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An explosive cocktail
Counter-terrorism, militarisation and authoritarianism in the Philippines

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Counter-terrorism, militarisation and authoritarianism in the Philippines

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Cover photo: Displaced residents pass by a destroyed mosque on 10 May 2018 in Marawi, Philippines.
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Glossary

AFP	Armed Forces of the Philippines
ATA	2020 Anti-Terrorism Act
ATC	Anti-Terrorism Council
CPP	Communist Party of the Philippines
CSO	Civil society organisation
CVE	Countering violent extremism
DILG	Department of Interior and Local Government
HSA	2007 Human Security Act
ISIL	Islamic State in Iraq and the Levant
MILF	Moro Islamic Liberation Front
NAP P/CVE	National Action Plan on Preventing and Countering Violent Extremism
NPA	New People's Army
NTF-ELCAC	National Task Force to End Local Communist Armed Conflict
P/CVE	Preventing or countering violent extremism
PVE	Preventing violent extremism
UN	United Nations
UNDP	United Nations Development Programme

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Anti-riot policemen block protesters wearing face masks and face shields against COVID-19, during a protest outside the Supreme Court in Manila on 2 February 2021, as it prepares to hear a case asking the court to declare the new law unconstitutional.
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Executive summary

Violent groups committing terror attacks have existed in the Philippines since the early 1990s, often posing security threats to the state and the population. Today, it seems that President Rodrigo Duterte's administration is taking advantage of their existence to justify a counter-terrorism agenda which is used to legitimise an ongoing brutal crackdown on segments of opposition groups, political movements, civil society, human rights defenders, and Indigenous and minority populations.

Our paper maps how the renewed global drive to counter terrorism, combined with the election of a populist government in the Philippines with autocratic instincts and violent tendencies, has produced an explosive cocktail; one that is having damaging effects on conflict dynamics, civic space and the democratic freedoms of Filipino citizens.

Since the global war on terror was initiated in 2001, counter-terror approaches have fuelled devastating, unending wars in a host of countries, not least in Afghanistan, Iraq, Libya, Yemen, Somalia, Syria and across the Sahel. As many as 800,000 people have been directly killed, including at least 335,000 civilians. A further 21 million have been displaced.[1] Despite the mobilisation of enormous political, financial and military resources worldwide, similar patterns of failure have meant that violent groups remain resilient in many contexts, while civilians continue to bear the brunt of the violence.

Even with the well evidenced harms and limited results brought about by counter-terror methods throughout the world, the Philippine government and international partners have embraced counter-terrorism in the Western Pacific. Our paper charts how counter-terrorism has been a core framework influencing security decisions since 2001 under the Macapagal Arroyo administration, and how it worsened significantly following the election of President Duterte in 2016. Through the dramatic militarisation of civilian governance structures, President Duterte has weaponised counter-terrorism to pursue a narrow, securitised political agenda that is having widespread impacts on peace and human rights.

In the Philippines, as elsewhere, international partners and multilaterals touted the preventing or countering violent extremism (P/CVE) agenda as a way to change violent, repressive and ultimately ineffective war on terror approaches into a more principled, comprehensive and effective response. This led to the creation of the Philippine National Action Plan on P/CVE (NAP P/CVE). Ostensibly, it was designed to elicit a new 'whole-of-society' approach to tackling the threat posed by violent groups.

Yet this agenda and action plan did not transform the government's response to violent groups, and instead allowed for further securitisation of development, rights and peace efforts in the country. Our paper details how the NAP P/CVE has created a perception among civil society that United Nations (UN) funds and agencies have prioritised an external policy framework over the needs and demands of communities across the country.

This is not a dynamic unique to the Philippines – it is part of an observable trend around the world.[2] Nonetheless, in the Philippines, it has helped to conceal and maintain the same counterproductive macro-strategy. This is exemplified by the Siege of Marawi in 2017, and recent illiberal, repressive steps which target individuals who are perceived to be sympathetic to political opponents and communist rebel groups.

> **By framing security approaches under the global rubric of counter-terrorism and P/CVE, the Duterte government has found a convenient cover to legitimise its pursuit of narrow domestic political priorities.**

By framing security approaches under the global rubric of counter-terrorism and P/CVE, the Duterte government has found a convenient cover to legitimise its pursuit of narrow domestic political priorities. There has been a global roll-out, by international donors and multilateral institutions like the UN, of P/CVE policies, plans and project funding to contexts like the Philippines. This has inadvertently added salience to the Duterte government's drive to target elements of society it deems 'enemies of the state'. This is one of several important impacts of the counter-terrorism and P/CVE agenda in the Philippines. Others include:

■ **Reshaping priorities and co-opting civil society** – many civil society organisations (CSOs) have reframed their work to ensure they remain suitable partners for international organisations who – often without understanding the wider implications of doing so – bring P/CVE money and programmes to the Philippines. This has led to the instrumentalisation of women's rights organisations and youth groups – often the 'targets' of such funding – whereby efforts to promote gender equality, women's rights, build peace and prevent conflict are only supported if they are deemed to contribute to P/CVE or counter-terror objectives.

Funding given through this securitised lens moves these organisations and groups away from their vital role in championing community priorities in the context of an increasingly authoritarian governance approach.

■ **Aiding a crackdown on opposition and dissent** – the adoption of an overbroad definition of what constitutes 'extremism' and radicalisation is leading to significant harms. The criteria used for assessing 'radicalisation' include an individual's political persuasion, religious belief, or education institutions where they study. Combined with government efforts to label 'terrorists', radicals, religious 'extremists', insurgents, rebels, and separatists as 'enemies of the state', this has led to many counter-terrorism and P/CVE interventions targeting student groups, dissenting movements and certain minority groups.

■ **Securitising communities while failing to provide security** – national and subnational CSOs leading peacebuilding, development and good governance efforts are experiencing increased pressure to connect their efforts to the wider counter-terrorism and P/CVE agenda. In a country with a long history of internal violent conflict, the push to treat political insurgencies as "terrorism" is closing the space for many developmental and peacebuilding-based responses. Authorities are securitising engagement with many communities in the country, tackling perceived threats through hard security narratives, policies, interventions and partnerships. This is not providing security, but instead driving and enabling rising levels of conflict and repression.

■ **Dividing society and discriminating against minorities** – members of minority communities in the Philippines, such as Indigenous people, Moros or Muslims, often find themselves in the crosshairs of conflict and at the receiving end of harassment from both violent groups and security forces alike. Security forces are targeting individuals from these groups under the state's counter-terrorism strategy, as well as subjecting them to surveillance and policing programmes packaged as P/CVE. The tendency of P/CVE to view and portray aggrieved communities as 'vulnerable' and therefore a source of threat is further ostracising already marginalised sectors and breeding mistrust.

In the final section, our paper analyses the impact of the new Anti-Terrorism Act of June 2020. There is a clear indication that the Philippine government's current approach runs contrary to international standards and obligations to protect human rights and fundamental freedoms while countering 'terrorism'. Recent events have shown that any form of expression that articulates a view or political affiliation contrary to the official state position, or addresses human rights violations can now

constitute a form of 'terrorist' activity or a broad 'threat to national security'.

Continuing on this trajectory will have disastrous impacts on communities across the country for years to come. We therefore recommend a significant change in approach by security and development partners in the Philippines, multilateral institutions and international NGOs, and national CSOs. We highlight seven overarching lessons that the Philippines case offers those working on counter-terrorism and C/PVE at the national and international levels:

National level

1. **People must come before external policy frameworks** – all entities working on peace and security need to commit to broadening and deepening the engagement with Philippine society, especially with those most affected by violent groups, repression and state violence. This cannot be optional: it should be central and primary to any strategies, efforts and programmes to build peace and prevent violence.

2. **Human rights norms are central to avoiding downstream harms** – 20 years of evidence from around the world shows that until there is a conscious effort to recalibrate counter-terrorism measures and P/CVE programming to ensure that human rights norms are upheld as a central goal, violations of human rights and fundamental freedoms will continue. In the Philippines, all P/CVE and counter-terrorism programming and policies should include a conflict sensitivity assessment and a gender analysis in the design, implementation and evaluation phases. Programming should focus on upholding international human rights standards rather than undermining them. Where this cannot be guaranteed, projects should be suspended until the human rights situation is addressed.

3. **Impartiality is not neutrality** – implementing organisations in the Philippines are right to try and maintain impartiality. This is a requirement for UN agencies present in the Philippines. But impartiality is not the same as neutrality. Those working to build peace and prevent violence cannot be neutral about an agenda that is causing significant human rights harms, exacerbating conflict and derailing peace processes. If programming is contributing – directly or indirectly – to the closing of civic space, to criminalising opposition or to spying on minorities, then implementing organisations should refuse to cooperate with authorities, and where possible push back or make efforts to address this conduct.

4. **It is not too late to reverse securitisation and militarisation** – many human rights organisations, activists, peacebuilders, community organisers and IP in the Philippines continue to work for democracy and human-centred security responses. To reverse securitisation and militarisation in the coming years, UN agencies, international NGOs and national CSOs should invest in projects and programmes that promote human security and reassert democratic norms, and opt out of supporting securitised efforts.

Global level

5. **Counter-terrorism is being instrumentalised by authoritarians** – states and multilateral bodies that are committed to protecting human rights, civic freedoms and pushing back on authoritarianism need to develop a policy response that confronts authoritarian states' abuse of the counter-terrorism agenda.

6. **P/CVE cooperation cannot be considered neutral** – international partners need to be honest about the extent to which the Philippine government and its institutions are weaponising this agenda. They should avoid treating P/CVE programming as an apolitical agenda that is disconnected from militarised structures and approaches.

7. **Peace processes and human rights norms cannot be treated as acceptable collateral damage** – given the obvious harms inflicted in the Philippines, a fresh approach should be considered which prioritises peacebuilding approaches and tools, human rights work, support to local civil society groups and human rights defenders.

