenge, however, is that this nationally mandated transformation process must also be consistent with international law. Therefore, the crafting of such policy involves not just the Philippine government but also its

international counterparts, multinational organizations, and the like. From the previous chapters, territorial disputes with ASEAN counterparts and China are among those that could be a continuous hurdle concerning the implementation of SSRG. Aside from the weakness of the country to address territorial defense due to its high inclination to address ISO-related concerns, De Castro's (2016) paper details China as relentless in its pursuit to secure areas it claims in the West Philippine Sea. The reaction of the nation through its chief executives, particularly of Aquino, Duterte, and the next administrations, are important to be studied and checked thoroughly as it would have an impact on the full-scale implementation of SSRG. Aside from being consistent with international law and relations, the nationally mandated transformation process must follow good democratic practice and implementation. Therefore, with this, the initial discussion questions mentioned earlier is a good starting point to determine the adherence to democratic principles of any process to be implemented by the government to reform the country's security sector. However, as mentioned in the previous chapters, the Philippines is having a fallout on its democratic aspirations, brought upon by its complicated history due to the Martial Law. With a tendency for the society, not just the government, to resort to extra-democratic ideas and processes, it would be a challenge for any administration to foster trust towards the implementation of a nationally mandated transformation process that would be upholding democratic principles.

Aside from implementing national directives to finally implement SSRG, such as a complete transition to territorial defense operations for example, there is a need to look deeply on how the policies are crafted in the first place. Ball (2007) and Heiduk (2014) both agreed that context is important in policies concerning security reforms. Therefore, lessons learned from other countries should not be carelessly adopted without necessary adjustments to cater the current condition of the security environment and other factors as indicated in the previous chapters. The academe and advocates of SSRG must be careful as well in pushing security agendas without proper analysis on how it was crafted, implemented, and evaluated in the place that it came from. Chambers (2014) also highlighted the common cycle happening in national directives of chief executives which tend to imitate international policies at the expense of the true purposes of SSRG. Therefore, the second challenge that Ball (2007)

mentioned in establishing SSRG is the need for the country to "develop civil management and oversight mechanisms and ensure that they work as intended." The country SSRG frameworks and its security sector is founded on several legal bases as mentioned in Chapter 4. As there are already legal frameworks that policymakers can use, all that needs to happen is for oversight mechanisms to be put into place to check that any reform process stays on the established goals. However, with the country's current battle against corruption, and still with its problem of maintaining a strong commitment towards democratic processes, establishment of good management and oversight mechanisms can turn into a great challenge. Another thing, connecting this challenge to the reality of the Philippines being a developing country, reform efforts promoted by transnational entities tend to be under the rubric of the 'war on terror.' Several administrations, such as the Arroyo and Duterte administrations, promoted and urgently passed a law that envisions to put a stop in terrorism. It spawned different sides that either supported or debunked the raised point that the country needs to legislate a law that would further strengthen the operational capacity of the country's internal security bodies' capabilities like intelligence activities for example. This is not surprising however, since according to Ball (2007), the "effects of these activities on the prospects for improving transparency and accountability are generally not positive." Therefore, improvement of security bodies and processes, in the absence of improved transparency and accountability, is a challenge that the country must address. This is important, as anything that improves the security sector but fails to be done in a democratic manner, will lead to a Cold War-like scenario (Ball, 2007). Policies such as the Bangsamoro Basic Law and the promotion of community policing programs, however, puts a different light on the possibility of promoting SSRG in the country. These policies are aimed to always check the context of where it is going to be implemented, and case studies of these two, among many others, could be a good help in the near future in determining how a wide scaled and nationalized SSRG agenda would and should look like.

Lastly, Ball (2007) said that civil society should be consulted and be involved in the creation, adoption, implementation, and evaluation of SSRG-focused policies. This is important as another challenge could impede any effort to reform the security sector - the country must be able "to develop viable