Notes

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2   Ní Aoláin F (2020), 'Human rights impact of policies and practices aimed at preventing and countering violent extremism, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights challenge of states of emergency in the context of countering terrorism, A/HRC/43/46', 21 February (https://undocs.org/en/A/HRC/43/46)

President Rodrigo Duterte arrives in the main battleground in Marawi City in the Southern Philippines, 17 October 2017.

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1

Introduction

The Philippines is no stranger to internal conflict and political violence. Over half a century, the country has experienced significant security issues within its domestic borders, from insurgencies, counter-insurgencies and terror attacks to outright military occupation.

The election of the current populist-authoritarian government of President Rodrigo Duterte in 2016 saw security issues and threats propelled to centre stage. The best known feature of President Duterte's security agenda – his key campaign promise to launch a bloody war on drugs – has led to thousands of extrajudicial executions across the country.[3] As his 'death squads' 'shoot to kill' drug dealers and drug users with impunity, security services have also turned their attention to the decades-old conflict with insurgent groups on the southern island of Mindanao.[4] By framing these actions under the global rubric of counter-terrorism, President Duterte's government has found a convenient cover to legitimise its pursuit of narrow domestic political priorities.[5]

President Duterte is not the first to securitise politics and governance in Philippines. Successive administrations in Manila – early adopters of the global 'war on terror' discourse after 9/11 – have recognised the political expediency of being part of the US geopolitical security agenda.[6] This allegiance has helped to restore the US presence in the Philippines through its provision of billions of dollars in military aid,[7] and has enabled authorities to conveniently delegitimise insurgent groups by labelling them as foreign 'terrorist' organisations.[8] For more than a decade since 2001, the counter-terrorism lens influenced security policies in the Philippines. However, in 2014, with the rise of the Islamic State in Iraq and the Levant (ISIL) and the emerging phenomenon of its worldwide recruitment, the war on terror gained renewed international impetus – something that the Philippine government has used to its advantage.[9]

The Philippines
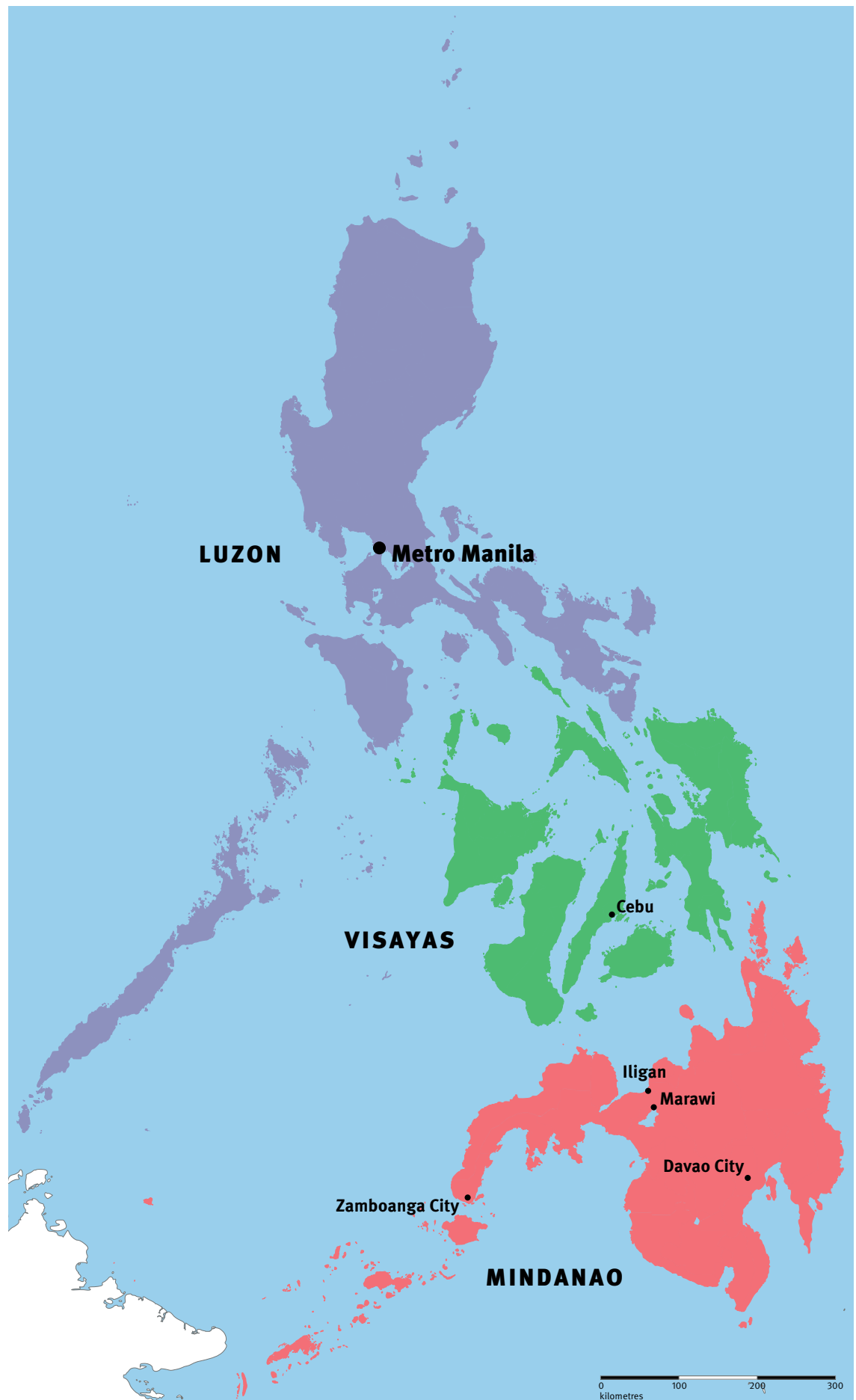
LUZON

Metro Manila

VISAYAS

Cebu

Iligan

Marawi

Davao City

Zamboanga City

MINDANAO

Adapted from Dakilang Isagani's *Map showing first-level political divisions of the Philippines, and the regions they are assigned to*:
https://commons.wikimedia.org/wiki/File:PH_Administrative_Map.svg
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Mindanao

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The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)

Adapted from Dakilang Isagani's *Map showing first-level political divisions of the Philippines, and the regions they are assigned to*:
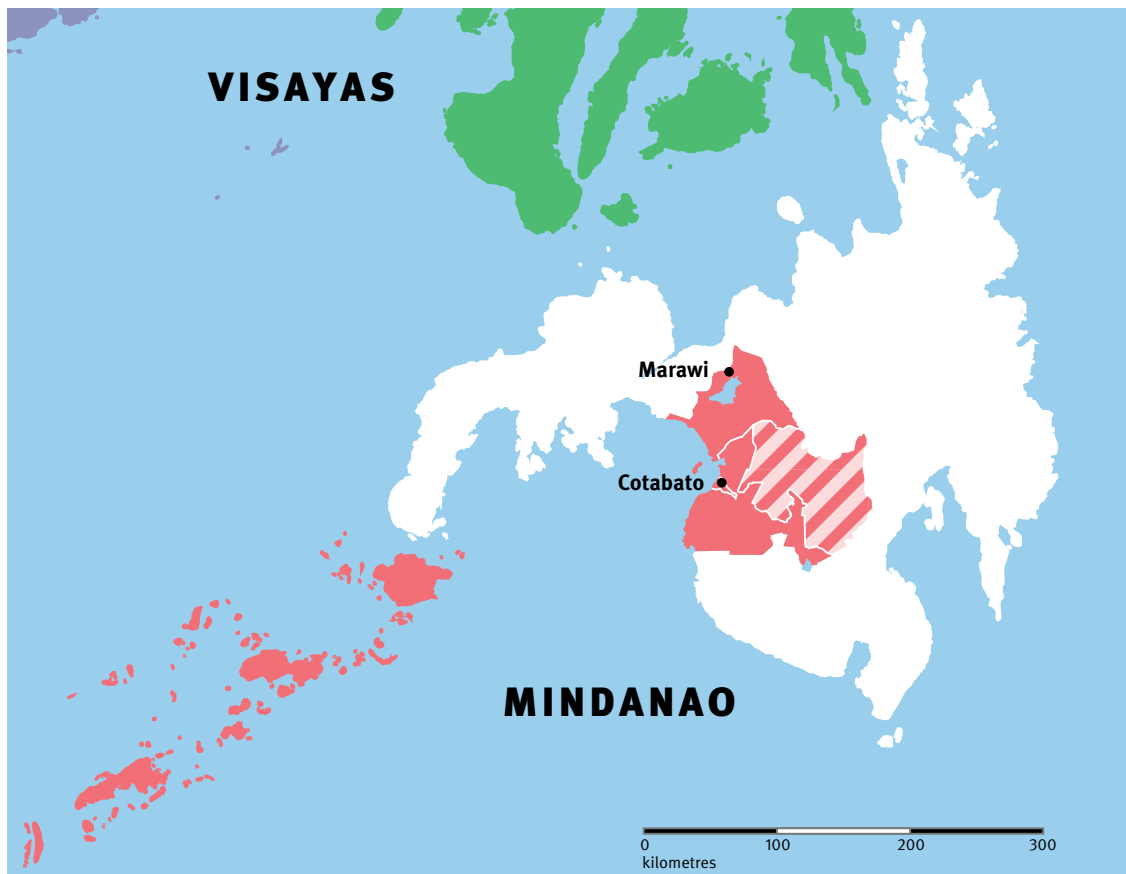https://commons.wikimedia.org/wiki/File:PH_Administrative_Map.svg
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This renewed international stimulus came with the emergence of a new approach to respond to terror attacks – the preventing or countering violent extremism (P/CVE) agenda. It was partly a response to the limited success of hard security, war on terror tactics.[10, 11] The US government and other Western countries championed the P/CVE agenda ostensibly as part of their efforts to 'break the cycles of conflict … that have become magnets for violent extremism'.[12] Other states and multilateral organisations quickly embraced this agenda, which was designed to take 'proactive actions to counter efforts by violent extremists to radicalize, recruit, and mobilize followers to violence and to address specific factors that facilitate violent extremist recruitment and radicalization to violence'.[13] The approach has found a happy home with the Duterte administration.

The global roll out by international donors and multilateral institutions, such as the United Nations (UN), of P/CVE policies, plans and project funding to contexts like the Philippines has inadvertently given salience to the Duterte government's drive to target elements of society it deems to be 'enemies of the state'. Armed insurgents, labelled as 'violent extremists', are a main target but they are not the only ones caught in the crosshairs. Minorities, journalists, civil society groups and even the judiciary have been on the sharp end of this branding.[14] Security and prevention measures – carried out in the name of counter-terrorism – have gone hand-in-hand with an attack on the political liberties of Filipino citizens and led to attempts to curtail press freedom and civil society autonomy. The erosion of the oldest democratic regime in Asia has taken a toll on the country's liberal norms and institutions, with far-reaching repercussions for the intensification of conflict nationwide.[15]

This discussion paper draws on the most recent scholarly research, existing policy documents, and interviews with international experts, peacebuilding practitioners, government officials and community organisers. We have examined and analysed the impact of P/CVE programming in the Philippines and how donors, multilateral institutions, and international, national and sub-national organisations have embraced counter-terrorism.

Our paper examines the impact of P/CVE programming in the securitised and politicised context of the government under President Duterte. Our analysis explores four core impacts: the reshaping of priorities and co-opting of civil society;

> **Security and prevention measures – carried out in the name of counter-terrorism – have gone hand-in-hand with an attack on the political liberties of Filipino citizens and led to attempts to curtail press freedom and civil society autonomy.**

aiding a crackdown on opposition and dissent; securitising communities; and dividing society and discriminating against minorities. In conclusion, we provide some lessons at the global and national levels for donor states that provide security and development assistance, multilaterals, and international and national civil society organisations (CSOs).

Box 1: Methodology and limitations

For our research we conducted an extensive review of scholarly work and existing policy documents prior to and following key informant interviews carried out between October 2020 and February 2021. The COVID-19 pandemic movement restrictions prevented us from doing extensive fieldwork in Mindanao and other parts of the Philippines. In our virtual meetings with interviewees representing international agencies, governments, civil society, academia, and some affected populations, we asked about the main security threats faced by the country, the causes of 'violent extremism', the authorities' approach in addressing internal conflict and the impact of P/CVE programmes. Ethical protocols were put in place to ensure our interviewees' anonymity as well as the safety of the data collected from them. Given the highly sensitive nature of our research and time constraints, we were unable to interview all relevant actors, particularly members of violent or proscribed groups.

Our paper does not seek to provide all the answers to the very complex issues that surround violent groups and terror attacks in the Philippines. Neither does it try to explain or examine the complex root causes underpinning the violence. But it does seek to provide a candid assessment of the existing P/CVE framework as applied in the country, as well as the preliminary impact of its programmes on society, particularly on the most marginalised sectors, and those who are most exposed to the impacts of conflict. Movement restrictions due to the pandemic prevented more localised and in-depth field research on specific programmes or other P/CVE-related projects. We hope that this paper will stimulate further engagement with affected populations and discussion among civil society, community organisations, international agencies and even the government on how to improve and enhance their peace and security engagements, policies and approaches.

Notes

3 Thompson MR (2016), 'Bloodied democracy: Duterte and the death of liberal reformism in the Philippines', *Journal of Current Southeast Asian Affairs* **35** (3), pp 39–68.

4 Broome J (2021), 'An End in Sight for the Philippines' Maoist Insurgency?', *The Diplomat*, 19 February (https://thediplomat.com/2021/02/an-end-in-sight-for-the-philippines-maoist-insurgency/)

5 Chalk, P (2018), 'National security in the Philippines under Duterte: Shooting from the hip or pragmatic partnerships beyond the noise?', Australian Strategic Policy Institute, June (https://www.aspi.org.au/report/national-security-philippines-under-duterte)

6 Aguirre AP (2009), 'The Philippine response to terrorism', *Journal of Policing, Intelligence and Counter Terrorism*, **4** (1), pp 47–63.

7 See Security Assitance Monitor (2020), 'Arms Sales and Security Aid to the Philippines in the Age of Duterte', May (https://securityassistance.org/wp-content/uploads/2020/10/Arms-Sales-and-Security-Aid-in-the-Time-of-Duterte-2.pdf)

8 Santos Jr SM, (2010), 'Counter-terrorism and peace negotiations with Philippine rebel groups', *Critical Studies on Terrorism* **3** (1), pp 137–154.

9 "Given the deep roots of conflict in Mindanao, it would be unwise to claim that the demise of an idealised caliphate will cascade into similar defeats among Abu Sayyaf Group and Maute Group remnants. But this pervasive disconnect between jihadist aspirations and real-world material conditions also acted as a self-limiting factor that inhibited links between the IS core and Filipino militants … Fixation on superficial trappings of affiliation to IS may be counterproductive in getting the people of Mindanao involved in winning the war for popular support after the Battle for Marawi." Franco J (2017), 'Marawi: Winning the War After the Battle', International Centre for Counter-Terrorism – The Hague, Nov (https://icct.nl/publication/marawi-winning-the-war-after-the-battle/)

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14 Lamchek JS, Sanchez, EM (2021), 'Friends and foes: Human rights, the Philippine left and Duterte, 2016–2017', Asian Studies Review, 45 (1), pp 28–47.

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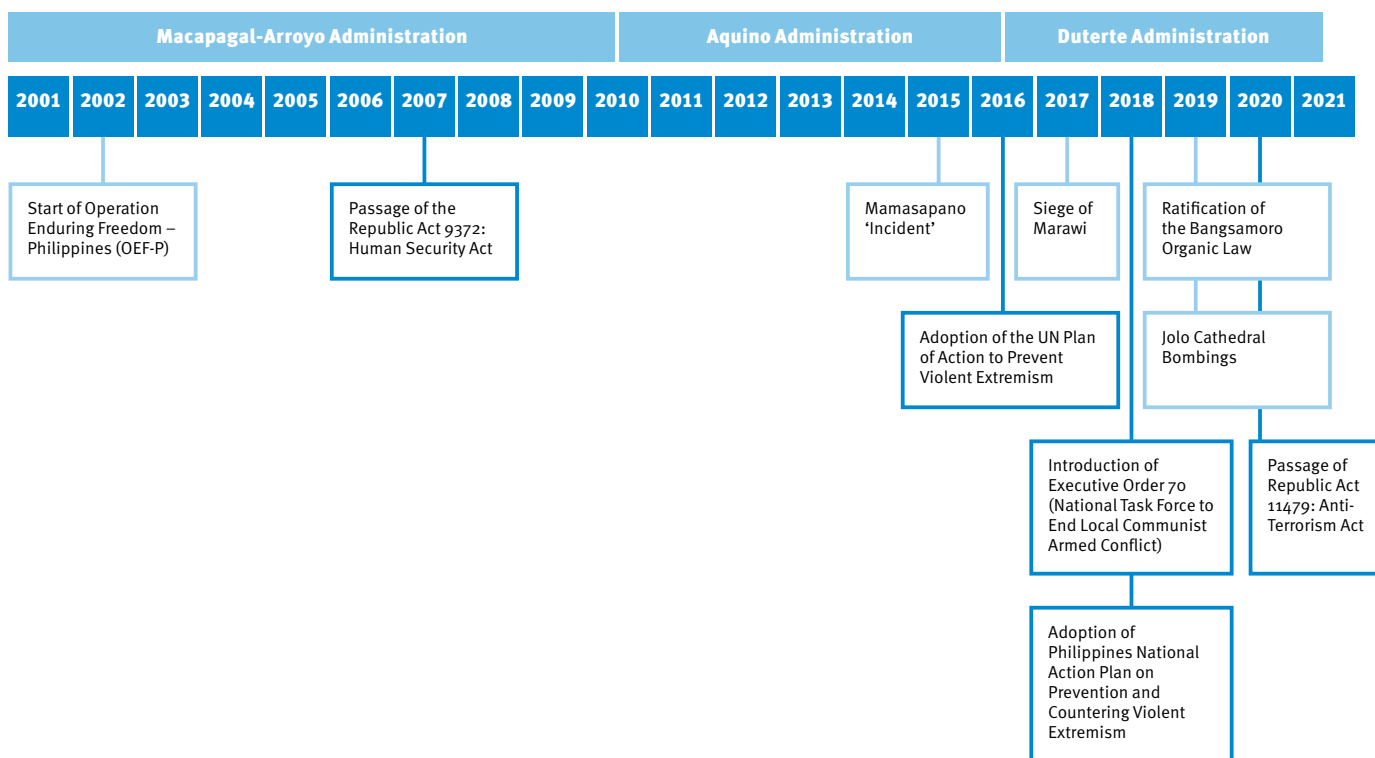
2

Fertile ground for embedding counter-terrorism

On 27 January 2019, a series of bomb attacks tore through the Our Lady of Mount Carmel Cathedral in Jolo, Sulu Province, killing 20 civilians and wounding 81 others.[16] It was the deadliest suicide bombing attack in the Philippines' history. Three days later, another explosion hit a Zamboanga City mosque, claiming two lives and injuring four others.[17] It came just one week after the ratification of the Bangsamoro Organic Law that established the new Bangsamoro Autonomous Region for Muslim Mindanao (BARMM). Then, in June 2019, two individuals – thought to be the first Filipino suicide bombers – detonated their explosives outside an army camp in Sulu, killing five (including themselves) and wounding 22 others.[18] After a hiatus of several months, two women alleged to be linked to the Abu Sayyaf Group detonated themselves, killing 14 people and wounding 75 others[19] in a two-stage attack in Jolo.