security bodies, capable of providing security for the state and individuals that are both affordable and democratically accountable (Ball, 2007).” But, with the Philippines having the tendency of having a weak commitment nowadays in the upholding of democratic processes, it would seemingly be a far cry for anyone to be able to develop security bodies that would be both affordable and democratically accountable. Previous chapters also showed a trade-off between the affordability of solutions and its adherence to democracy, and thus, such challenges will be given some addressing by the next chapter. Also, as a developing country, there is a pattern seen by Ball (2007), Heiduk (2014) and Chambers (2014), which is that some political elites who do not have broad popular support tends to strengthen their control over the security services. With this, SSRG is fated to undergo the cycle shown in Chapters 2 and 3, and that is the country having chief executives subjectively control the armed forces during their term. The said chapters concluded that in order for the Philippines to move forward with its SSRG agenda an objective type of control over the armed forces should occur. This type of control is also important for the country to finally transition from ISO to TD. Another barrier that Ball (2007) mentioned about the role of civil society is that assistance is usually not integrated into a “government - or organization-wide assistance strategy.” Even if the civil society is present and even if the security sector of a country is robust and well-manned, it would still be a problem if the country doesn’t have the abovementioned nationally mandated transformation processes that could bring these reforms on a long-term basis. It would be also impossible for a nationally mandated transformation process to occur if the concept of SSRG is not yet “mainstreamed” to those who are supposed to be responsible in promoting it. While the civil society is part of the “mainstreamers,” the government-based bodies must also join the crusade. There are countries, and possibly the Philippines, according to Ball (2007) that are hesitant in applying SSRG in their security policies as it could impair relations with partner governments, especially that SSRG must be consistent with international law. The matter with China for example shows a case of a rejection of international laws of the seas, and thus, an embrace to a democracy-promoting SSRG could be a deterrent in the building of relationship with the Chinese government as discussed about the Duterte administration in Chapter 3.

CONCLUSION

This chapter and the previous chapters still show that the Philippines is still in a formative stage of implementing SSRG. There are developments which happened in the previous years that are already far cry from what has been studied by security experts as reflected by several related literature conducted all throughout this book. With the implementation of the Bangsamoro Basic Law, the Duterte Administration's version of the Anti-Terrorism Law, its continuing attempts to address the conflict in the West Philippine Sea, the impacts of the continuing role of CSOs in the country are among the many events that have occurred the past years that could provide a conclusion that the Philippines have some stroke of effort to implement SSRG. However, a closer analysis of some challenges given by Ball (2007) shows a different dimension of the implementation of SSRG in the country. Policies that are seemingly pushing the country away from democratic processes, the incidence of corruption that promotes a culture of non-transparency and non-accountability, the absence of a democratic and nationally-mandated processes, and the implementation of international tribunal rulings, are among the many barriers that impedes the aspirations of many to conduct a full-scale reform of Philippine security sector governance. The next chapter will put into detail the different ways in which the Philippines can do if it starts to become more serious in its SSRG implementation.

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CHAPTER 9

Future SSRG in the Philippines

by: Kevin John S Domingo

War is renounced as a national policy in the Philippines as stated in Section 2, Article II of the 1987 Philippine Constitution. This renouncing continues to be a marker among our legal frameworks that sparks a desire to embrace democracy and diplomacy in resolving national and international issues, and thus, continues to be a marker of the attempt that the Philippines undertook to join the trend in reforming its security sector. This is especially during the so-called “restoration of democracy” when former President Ferdinand Marcos was ousted in office and the installation of former President Corazon Aquino. The point is, as revealed in the earlier chapters of this book, SSRG is already being implemented in the country, albeit with some barriers and challenges discussed in the previous chapter. These barriers are said to be effects of the country’s history with its bouts of colonialism and the Martial Law implemented during the Marcos regime. However, even if it seems that the Philippines is a unique case, the future of SSRG implementation in the country can be predicted since it is categorized among developing and transitional countries. In the previous chapter, Ball (2007) discussed the factors faced by developing and transitioning countries. To add context for the forthcoming details that this last chapter will provide, the next part will go through a re-telling of the three broad factors that shaped the democratic security sector reforms in developing countries such as the Philippines.