These bombings are just a few of the incidents that have contributed to the patchwork of violent terror attacks in the Philippines. Mindanao has seen the highest concentration of such attacks in recent years. In 2017, the city of Marawi, the country's only Muslim-majority city, was the scene of the most prominent counter-terrorism campaign in the Philippines' history when the Armed Forces of the Philippines (AFP) laid siege to the city after it was captured by ISIL-inspired groups.[20] More than four years after its virtual destruction, many of Marawi's residents remain displaced. The UN High Commissioner for Refugees estimated that 98 per cent of residents were displaced at the height of the siege.[21]

These attacks have often been used as justification for taking a tougher stance against violent groups. The recent suicide bombings have also led to the view that there needs to be further examination and initiatives on the role of women, youth and faith-based actors in these groups. This stance has at times ignored the historical foundations of conflict and violence in the country, and has missed important nuances in the plight and roles of marginalised minority communities and particular sectors – such as women, youth and faith-based actors – that are specific to the Philippines and Mindanao in particular. Central to this has been a move to absolve any responsibility for the state in historical and ongoing atrocities and in escalation of violence. Efforts by civil society to acknowledge inflammatory or counterproductive state approaches are often dismissed by authorities as mere propaganda exploited by non-state armed groups and 'lawless' elements that need to be countered. Many in civil society and those affected, however, have not wavered in pushing for broader peacebuilding aims and for historical and context-sensitive analysis of the issues at hand.

Timeline of key events

Macapagal-Arroyo Administration	Aquino Administration	Duterte Administration

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021

Start of Operation Enduring Freedom – Philippines (OEF-P)

Passage of the Republic Act 9372: Human Security Act

Mamasapano 'Incident'

Siege of Marawi

Ratification of the Bangsamoro Organic Law

Adoption of the UN Plan of Action to Prevent Violent Extremism

Jolo Cathedral Bombings

Introduction of Executive Order 70 (National Task Force to End Local Communist Armed Conflict)

Passage of Republic Act 11479: Anti-Terrorism Act

Adoption of Philippines National Action Plan on Prevention and Countering Violent Extremism

For decades, the twin internal challenges of a nationwide insurgency by communist rebel groups and a Muslim separatist movement in the south have led to instability throughout the archipelago. The conflicts have deep-seated causes going back to Spanish and American colonial occupation which continued under post-colonial administrations and perpetuated unequal access to development and social services, as well as aggressive counter-insurgency policies.[22] Some of the most brutal atrocities against Indigenous people (IP) and Muslim Filipino communities were perpetrated in the 1970s during the then President and dictator Ferdinand Marcos' martial law regime, hand-in-hand with the military and security establishments.[23] Such state abuses, combined with poor and unequal public service delivery, glaring economic inequality and widespread political exclusion, fed the grievances of minority religious and ethnic groups in Mindanao, as well as people living in rural poverty.[24] The lack of serious and institutional reckoning with the country's painful past has allowed the deep wounds, while invisible or often trivialised, to remain.

Adding a counter-terror framework to lingering – and sometimes active – tensions has had a number of impacts:

> "
> **For decades, the twin internal challenges of a nationwide insurgency by communist rebel groups and a Muslim separatist movement in the south have led to instability throughout the archipelago.**
> "

2.1
Disrupting a fragile path to peace and entrenching the hard security approach

Despite successive national administrations' inconsistent approaches to the internal conflict since the transition to democracy in 1986, overall there has been incremental progress towards peace in many regions in the Southern Philippines. Peace agreements with some armed groups, together with government policies emphasising the importance of unification and reintegration of political groups in representative institutions, have been welcome developments in recent years. However, given the number of armed groups and insurgents still fighting a protracted war against the military and the state, the government's embracing of counter-terrorism has inevitably carried enormous risks.

Terror attacks by intolerant and violent groups – evident in the Philippines since the early 1990s – pose real security risks for the state and civilians.[25] Like any state, Philippine authorities are responsible for taking measures to protect their citizens from such groups. Yet in the Philippines, these measures have become a dominant framework for the majority

of peace and security initiatives. Counter-terrorism has been a central factor in the removal of dialogue and ceasefires with insurgent groups. In some cases this has led to backpedalling on ongoing dialogues and has unravelled previous gains.[26] Framing domestic insurgencies as 'terrorism' has severely curtailed peace and reconciliation efforts with these armed groups.[27]

Under the Macapagal-Arroyo administration (2001–2010) the Philippines became one of the foremost supporters of the global war on terror in the region,[28] responding to the call for robust counter-terrorism measures through policy and legislation, intelligence sharing, and military and law enforcement cooperation. As the US identified 'terrorism' as a common threat, making hundreds of millions of dollars in military and economic aid available, it renewed its political and security relations with its old strategic ally. Relations had been strained since the base closures in 1991.[29] However, in the aftermath of 9/11, Washington gave Manila a ten-fold increase in military assistance.[30]

Some commentators have noted that the Philippine security establishment caught the 'anti-terrorism syndrome – i.e. the supremacy of counter-terrorism' and applied it in their approach to tackle the Moro Islamic Liberation Front (MILF) and other groups.[31] As 'conventional wisdom' not to negotiate with 'terrorists' became government policy, ongoing peace processes in the Philippines hit roadblocks.[32] In 2007, an anti-terrorism law, euphemistically termed the Human Security Act, became law and signified the country's embrace of counter-terrorism measures.[33] It was designed to empower government institutions and security forces to counter terror threats. It was not focused, as its name suggested, on steps to address the deep drivers of violence and insecurity in the country. Instead, it aimed to embolden a militarised, punitive approach to dealing with 'threats'. Ultimately, the Act was not used due to strict statutory provisions, but it established counter-terrorism as the predominant framework for dealing with insecurity.

As Western governments continued to pour resources into strategic alliances to tackle the 'terrorism' threat, former military figures who had positioned themselves as the necessary voices with the experience to handle these security efforts acquired growing influence over the Philippines' civilian government.[34] This approach was aided by the close relationship between the Macapagal-Arroyo administration and the Philippine security sector. Retired generals in the President's cabinet did not hesitate to push for a heavily militarised approach to deal with communist rebels and Moro secessionists under the counter-terrorism framework. The lack of careful consideration of the ramifications of embracing a counter-terrorism framework led to a new 'all-out war policy' in dealing with all non-state armed groups.[35]

It was no coincidence that the adoption of a hard security counter-terror approach happened at the same time as a massive increase in human rights violations in the form of extrajudicial killings. Community organisers, independent journalists and other civil society members were subject to this crackdown. Philip Alston, the then UN Special Rapporteur on extrajudicial, summary or arbitrary executions estimated that as many as 800 people were executed between 2002 and 2008.[36] By 2005, this, together with other authoritarian tendencies prevalent in the Arroyo administration, had led NGO Freedom House to downgrade the Philippines to 'partially free' status.[37]

The increase in human rights violations, the shift away from democracy and towards authoritarianism, and the increasingly hostile approach towards armed groups in the 2000s had many interconnected roots. But none of them were as important as the authorities' seizing upon and imposing counter-terrorism measures in the Philippines.

> **It was no coincidence that the adoption of a hard security counter-terror approach happened at the same time as a massive increase in human rights violations in the form of extrajudicial killings.**

2.2
Fanning the flames of conflict and the resurgence of violence

With the change in political leadership in 2010, a new reformist and liberal-democratic oriented government entered power, but the embrace of counter-terrorism continued.[38] The Aquino III administration (2010–2016) further deepened its security cooperation with the US through large-scale joint military exercises which included efforts to address 'terror threats' as a major component. A renewed international focus on the threat of violent terror groups with potential transnational reach became a core justification for a new defence agreement with the US in 2015. It allowed US armed forces temporary access to the Philippine military's camps.[39] Other US allies like Australia, Japan and EU countries followed suit and poured money into counter-terrorism and P/CVE programmes.

Between 2010 and 2016, violent conflict continued at low levels of intensity in Mindanao. The Philippine government's approach during this period continued to treat the insurgency as an issue that had a military solution – often leading to the exacerbation of the multi-faceted and context-specific drivers of violence. The 2015 Mamasapano incident and the 2017 Marawi siege starkly underline this.

In January 2015, during the deadly attempted arrest of Zulkifli Abdhir – one of the US Federal Bureau of Investigation's most wanted individuals – 44 members of the Special Action Force police unit, 18 members of the MILF and five civilians died during operation Oplan Exodus in Mamasapano,

Maguindanao. Coordination problems between the civilian government, the military and the police led to a stand-off between government forces, the Bangsamoro Islamic Freedom Fighters and the MILF, who were allegedly sheltering Abdhir. Abdhir was killed in the subsequent firefight, along with 76 others.[40]

Scholar Nathan Quimpo has written extensively on the operation and remarked:

'[I]n terms of accomplishing its objective of eliminating the main "high-value" target [Zulkifli Abdhir alias Marwan], Oplan Exodus was a huge success. Overall, however, Oplan Exodus was a

**A building in the aftermath
of the Siege of Marawi.**
© IID Marawi Mission File Photo

*disaster … [T]he single-minded and frenetic drive to
go after "high-value" terrorists can make top
government leaders and security officials and their
US advisers lose sight of the larger long-term goals.
In the case of Oplan Exodus, this had disastrous
consequences."*[41]

This tragedy led to the resurfacing of anti-Moro and
anti-Muslim sentiments among many of the majority-
Christian Filipinos.[42, 43] It also contributed to a
nationwide backlash against further implementation
of the peace agreement between the government
and the MILF and derailed the passage of the Aquino
administration's promised Bangsamoro Basic Law.

2.3
Militarisation of governance structures

Just under one year into President Duterte's
administration (2016 to present), another botched
counter-terrorism operation jeopardised the ongoing
peace process as the divide between Muslim
Filipinos and Christians was reignited. On 23 May

2017, government forces raided a suspected hideout of the Abu Sayyaf Group leader Isnilon Hapilon in Marawi City. Hapilon asked for reinforcements from members of the armed Maute group that had pledged allegiance to ISIL, leading to sporadic firefights with the military in various parts of the city.[44]

Later that day, President Duterte declared martial law throughout Mindanao, and the military proceeded to air bomb the city. The fighting lasted for several months until the city was declared to have been liberated in October 2017. Forty-seven civilians died in the fighting and, according to the UN High Commissioner for Refugees, 98 per cent of the population of 201,785 people in 96 barangays[45] were displaced. Most of them were Muslims of Meranao descent.[46] More than three years after the supposed liberation, many Meranaos have been unable to return home.[47]

> "
> **Historically viewed as rebels or political opposition, the communist movement is now labelled as a 'terrorist group'.**
> "

The air raids – believed to be excessive, especially by people living in the city – destroyed almost all of Marawi City, which is considered the 'only Islamic city in the largely Catholic Philippines'.[48] The perception that the military response was disproportionate, increasing anti-Moro and anti-Muslim sentiments, frequent examples of discrimination against the Meranao population, and continuing delays in the city's rehabilitation and reconstruction contributed to rising tensions.[49] It also led to 'a widespread belief among Marawi's displaced residents that military forces deliberately razed and looted the city' and a recurring narrative that 'Manila destroyed Marawi'.[50]

This robust military response was not unexpected. By 2017, the Duterte administration had the greatest number of retired generals in any presidential cabinet in the post-dictatorship period. Although the Macapagal-Arroyo administration commonly appointed former military officials to lead departments such as the Department of National Defense, the Duterte administration has accelerated this trend significantly. President Duterte appointed generals to head department portfolios that deal with the environment and social welfare, the peace process and IPs' concerns, and several other smaller offices. This has created an imbalance in civil-military relations and has led to a slip towards securitised military-first policies on a number of fronts.

In the Philippines, this militarisation of governance has deprived policy-making of the plurality of perspectives necessary to contribute to addressing the complexity behind the country's security threats.

Militarisation has pervaded bureaucracy as retired generals tap into their existing military networks to lead their respective government agencies. It has been argued that this has led to decision-makers prioritising a very narrow range of responses.[51]

Sources from inside the Duterte administration have observed a lack of diverse perspectives in peace and security policy circles and an absence of debate on policy direction. This has led to decision makers favouring and actively seeking kinetic measures to respond to security challenges. Despite growing evidence that the military-first approach in the war on terror over the last two decades has been a strategic failure,[52] the Philippine government has been seized by decision makers intent on making the same mistakes.[53]

In 2018, President Duterte signed an executive decree to 'end local communist armed conflict' by the end of his term in 2022. This unconditional order is believed to have been strongly influenced by the military establishment's enduring interest in taking advantage of the current administration's subservience to their goals. Euphemistically described as a 'whole of nation' approach, the heavily-funded counter-insurgency strategy is largely dictated by elements of the military establishment. The Duterte administration's inability to impose democratic civilian control has put the military in the driver's seat in this anti-communist drive. With both retired and active generals leading on implementation, the military is determined to put a violent – rather than negotiated – end to one of the world's longest-running Maoist-inspired insurgencies. In recent months, President Duterte's administration has accelerated a McCarthy-esque campaign against an insurgency that it sees as having penetrated all sectors of society. Historically viewed as rebels or political opposition, the communist movement is now labelled as a 'terrorist group'.[54]

The instances of renewed violent conflict in the Philippines have exposed the severe limitations of this narrow and securitised counter-terrorism approach that relies on military action to tackle 'threats', while disregarding the root causes of grievance-based internal conflicts. From Macapagal Arroyo to Aquino III and through to Duterte, the rhetoric might differ, but the overall embrace of counter-terrorism has remained the same. The failure of the supposed liberal reformist government (2010–2016) to buck this trend set the scene for the siege of Marawi and enabled the abuses that ensued.

Notes

16 *BBC News* (2019), 'Jolo church attack: Many killed in Philippines', 27 January (https://www.bbc.com/news/world-asia-47018747). A follow-up investigation linked an Indonesian couple, affiliated to the Jamaah Ansharut Daulah (JAD), as the ones behind the suicide bombing.

17 *Al Jazeera English* (2019), 'Philippines: Mosque in Zamboanga hit by deadly grenade attack', 30 January (https://www.aljazeera.com/news/2019/1/30/philippines-mosque-in-zamboanga-hit-by-deadly-grenade-attack)

18 Gomez J (2019), 'Philippines: 1st known Filipino suicide attacker identified', *Associated Press*, 2 July (https://apnews.com/article/2df 091f681254512824864fe62ab4130). Based on the available information, it is understood that Philippine nationals did not carry out previous suicide bombings within the country. The attack in Sulu is believed to be the first.

19 *Al Jazeera English* (2020), 'Army says two women carried out Jolo bombings in the Philippines', 25 August (https://www.aljazeera.com/news/2020/8/25/army-says-two-women-carried-out-jolo-bombings-in-the-philippines). One of the suicide bombers was believed to be an Indonesian national who was the wife of 23-year-old Norman Lasuca, the first Filipino suicide bomber who killed himself in 2019. The other bomber is suspected to be the wife of Talha Jumsah, alias Abu Talha, a bomb expert from the Abu Sayyaf Group.

20 Engelbrecht G (2020), 'Resilient Militancy in the Southern Philippines', International Crisis Group, September (https://www.crisisgroup.org/asia/south-east-asia/philippines/resilient-militancy-southern-philippines)

21 United Nations High Commissioner for Refugees (2017), 'Inter-Agency Operational Update: Philippines', October (https://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Philippines/files/update-on-the-marawi-conflict-and-displacement.pdf)."An estimated 98 per cent of the total population of Marawi City (201,785 individuals in 96 barangays, based on the 2015 census) have sought shelter in different evacuation centers or with their relatives."

22 McKenna TM, (n.d.), 'The Origins of the Muslim Separatist Movement in the Philippines', Asia Society (https://asiasociety.org/origins-muslim-separatist-movement-philippines)

23 Salah J (1984), *Bangsamoro, A Nation Under Endless Tyranny*, (Lahore: Islamic Research Academy), p 134. "The Marcos dictatorship's ill-treatment of the Bangsamoro people is highlighted by his encouragement of the creation of the Ilaga, a Christian paramilitary group. Together with the Philippine Army, they were responsible for multiple massacres of the Bangsamoro people, such as the Manili Massacre in 1971 and the Malisbong Masjid Massacre of 1974. It was also during his term, particularly in 1968, that the infamous Jabidah Massacre occurred where at least 60 Muslim Filipinos undergoing military training were killed."

24 For a historical discussion of these conflicts, see Kerkvliet BJ (2002), *The Huk Rebellion: A Study of Peasant Revolt in the Philippines* (Lanham: Rowman & Littlefield); Ferrer MC (2020), *Region, Nation and Homeland: Valorization and Adaptation in the Moro and Cordillera Resistance Discourses* (Singapore: ISEAS-Yusof Ishak Institute); Vitug MD, Gloria GM (2000), *Under the Crescent Moon: Rebellion in Mindanao* (Quezon City: Ateneo Center for Social Policy & Public Affairs); Weekley K (2001), *The Communist Party of the Philippines, 1968–1993: A Story of its Theory and Practice* (Quezon City: University of the Philippines Press).

25 Quimpo NG (2016), 'Mindanao: Nationalism, Jihadism and Frustrated Peace', *Journal of Asian Security and International Affairs* **3** (1) pp 1–26.

26 There is a large body of academic literature about the history of internal conflicts in the Philippines. See Abinales P N (2000), *Making Mindanao: Cotabato and Davao in the formation of the Philippine nation-state* (Quezon City: Ateneo University Press).

27 Santos Jr SM, (2010), 'Counter-terrorism and peace negotiations with Philippine rebel groups', *Critical Studies on Terrorism* **3** (1), pp 137–154

28 The Operation Enduring Freedom – Philippines (OEF-P) or Operation Freedom Eagle was in place from 2002 to 2015 as part of the Operation Enduring Freedom and the US Global War on Terrorism.

29 Avila APC, Goldman J (2015), 'Philippine-US relations: the relevance of an evolving alliance', *Bandung: Journal of the Global South* **2** (https://doi.org/10.1186/s40728-015-0021-y)

30 De Castro RC, (2006), '21st Century Philippines-US Security Relations: Managing an Alliance in the War of the Third Kind', *Asian Security* **2** (2) pp 102–121.

31 In 2003, the MILF wrote a confidential letter to then President George W. Bush to seek America's help in resolving the decades-old conflict, citing the historical role of the early-20th-century colonial government in annexing the Moro province into the incipient Philippine republic. Bush responded by dispatching the United States Institute of Peace (USIP) to determine what the US could do. This move pre-empted the plans of the Macapagal-Arroyo government to lobby for the tagging of the MILF as a terrorist group. See also Quimpo, N G (2016), 'Mindanao: Nationalism, Jihadism and Frustrated Peace', *Journal of Asian Security and International Affairs* **3** (1).

32 Santos Jr, SM (2012), 'Impact of the "Global War on Terror" on the Peace Process with the Moro Islamic Liberation Front in the Philippines', *Border Regions in Transition XII conference in East Asia*, Fukuoka, Japan, 13–14 November, pp 2–3.

33 Arugay AA (2007), 'From State to Human Security: Implications for Security Sector Reform (SSR) in the Philippines', in C Banpasirichote, P Doneys, M Hayes, C Sengupta (eds.), *Mainstreaming Human Security: Asian Perspectives* (Bangkok: Chulalongkorn University Press), p 38.

34 Arugay AA, (2011), 'The Military in Philippine Politics: Still Politicized and Increasingly Autonomous, in M Mietzner (ed.), *The Political Resurgence of the Military in Southeast Asia: Conflict and Leadership* (London: Routledge), pp 85–106.

35 Hutchcroft PD (2008), 'The Arroyo imbroglio in the Philippines', *Journal of Democracy* **19** (1), pp 141–155.

36 United Nations Human Rights Council (2008), 'Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston : addendum : mission to Philippines', April (https://www.refworld.org/docid/484d2b2f2.html)

37 Sales, PM (2009), 'State terror in the Philippines: the Alston Report, human rights and counter-insurgency under the Arroyo administration', *Contemporary Politics* **15** (3), pp 321–336.

38 Though the government seriously pursued peace negotiations with MILF culminating in a landmark agreement in 2014, it did not make similar progress with the communist movement.