Ball started off with the discussion that developing countries have the tendency to bolster the capacity of their security forces due to the existence of conflict and insecurity among them. In the Philippines, the existence of Moro secessionism, the Communist crusade caused by their idealism, the Chinese insistence in the West Philippine Sea, the worldwide battle against terrorism, and among many others; are examples of conflicts that the country faces. As discussed in the previous chapters, these conflicts affect the goals of SSRG policies implemented in the country. Aside from these, according to Ball (2007), even if the solution for these conflicts is the establishment of relevant SSRG policies that will encourage national development and professional and accountable security sector, the fact that a developing country, and in this case the Philippines, have budgetary constraints among many other factors makes investing on such policies a struggle to be done. In fact, previous chapters showed that the regression caused by these conflicts

may be one of the factors why countries like the Philippines have a hard time to invest on a long-term agenda which would promote SSRG, thus a seemingly inescapable cycle occurs. With this, there is a need for the country to get support from donor governments or organizations, which according to Ball (2007), forms a complicated relationship of developing and donor countries. Chambers and Heiduk (2014) explained the said complicated relationship with two effects: the tendency to implement the donor government/organization's SSRG policies that results in the, sometimes, the implementation of these being out of the context. The problem, however, doesn't just sit with the implementation part of these policies. Some, if not all or most, implementers, crafters, and arbiters; represented by the Executive, Legislative, and the Judiciary in democratic states such as the Philippines; are members of the political elite who then justifies their seat of power through a strong and subjective control over the security services. With these factors being the current manifestation of SSRG in the Philippines, what should be its future? If the country would be in a time and place where SSRG is seriously implemented, what would it look like?

The Future of SSRG in the Philippines: What Would It Look Like?

Ball's (2007) paper still proves sufficient in giving this chapter the right direction in determining the future of SSRG in the Philippines. There is no other future for SSRG rather than strengthening it and making it relevant to the democratic scene of the Philippines. The first thing that Ball (2007) mentioned in her paper is the importance of civil society. As we have known from the previous chapters, traditionally, the three branches of the government conduct check and balances towards each other. This is empowered so by the 1987 Philippine Constitution and has become an important trademark of a working democracy in any country. However, with problems stemming from elitism and subjective control of the security sector, as well as the lingering problem of the undesirableness of democracy that resulted to unfaithfulness to the principle of checks and balances, who else should the people turn into to ensure bias-less and third party-led oversight? The answer to that question was supplied by Dr. Francisco Magno (2020) in his article in Business World Online. In this article, civil society is the answer to the weakness of the

government to check its own. The civil society serves as a vital force in securing the integrity of the government and making sure that it stands true to its ideals, goals, and purpose. However, over the past few years, Magno (2020) said that the role of civil society has dwindled in the past few years. To restore integrity, the civil society must be placed back again in the equation of policy creation, adoption, implementation, and evaluation. The future of SSRG in the Philippines involves a civil society that carries out watchdog and information drive activities. They challenge government policies if it is needed, and they provide the people the necessary information to help everyone take a stand in the issues and impact presented by SSRG-related policies. They can also be a source of resource persons or experts of different departments or offices, as their experience in the research of their specific expertise and their capability to engage the public will surely be assets in the formation and implementation of policies. The civil society's expertise in handling different issues concerning SSRG could also be an advantage for the government which needs complete and relevant information about these issues.

Ball (2007) also mentioned that a developing country is still, of course, in the process of development. The development that Ball is talking about is also described in Chambers (2014) and Heiduk (2014), that developing countries are still finding their own formula in implementing democratic processes. The Philippines also shares this reality despite having hiccups along the way - just like the aforementioned Martial Law. Therefore, the future of SSRG in the Philippines involves an embrace towards democratic processes, staying true to its growth towards development, since this is the prominent theme of various problems and barriers that impede the implementation of good SSRG practices in the country. To do this, the Philippines must first and foremost develop accountable and professional security forces. However, these two should not only be promoted through a series of development of doctrines, skills, rules, or the like. The security sector elected civil authorities, and the civil society should learn how to adhere to democratic principles and be biased towards the upholding of the rule of law. Armed forces must be trained and managed so that their operations are done in a manner which is consistent with democratic practices. A peace building approach to security must dominate the doctrine, skills, and materiel of the Armed Forces, as well as the Philippine Police.

When it comes to civil authorities, either elected or non-elected, governmental or non-governmental, Ball (2007) said that they must act responsibly, acting in accordance to democratic principles and the rule of law. Aside from this, they are expected to show to their constituents that they can act with capability to develop security policy and objectively manage the security sector. The policy process that begins with identification of key problems in the security sector up to the evaluation of the policies must be done proficiently by agencies, whatever degree of involvement that they have concerning these policies.