39 De Castro RC (2017), 'Developing a Credible Defense Posture for the Philippines: From the Aquino to the Duterte Administrations', *Asian Politics & Policy* **9** (4), pp 541–563.

40 Quimpo, NG (2016), 'Mindanao: Nationalism, Jihadism and Frustrated Peace', *Journal of Asian Security and International Affairs* **3** (1) pp 1–26.

41 Ibid.

42 Aurelio JM (2016), 'Mamasapano drove a wedge between Christians, Muslims in social media, says US report', *Philippine Daily Inquirer*, 14 August (https://globalnation.inquirer.net/142740/mamasapano-drove-a-wedge-between-christians-muslims-in-social-media-says-us-report)

43 Castillo RCA (2018), 'The Mamasapano clash, memories of violence, and the politics of Muslim belonging in the Philippines', *New Mandala*, 14 August (https://www.newmandala.org/mamasapano-memories-muslim-belonging-philippines/)

44 Al Jazeera English (2017), 'Mindanao: Churchgoers 'taken hostage' amid Marawi siege', 24 May (https://www.aljazeera.com/news/2017/5/24/mindanao-churchgoers-taken-hostage-amid-marawi-siege)

45 A barangay is the smallest administrative division in the Philippines and is the native Filipino term for a village, district, or ward.

46 United Nations High Commissioner for Refugees (2017), 'Inter-Agency Operational Update: Philippines', October (https://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Philippines/files/update-on-the-marawi-conflict-and-displacement.pdf)

47 Westerman A (2020), 'Over 120,000 People Remain Displaced 3 Years After Philippines' Marawi Battle', NPR, 23 October (https://www.npr.org/2020/10/23/925316298/over-120-000-people-remain-displaced-3-years-after-philippines-marawi-battle)

48 Franco J (2020), 'Detecting Future "Marawis": Considering Alternative Indicators for Assessing the Potential for New Manifestations of Violent Extremism in Mindanao', *Perspectives on Terrorism* **14** (1), pp 3–12.

49 Ibid.

50 Ibid.

51 Arugay AA (2021), 'The Generals' Gambit: The Military and Democratic Erosion in Duterte's Philippines', Heinrich Boll Stiftung Foundation, 18 February (https://th.boell.org/en/2021/02/18/generals-gambit-military-and-democratic-erosion-dutertes-philippines?fbclid=IwAR3e SLIa9DMErHzUnLqYAZqtu3fcxS3C0S4996A1rx1hbQXrFpusiK_U-Gg)

52 Ni Aoláin F (2021), 'Ending Counter-Terrorism as we know it', video, TED, February, (https://www.ted.com/talks/fionnuala_ni_aolain_ending_counter_terrorism_as_we_know_it)

53 Arugay (2021), op cit.

54 Ibid.

Soldiers, along with President
Rodrigo Duterte, are seen during
a flag raising in Marawi City in
the Southern Philippines,
17 October 2017.
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Getty Images

3

New approaches, same results – the preventing and countering violent extremism agenda

When ISIL rose to prominence, seizing large swathes of territory across Iraq and Syria in 2014, counter-terrorism became a core global policy issue once again. A tacit acknowledgement of the shortcomings of the past decade led the US government to attempt a move away from a permanent war footing and towards a new approach – P/CVE. It was designed to focus on root causes of terror-related violence.[55] By 2015, the Obama administration had held a three-day Countering Violent Extremism (CVE) summit to mobilise global support for this approach. Meanwhile, UN Secretary-General Ban Ki-moon issued a UN Plan of Action to Prevent Violent Extremism (PVE).[56] Although the concepts were born prior to 2014, ISIL's violent acts, the huge upheaval across the Middle East, and the spate of terror attacks from Paris to Istanbul seized policymakers across the world. With this backdrop, it is no surprise that the P/CVE agenda became flavour of the month in the Philippines.

3.1
A new discourse

The attempts to conceptually shift counter-terrorism policy towards a 'root cause', preventative approach and away from reliance on a hard security, kinetic approach found a home at the UN. Then, Secretary-General Ban Ki-moon pushed for 'collective preventive action against terrorism … in the spirit of our United Nations Charter' that could make the UN 'more relevant, more credible, more legitimate and more capable in responding to terrorism'.[57] Adopted by the UN General Assembly in February 2016, the UN Plan of Action to PVE introduced the concept of PVE to the world – quietly eschewing the undertone of partisanship and belligerence implicit in the term 'countering' under the Obama administration's CVE framing.[58]

For those who rallied behind the P/CVE agenda, it was seen as a way to adapt previous counter-terror strategies to make them context specific, conflict sensitive and human rights centred. Proponents argued that P/CVE could mobilise different sectors of society to address the multiple drivers of terror attacks and support for violent groups – with a so-called 'whole-of-society' approach.[59] This was touted as a positive move away from a security-focused approach and towards a more preventative approach.

But not everyone was convinced this was the right approach. Some felt that because counter-terrorism and counter-insurgency approaches were already being used by governments to crack down on dissent and target minorities, political opponents and human rights groups, the UN's embrace of PVE would introduce 'more mud into already murky waters'.[60] Others noted that it could further enable authoritarian regimes to "subsume other legitimate interests under the banner of suppressing 'violent extremism'".[61] Some said that it would put further pressure on peace and rights efforts, and would likely lead to reduced funding streams for peacebuilding, conflict resolution, transitional justice and reconciliation that were not branded as P/CVE.[62]

3.2
National Action Plan – overstretched, disjointed and disconnected from society

> **The final National Action Plan adopted a broad approach putting almost all types of government, UN and civil society actions under the P/CVE umbrella: from 'deradicalisation' to infrastructure, social media regulation and even livelihood provision.**

A core recommendation included within the UN Plan of Action to PVE called for governments to create national action plans on PVE to enable context-specific country strategies.[63] This has led to the roll-out of national action plans around the world, with UN agencies such as the UN Development Programme (UNDP) often playing a central role supporting national governments to produce these strategies. In 2017, this process began in the Philippines, around the same time that the Duterte administration put Marawi City under siege.

The creation of the Philippines' National Action Plan on P/CVE (NAP P/CVE) was an inter-agency UN and government effort, spearheaded by UNDP Philippines. On the government side it was led ostensibly by the National Security Council and the Anti-Terrorism Council (ATC). UNDP, not having previously been involved in counter-terrorism efforts, was now leading the UN charge on P/CVE as part of the development agency's global shift in priorities.[64] We were told during our research that, to aid this process, UNDP Philippines hired a former

military general as a consultant.[65] Other key government agencies like the Department of Interior and Local Government (DILG) and the Office of the Presidential Advisor on the Peace Process, and other UN offices such as UN Women and the UN Office on Drugs and Crime, were brought in at the latter stage of the process.[66]

The final National Action Plan adopted a broad approach putting almost all types of government, UN and civil society actions under the P/CVE umbrella: from 'deradicalisation' to infrastructure, social media regulation and even livelihood provision. Those consulted for our research observed a number of core shortcomings in the National Action Plan:

i. Lack of buy-in, ownership and civil society engagement

Over-influence by the security sector in crafting the NAP P/CVE was a common thread in our interviews.[67] Many argued that it had effectively militarised the NAP to the point of distorting the idea of a 'whole-of-society' approach to P/CVE.[68] A senior civil society leader noted the disjunction between the UN reference to 'whole of society' and the approach from former military officials who interpreted it to mean "that the entire society will support their militarised approach against violent extremism".[69] Some noted that they felt this was representative of the Duterte government's instrumentalisation of civil society as a tool to realise its objectives and build support.[70]

Others noted that an earlier NAP P/CVE draft appeared to be pre-prepared prior to consultation meetings with civil society, with input from the latter being sought retroactively.[71] This led to significant scepticism as to government and UN agencies' sincerity in seeking input. A common perception from those interviewed revealed that the consultation process did not invite representatives from across the Philippines' diverse civil society spectrum. One interviewee noted that the government selected "friendly" NGOs to participate in their consultation meetings.[72]

Another interviewee observed how even UN Women in the Philippines was included only "at the far end": those behind the NAP thought that "since there were women participants anyway, that's enough". This interviewee concluded, "we should not only count participation, rather there should be integration of a gender lens in all parts of the plan".[73]

Given that the final NAP is not public, for many the content and focus of the document remains unclear or unknown. Those who had heard about it knew very little of it or of the series of consultations behind it. Some respondents noted that the "NAP is

not a rights-based action plan"[74] and given that it was devised while martial law remained in place in Mindanao, it cannot be considered an inclusive document, particularly as it was "crafted under a highly restrictive and militarised context".[75] Some participants were unable to find evidence of their specific inputs to the document.[76] This echoes the perception of CSOs that P/CVE research in the Philippines has been an extractive process intended to reinforce foregone conclusions.[77]

The lack of meaningful engagement with civil society and stakeholders outside an inner circle of government officials and UN employees, combined with what appeared to be a pre-cooked strategy, betrays an approach that is promoted as a whole-of-society endeavour.[78]

ii. Porous conceptual borders

Given the UN Plan of Action on PVE's failure to define 'violent extremism', it is no surprise that the NAP P/CVE was framed in a way that is most convenient to the respective authorities at the national level. Several interviewees saw "no difference"[79] between the Philippine government's counter-terrorism approach and the P/CVE approach, describing them as "the same tools of discrimination".[80] A local government representative observed that "this lack of differentiation" is also in the Anti-Terrorism Act (ATA) of 2020, and that "the government treats these non-state armed groups [in Mindanao] as extremist movements".[81] Two other respondents expressed familiarity with military-led P/CVE initiatives, describing them as the "usual way of organising" communities, wherein "young Indigenous people are still being divided".[82] Another individual involved in P/CVE programmes said that because they saw no difference between the two concepts of counter-terrorism and P/CVE, they "use the words interchangeably".[83]

As argued by Fionnuala D. Ní Aoláin, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism:

'Absent any scrutiny or accountability mechanism, [C/PVE] *can lead to the United Nations legitimizing, condoning and enabling action aimed at preventing and countering violent extremism that is in clear violation of basic human rights and fundamental freedoms and disregarding its fundamental role in safeguarding international human rights law.'*[84]

This is evidenced by a recent Philippine government submission to the UN Office of Legal Affairs on its counter-terrorism activities, where insurgent groups are referred to as 'Communist Terrorist Groups', clearly showing how 'terrorist' or 'violent extremist'

branding is used by authorities in their overreach towards other targets.[85]

iii. The failure to offer a clear, practical framework to reduce violence

Beyond the clear gaps in framing, many we spoke to expressed significant concern about whether the NAP provides an approach that includes tangible activities that could reduce violent attacks in the Philippines. Some indicated that they felt it was not targeted, noting that for all of the "analysis, research, convergence matrices, intervention and assignments" produced, the question "how do you achieve these ends?" remained unanswered.[86] In its post-NAP P/CVE consultations, the lead government agency in charge of implementation also received criticisms from CSOs.[87]

Those we spoke with noted that the "NAP P/CVE is beautifully written but there is an implementation problem with a recycling of programmes . . . .on new frameworks."[88] The 70-page NAP references almost every conceivable governance, development or security programme in some way, but what implementers should be prioritising remains unclear. Two respondents from local government and a national government agency, respectively, said that when they look at the NAP, they "do not see a plan", with the latter adding "there is not even a framework".[89]

More than a year since it was approved, there is still doubt about whether there is any progress on the NAP P/CVE. A member of the Philippine legislature said that there is no way to compel government agencies to implement its provisions since what matters is the political will of the current government – "the NAP P/CVE could be scrapped by the next administration!"[90] Notably, official government reports on implementation efforts by the Philippine government include a long list of "achievements" and "activities" but they are apparently not grounded in the principles, targets and goals of the UN P/CVE agenda. In our interviews, respondents noted that NAP proponents were hoping that President Duterte would pass an Executive Order to strengthen implementation. However, once the proposed bill on the ATA emerged, it became clear that the President was going to prioritise a more heavy-handed approach.[91]

Government incoherence remains a core obstacle to the implementation of the NAP P/CVE. One respondent said that if government agencies

> **Several interviewees saw "no difference" between the Philippine government's counter-terrorism approach and the P/CVE approach, describing them as "the same tools of discrimination".**

Truth telling and memorialisation process of the Marawi Siege. Naming the unnamed at the Maqbara Mass Grave in Marawi City.
© IID Marawi Mission File Photo

continue to operate in silos rather than in a coherent manner, NAP P/CVE implementation would continue to follow the path of least resistance and resemble a securitised approach.[92] This is largely a result of the far greater resources and access to power that the Philippine security sector enjoys, which makes it easier to reach the far corners of the country and harder for other departments to push back on any action they take.

One respondent said that, since the government's priority is counter-insurgency, the implementation of P/CVE will take a similar shape.[93] Some see shortcomings in the NAP as essentially a problem of political will, but this perspective ignores important flaws in the way authorities have framed P/CVE in the Philippines: beyond the problem of implementation, the NAP's definition of P/CVE is vague and malleable enough to allow the security sector to use it for its own agenda.

3.3
A missed opportunity?

Prior to the NAP P/CVE, the cornerstone of counter-terrorism policy in the Philippines was the 2007 Human Security Act (HSA).[94] A compelling case can be made that it was indeed time to develop a new approach – one that sought to address the root causes and drivers of violence in the country would have been welcomed. The fact that the NAP P/CVE is vaguely worded and lacking in precise definitions, that it includes all programmes far and wide, and that it has failed to consult meaningfully with communities and civil society groups nationwide, should be read as a missed opportunity for those trying to influence a shift towards a more progressive approach from the government.

> **Beyond the problem of implementation, the NAP's definition of P/CVE is vague and malleable enough to allow the security sector to use it for its own agenda.**

Yet, given the rhetoric on human rights and security approaches from President Duterte's government, one could clearly see that engaging in the creation of a P/CVE NAP and expecting a positive outcome was probably wishful thinking. UN Special Procedures have, on numerous occasions in recent years, reported worrying deteriorations in human rights, fundamental freedoms and civic space in the Philippines.[95] But most obviously, given that the P/CVE NAP was being developed during the Marawi Siege, it should have been clear that the government was not about to change its underlying approach to counter-terrorism. It does not seem that the UN system reflected on the risks of developing a national P/CVE plan at the same time that a major, problematic counter-terrorism operation took place in Mindanao.

In navigating its relationship with the Philippine government, the UN in the Philippines has attempted to adopt distinctive approaches to the different ongoing armed conflicts in the country. However, given the approach of the Duterte administration, this distinction has not always been possible. The NAP P/CVE is a prime example of this. The UN envisioned that the focus would be on violent groups that could threaten the Bangsamoro post-agreement process. It was not intended to apply to the communist armed insurgency, which was not referenced in the NAP document.[96] However, while the NAP was being produced there were clear signs that sections of the Philippine government and the security establishment were already using counter-terrorism as the framework for responding to communist and progressive left-wing ideologies. This should have raised serious concerns that a UN-led process and a UN endorsed agenda were at risk of being weaponised by authorities.

Such neutrality by some UN agencies, despite clear indications that significant harm was threatened in Mindanao and the rest of the country, has led to disappointment among many CSOs. These groups

> **While the NAP was being produced there were clear signs that sections of the Philippine government and the security establishment were already using counterterrorism as the framework for responding to communist and progressive left-wing ideologies.**

acknowledge that UN agencies are present in the Philippines at the government's invitation, while understanding the need for the UN to remain impartial. However, neutrality (not taking a position on anything done by parties in a conflict) and impartiality (applying the same rules, principles and values to all parties without fear or favour) are not the same. If one part of the UN country presence observes clear harm, the rest of the UN system has a responsibility to act accordingly.

Those consulted for this paper understand the limitations of the current political climate but noted that they often rely on external entities such as the UN to offer a principled yet pragmatic pushback on contested issues with the government and the military. Although there can be benefits from seeking to mitigate harm by establishing trusting and cooperative relations with governments who may otherwise pursue more harmful actions, there are times when UN engagement with a host state should be considered too great a risk. This is particularly the case given the potential for the UN's name to be used to condone harm. This is a constant dilemma for UN country teams but also applies to UN high-level delegations travelling to countries like the Philippines.

One such visit to Manila in March 2020 by Michèle Coninsx, the Executive Director of the Counter-Terrorism Committee Executive Directorate and Vladimir Voronkov, the Under-Secretary-General of the UN Office of Counter-Terrorism, has reportedly been used by the Philippine government as evidence of UN support for its counter-terrorism and P/CVE approach. Although the high-level UN delegation appears to have stressed 'balanced implementation' of the UN Global Counter-Terrorism strategy, Filipino diplomats have used the trip to justify their government's wider counter-terrorism efforts in UN fora.[97] The wisdom of such a visit should have been questioned based on the potential risk of its inadvertently 'blue-washing'[98] the Duterte administration's diminishing respect for human rights.[99] Either way, the visit by the highest-level UN counter-terrorism officials appears to have missed an opportunity to appeal to officials in the Philippines for a step change in approach.[100]

Notes

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66 Saferworld interview with an international NGO or multilateral representative, February 2021.

67 Saferworld interviews with NGO representatives, November–December 2020.

68 Saferworld interview with a senior government official, January 2021

69 Saferworld interview with an NGO representative, November 2020.

70 Saferworld interview with an NGO representative, November 2020.

71 Saferworld interview with an NGO representative, November 2020.

72 Saferworld interview with an NGO representative, November 2020. It is worth noting that a respondent from an international governmental/multilateral institution, however, noted that there were civil society organisations, including a few youth and faith-based organisations, who were asked to participate and input during the NAP's development process, and explained that those who led its crafting could only estimate the diverse representation of key stakeholders.

73 Saferworld interview with an NGO representative, November 2020.

74 Saferworld interview with an NGO representative, November 2020.

75 Saferworld interview with an NGO representative, November 2020.

76 Saferworld interview with a local government representative, February 2021.

77 An interviewee from Bangsamoro reflected that in earlier P/CVE research initiatives, they were "only included in the data-gathering, but not in [crafting and verifying] analysis," even noting an impression that the analysis was already set beforehand. Saferworld interview with NGO representative, November 2020.

78 After the adoption of the NAP, there were attempts to further organise consultations with civil society and communities. However, it remains unclear what the purpose of these consultations is and whether this will lead to any amendments to the document. This adds to an overall lack of clarity on how the NAP will be rolled out by various government agencies and how it will relate to the Anti-Terrorism Act (ATA) of 2020.

79 Saferworld interview with an NGO representative, November 2020.

80 Saferworld interview with an NGO representative, November 2020.

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87 Saferworld interview with a national government representative, January 2021.

88 Saferworld interview with an international NGO or Multilateral representative, November 2020.

89 Saferworld interview with a local government representative, February 2021.

90 Saferworld interview with a member of Philippine Congress, January 2021.

91 Saferworld interview with an international NGO or multilateral representative, February 2021.

92 Saferworld interview with an international NGO or multilateral representative, February 2021.

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94 Arugay AA (2012), 'From State to Human Security: Implications for Security Sector Reform in the Philippines' In C Banparasichote, P Doneys, M Hayes and C Sengupta (eds.), op. cit., pp 30–44.

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97 Saferworld interview with international NGO or multilateral representatives, December 2020.

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Family of deceased Puroy and Randy Dela Cruz, killed by state forces, cry as they bring them both to their final resting place, on 17 March 2021 in Rizal, Luzon, Philippines. The tribe members of the Sierra Madre Mountain range fled their homes after two of their tribe were killed by state forces on 7 March.
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4

The impact of preventing or countering violent extremism in the Philippines

The National Action Plan did not bring P/CVE to the Philippines – related programmes had already been taking place since 2015.[101] Yet the NAP P/CVE did serve to entrench the agenda nationwide and among relevant state and non-state stakeholders working to address peace and security concerns. Here we note a number of problematic impacts, which are not always acknowledged by those involved.