Next, the future of SSRG involves a Philippine society that gives high priority to human rights protection. Ball (2007) suggested that the tendency of security forces, especially in developing countries, to violate human rights is connected to them working "at the behest of civilian elites who seek to maintain or acquire power." Therefore, it is important to establish an objective control over the armed forces, however, this could only come through a thorough and serious implementation of SSRG, aided by a change in perspective about the role of security forces as a peacekeeping sector in the country. In connection to this, the civil society must be given a capability to monitor and scrutinize the actions of the security sector and government agencies that allows them to function. As discussed in earlier chapters, there is a recent decline in the participation of the civil society, all the more in their participation in SSRG affairs. Factors such as the lack of research and advocacy, coupled with an already low perception towards the civil society contributed to the said decline. Various research has established that a well-functioning, capable, and responsible civil society is vital in the promotion of economic and political development. The challenge however is that the civil society should be free from any partisan objectives and controversies concerning finances. The debacle that took place in this sector years ago - the one that involved the pork barrel scam and Janet Lim-Napoles' ghost non-governmental organizations, showed a case of a relationship between the government and civil society that has gone wrong. This blow against the reputation of the civil society warrants the need for them to be fiscally accountable to the people, as an effective, capable, and accountable civil society attracts the support and trust of the people. To reiterate, the future of SSRG in the Philippines involves a capable and responsible civil society.

Aside from what was already mentioned above, the future of SSRG involves a governance built upon the foundation of transparency. While there is certain information about the security sector which is held confidential, basic information, the likes of the status of the implementation of SSRG policies and the manner in which the branches of the government utilize the said sector should never be removed from civil oversight. There are many good reasons why transparency is important. First, it promotes economic stability as people are informed of security-related expenditures. Doing this would pressure the government and its armed forces to implement policies that would ensure that every cent spent on the security sector are accounted for. With this, it is important that some confidential information be shared to offices in the executive and legislative branches. Aside from these, the planning process of national transformation policies that is vital in the promotion of SSRG should be accessible to legislators and the civil society. A debate among the lawmakers concerning the said subject must be held to entertain different ideas and to scrutinize the nature of these plans. There should also be a constant review of these policies to ensure its fitness in the ever-changing context of the security environment. The civil society must be available as well to comment especially in the fostering of civil-military and civil-police relationships. It must be held into thought that the promotion of society should not be the responsibility of the armed forces and the policies but also a responsibility of civilians. A meaningful, trust-centered, and enabling relationship between these sectors is important. The promotion of transparency is a key that could encourage the participation of civil society in general as well. Therefore, transparency is among the enablers of a society highly led by democratic principles.

Lastly, local policies must be patterned to regional policies. In a bigger sense, regional approaches must be implemented to security problems. There are certain similarities between problems experienced by nearby countries, and with this, they should have opportunities to share their experiences with one another and come up with suggestions that each individual country can implement to address these problems. The future of SSRG in the Philippines therefore involves strengthening its ties to the international community especially with the regional organization known as the Association of Southeast Asian Nations

(ASEAN). The help of the country's regional counterparts is vital especially that the earlier chapters have established the need for the armed forces to focus on territorial defense and the police to focus on internal security operations. The support of the country's neighboring countries may help loosen the buildup of pressure that China is asserting in the territories claimed by the Philippines and therefore provide a space for the country to focus on its goal to transition. Several challenges faced by the Philippines, such as the continuing communist insurgency and traces of Moro secession, can also be addressed through the cooperation with the Philippines' neighboring countries.

CONCLUSION

The different scenarios depicting the future of SSRG in the Philippines mentioned above will surely take time to be seen and felt in our country. The reason behind this is that the future of SSRG revolves in the society's complete surrender towards the inevitability of democratic principles. SSRG will not be as reforming and as significant if the Philippines is not able to regain its trust towards democracy. It must be taken into consideration that democratic principles are the very foundation that makes SSRG work. What is more interesting however is that for SSRG to be effectively implemented in the country, the security sector must be in harmony with one another. To do this, society's perception towards the security sector must change - it does not only involve the armed forces or the police, but it also involves every branch of the government, and requires the participation of the civil society and international community. It does not dwell in embracing war to solve local, national, and international challenges and problems, but to resort to a peacemaking approach full of democracy and intent to follow the rule of law. It does not see democracy as means to SSRG, for democracy is both the means and the end towards a brighter future of SSRG in the country.

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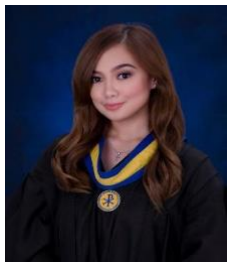

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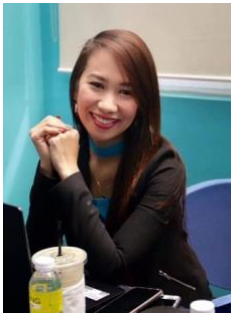

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ABBREVIATIONS AND ACRONYMS

1Q	-	1st quarter
4Q	-	4th quarter
ACWC	-	ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children
AFP	-	Armed Forces of the Philippines
AFPCIG	-	AFP Counterintelligence Group
AI	-	Amnesty International
AICHOR	-	ASEAN Intergovernmental Commission on Human Rights
ARMM	-	Autonomous Region of Muslim Mindanao
APSC	-	ASEAN Political and Security Community
ASEAN	-	Association of Southeast Asian Nations
ASG	-	Abu Sayyaf Group
ATC	-	Anti-Terrorism Council
BAR	-	Bangsamoro Autonomous Region
BARMM	-	Bangsamoro Autonomous Region in Muslim Mindanao
BBK	-	Bantay Bayanihan sa Kapayapaan
BBL	-	Bangsamoro Basic Law
BFP	-	Bureau of Fire Protection
BIFF	-	Bangsamoro Islamic Freedom Fighters

BJMP	-	Bureau of Jail Management and Penology
BOL	-	Bangsamoro Organic Law
BPOC	-	Barangay Peace and Order Committee
BuCor	-	Bureau of Corrections
CARHRIHL	-	Comprehensive Agreement to Respect Human Rights and International Humanitarian Law
CAB	-	Comprehensive Agreement on the Bangsamoro
CAFGU	-	Citizen Armed Force Geographical Units
CASER	-	Comprehensive Agreement on Social Economic Reforms
CBA-CPLA	-	Cordillera Bodong Administration and Cordillera People’s Liberation Army
CHR	-	Commission on Human Rights
CoA	-	Commission on Audit
COVID-19	-	coronavirus disease
CPP	-	Communist Party of the Philippines
CPP-NPA-NDF	-	Communist Party of the Philippines-New People's Army National Democratic Front
CSC	-	Civil Service Commission
CSPP	-	conflict-sensitive and peace promoting
CSOP	-	Community and Service-oriented Policing System

CSOs	-	civil society organizations
CUP	-	Capability Upgrade Program
DBM	-	Department of Budget and Management
DCAF	-	Democratic Control of Armed Forces
DDB	-	Dangerous Drugs Board
DDR	-	disarmament, demobilization and integration
DFA	-	Department of Foreign Affairs
DILG	-	Department of Interior and Local Government
DND	-	Department of National Defense
DOJ	-	Department of Justice
DoT	-	Department of Transportation
DPWH	-	Department of Public Works and Highways
DSSP	-	Development Support and Security Plan
E-CLIP	-	Enhancement of the Comprehensive Local Integration Program
EDCA	-	Enhanced Defense Cooperation Agreement
EEZ	-	Exclusive Economic Zone
EO	-	Executive Order
EO 70	-	Executive Order No 70
EU	-	European Union

EWER	-	early warning and early response
GRP	-	Government of the Republic of the Philippines
GOP	-	Government of the Philippines
GPH	-	Government of the Philippines
HR/IHL/RoL	-	Human Rights, International Humanitarian Law, and Rule of Law
HRV	-	human rights violation
HSA	-	Human Security Act
I4Ps	-	infrastructures for peace
ICG	-	International Crisis Group
IPSP	-	Internal Peace and Security Plan
ISIL	-	Islamic State of Iraq and the Levant
ISIS	-	Islamic State of Iraq and Syria
ISO	-	internal security operations
JASIG	-	Joint Agreement on Safety and Immunity
JDA	-	Joint Defense Assessment
KIG	-	Kalayaan Island Group
KIIs	-	key informant interviews
LCEs	-	local chief executives
LGUs	-	Local Government Units
MDT	-	Mutual Defense Treaty

MILF	-	Moro Islamic Liberation Front
MNLF	-	Moro National Liberation Front
MOA	-	Memorandum of Agreement
NAPOLCOM	-	National Police Commission
NAP-PCVE	-	National Action Plan on Preventing and Countering Violent Extremism
NATO	-	North Atlantic Treaty Organization
NBI	-	National Bureau of Investigation
NCW	-	National Coast Watch
NDA	-	National Defense Act
NDCP	-	National Defense College of the Philippines
NDS	-	National Defense Strategy
NEDA	-	National Economic and Development Authority
NGA	-	National Government Agencies
NGO	-	Non-governmental organizations
NISP	-	National Internal Security Plan
NPA	-	New People's Army
NPS	-	National Prosecutorial Service
NSC	-	National Security Council
NSP	-	National Security Policy
NSS	-	National Security Strategy

NTF-ELCAC	-	National Task Force to End Local Communist Armed Conflict
OCD	-	Office of Civil Defense
OECD	-	Organisation for Economic Co-operation and Development
OECD DAC	-	OECD Development Assistance Committee
OHCHR	-	Office of the United Nations High Commissioner for Human Rights
OIC	-	Organization of the Islamic Conference
OPAPP	-	Office of the Presidential Adviser on the Peace Process
OSCE	-	Organization for security and Cooperation in Europe
PADS	-	Philippine Air Defense System
PAF	-	Philippine Air Force
PAMANA	-	PAyapa at MAsaganang PamayaNAn
PAO	-	Public Attorneys Office
PCA	-	Permanent Court of Arbitration
PCAG	-	Philippine Civic Action Group
PCG	-	Philippine Coast Guard
PCVE	-	Preventing and Countering Violent Extremism
PDEA	-	Philippine Drug Enforcement Agency
PDP	-	Philippine Development Plan
PDR	-	Philippine Defense Reform

PH	-	Philippines
PN	-	Philippine Navy
PNP	-	Philippine National Police
POC	-	Peace and Order Council
POPS	-	Peace and Order and Public Safety
PSG	-	Presidential Security Group
RSM	-	Rajah Sulayman Movement
SAC	-	Special Action Committee
SAF	-	Special Action Force
SEA	-	Southeast Asia
SRI	-	Security Reform Initiative
SSG	-	security sector governance
SSR	-	security sector reform
SSRG	-	security sector reform and governance
TD	-	territorial defense
UN	-	United Nations
UNCLOS	-	United Nations Convention on the Law of the Sea
UNSC	-	United Nations Security Council
US	-	United States
US-RP	-	United States-Republic of the Philippines

USSR	-	Union of Soviet Socialist Republics
VP	-	Vice President
WPS	-	West Philippine Sea

ABOUT PCEDS

The Philippine Center of Excellence in Defense, Development and Security is a newly established research and training center at the National Defense College of the Philippines through DND Order No. 404 dated 18 September 2017. The Center was created to cater to issues and matters of strategic change and security priorities of the country as well as regional and global security challenges.

The Center's nature of work includes the following: (1) Provide policy-relevant research on global strategic affairs to address strategic change and security priorities of the country as well as regional and global security challenges; and, (2) Facilitate cooperation and coordination of the Philippines with relevant national government as well as regional and international organizations on defense and security issues. As a Center of Excellence, PCEDS is inclined to engage in research and collaboration with other members of the defense and security sector to address strategic change and security priorities in the country and review and analyze prominent issues and trends.

ABOUT SRI

The Security Reform Initiative, Inc. (SRI), an independent think-tank, which advocates for the adoption of policies, programs, reforms, and agenda in support of the country's human and national security well-being. It is postured for conducting policy research on a wide range of human and national security concerns, building an enlightened and involved constituency for peace in the region, within the nation, and among its diverse communities, and convening civil society organizations (CSOs) engaged with the government in general and the armed services in particular, and acting as third-party oversight in the implementation of its national security and modernization programs.

Since 2014, SRI has been involved with security policy researches and programs under grants and partnerships from your organization including the support in capacitating the **Bantay Bayanihan**, a civilian-led network of CSOs monitoring the implementation of the Armed Forces of the Philippines' DSSP Kapayapaan (previously IPSP Bayanihan). The team also conducted joint projects with the AFP to handle various studies on national security agenda, and with the Philippine National Police (PNP) on the implementation of the Community Policing Project in the Bangsamoro.

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