4.1
Reshaping priorities and co-opting civil society

The P/CVE agenda and the NAP P/CVE in the Philippines has led many national and subnational organisations to reframe their work to ensure they remain suitable partners for the many international organisations who bring P/CVE money and programmes into the country, often without understanding the implications of doing so.[102] Often women's rights and youth-led organisations are most affected by these developments, since many P/CVE programmes target young people and women with counter-recruitment and counter-messaging activities. Prioritising women and young people both as subjects and conduits of P/CVE has rarely been premised on efforts to support their agency or rights to non-discrimination or equality. Instead, it is founded on a supposed strategic rationale that it will lead to localised and credible strategies for countering terrorism.[103] The tendency to instrumentalise these groups for counter-terrorism ends has been accelerated in the Philippines in P/CVE programming: "youth are now used as a new arm against violent groups, but there is no long term strategy on what this means."[104]

One NGO worker said that "prevention for [the military] is prevention of radicalisation and recruitment, rather than prevention as addressing the roots of violent conflict.

The military's dominant 'whole of society' lens is not based on recognition and respect of plural approaches in addressing the multifaceted nature of violent conflict, but on the belief that the rest of society should follow and be mobilised to implement a military-led strategy on addressing conflict."[105] It is in this context that young women and men are being engaged in P/CVE programmes.

However, it is worth noting that the state is not in a tense relationship with the entirety of civil society on P/CVE issues. Some segments of civil society have evolved to form organisations that have developed close relationships with the government and even the security sector. Many interviewees indicated that the groups which support the P/CVE agenda have been implementing programmes without casting a critical eye on the downstream harms and implications because the government is one of the few sources of funding available to them.[106]

> **The military's dominant 'whole of society' lens is not based on recognition and respect of plural approaches in addressing the multifaceted nature of violent conflict, but on the belief that the rest of society should follow and be mobilised to implement a military-led strategy on addressing conflict.**

4.2
Aiding a crackdown on opposition and dissent

The embrace of the concept of radicalisation within the NAP P/CVE is an unhelpful development, given the concept's ambiguous and subjective nature.[107] UN Special Rapporteur Ní Aoláin notes that governments and the UN should recognise 'the lack of certainty' in the theories underpinning radicalisation and PVE, and therefore should think much more carefully about the widespread use of P/CVE programming.[108]

At a practical level, this gives governments the authority to determine which ideas and groups are 'radical' and 'extreme' and often leads to efforts to tackle 'extremism' whether or not it is violent. In the Philippines, the criteria used to assess 'radicalisation' can now include people's political persuasion, their religion or their educational institutions. When this is combined with government efforts to generalise and label 'terrorists', radicals, religious 'extremists', insurgents, rebels and separatists as 'enemies of the state', the problem becomes apparent. It has led to P/CVE interventions and deterrent measures that have targeted student groups, dissenting

movements and certain minority groups. The use of P/CVE as a guise intended to further securitise and militarise communities by branding groups within those communities as 'radical' or 'extremist' is a slippery slope which will continue to have far-reaching negative consequences.

This proliferation of the terms 'extremist' and 'radical' poses dangers for people who may find themselves being 'red-tagged' or labelled as 'terrorists.'Increasing numbers of human rights defenders,[109] journalists,[110] labour and farming group members,[111] Indigenous people,[112] environmental and Indigenous People's rights activists,[113] lawyers,[114] doctors[115] and priests[116] have received death threats, been summarily killed, or died in police operations, after being red-tagged by the government for their alleged communist sympathies. For example, in August 2020, Randall Echanis became the fourth political consultant for the National Democratic Front of the Philippines killed by authorities during a security operation.[117] His death followed the killings of Sotero Llamas,[118] Randy Malayao and Julius Giron. According to a 2020 Commission on Human Rights report, at least 134 human rights defenders have been killed since 2016.[119] An independent report by the Free Legal Assistance Group recorded the killing of 61 lawyers, judges and prosecutors during the Duterte administration.[120] This is far in excess of the number of legal practitioners killed during President Marcos' dictatorship until President Aquino III's government. The report found that 43 percent (26) of the killings were connected to their work or their legal practice.[121]

These killings must be viewed in connection to counter-terrorism measures. They are not simply inconvenient truths. Global rhetoric on 'terrorism' and 'violent extremism' has provided fertile ground for the Duterte administration to pursue a securitised strategy to invalidate and eliminate opposition and dissenting groups by labelling them as 'terrorists' or 'sympathisers and supporters of terrorists'.

4.3
Securitising communities while failing to provide security

Although P/CVE programmes are designed to address the conditions conducive to the emergence

of conflict and violent behaviour by specific individuals and groups, some have not proven effective. For example, the Balik Baril ('guns-for-cash') programme, revived by the Duterte government in 2018, worked to encourage armed groups and individuals to disarm with financial incentives.[122] A respondent confided that "this programme did not prevent people from arming themselves and making money out of providing private security services to others or possibly other crimes. However, if they don't make a profit out of having weapons, only then will they surrender them in exchange for cash provided by the P/CVE programme."[123]

In relation to this, the Philippine security sector's reliance on 'de-radicalisation' to address both ISIL-inspired terror attacks and armed conflict involving communist movements, shows the tendency of P/CVE to put a wide array of complex social conflicts into a single template approach, at the expense of nuanced and context-sensitive interventions. A sweeping 'de-radicalisation' framework undermines conditions for a politically-negotiated settlement and transformation. It does so by encouraging assumptions that certain conflict groups are essentially illegitimate and irreconcilable, and it exposes 'vulnerable' communities or sectors such as youth, women, ethnic minorities and Indigenous people to further discrimination, repression and harm.

Considering the limitations of the current P/CVE agenda in the Philippines, one interviewee highlighted "a lack of understanding that human security cannot come without conflict reduction".[124] Securitisation extends to the work of NGOs and others who are involved in peacebuilding and community empowerment at the grassroots level. Their advocacy efforts and status in society – often the product of years of careful development and trust-building – have been rapidly repurposed in the service of P/CVE. Some local CSOs have the impression that current projects must be oriented toward this agenda or at least contain some of its dimensions to merit funding. As P/CVE has become the current 'darling of the donors', well-established NGOs and community organisations are having difficulty in meeting expectations, with the risk that P/CVE programmes are implemented in a superficial and unsustainable manner.[125] There is a significant risk that peacebuilding, development and governance work is being subsumed into the counter-terrorism and P/CVE agenda – securitising these efforts and skewing the priorities of those implementing the work.

Ultimately, it is difficult to ascertain the true extent of the P/CVE programmes' impact in the Philippines, given the propensity for many organisations to either

avoid framing their work in these terms or, conversely, for others to repackage their work to fit P/CVE criteria. Notably, there is a significant shortage of publicly available evaluations of P/CVE programmes globally, and the Philippines is no different in this respect. Although informal assessments, indicate some successful programming, to date there has been no rigorous analysis of the true impacts of P/CVE programming in the country.[126]

4.4 Dividing society and discriminating against minorities

Members of minority communities in the Philippines, such as Indigenous people, Moros or Muslims, often find themselves in the crosshairs of counter-terrorism and P/CVE. Not only are they targeted by security forces under the state's counter-terrorism strategy, they are also subject to surveillance and policing programmes packaged as P/CVE.

Under a Manila Police District memorandum dated January 2020, information on Muslim youth and students in the National Capital Region was being gathered for PVE initiatives.[127] Earlier in November 2019, the police entered into the office of a long-established Mindanao-based peacebuilding organisation without a warrant, checked the living quarters and inspected the bags of young Moros from Marawi who had just attended a training course on trauma healing and psychosocial support.[128]

Many believe that the government's definition of, and approaches to, radicalisation are not culturally sensitive, with P/CVE programmes claiming that minority communities' places of learning (such as madrasahs or schools for Indigenous people) were being used for radicalisation and recruitment to violent groups. This 'usual suspects' approach is far too generalised and is "insensitive to the historical grievances" that lead many to join or support violent groups in the Philippines.[129]

Marawi community leaders described the tendency of P/CVE to portray and view aggrieved communities as 'vulnerable' and therefore a source of threat and a target for policing.[130, 131] Mainstream P/CVE

> **Marawi community leaders described the tendency of P/CVE to portray and view aggrieved communities as 'vulnerable' and therefore a source of threat and a target for policing.**

approaches treat those who in reality are often on the receiving end of aggression from intolerant violent groups as potential threats themselves. P/CVE programming based on such framing re-victimises groups and robs affected populations of their agency. Those we spoke to said that this often leads to programmes and authorities overlooking, and then potentially fuelling, their feelings of grief, isolation and marginalisation. One Marawi respondent expressed the view that P/CVE approaches and programmes define them as "vulnerable" and as having an "element of mistrust", rather than basing interventions on trust and on recognition of community members' potential to become peacebuilders: "the government treats vulnerable sectors as potential members of violent groups. P/CVE programmes are supposed to be the 'medicine' or treatment to cure members of these sectors."[132]

> **The government treats vulnerable sectors as potential members of violent groups. P/CVE programmes are supposed to be the 'medicine' or treatment to cure members of these sectors**

This new form of discrimination further ostracises already marginalised people and creates mistrust rather than empowering them to safeguard their own communities.[133] We heard many similar anecdotes about overreach by authorities specifically targeting minority groups. There were also worrying reports of individuals being reported to the authorities as members of violent groups, based on unfounded suspicion.[134, 135]

The P/CVE rubric also generates mistrust between NGOs and the communities they are supposed to serve. One practitioner told us that they are regularly asked why Muslim communities are singled out for their interventions, or if they provide intelligence to the government.[136] This continues to limit civil society groups' ability to support and help populations in need.[137]

This is also evident in the government's campaign, under the guise of counter-terrorism, against communist groups. The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) – an inter-agency initiative that employs a 'whole nation' approach to mobilise all relevant partners within the government and society through convergence efforts – has become a central platform for action in recent years. The Duterte administration's inability to impose democratic civilian control has put the military in the front seat of this anti-communist drive.[138]

Current collaborative programmes where local governments, NGOs and communities such as the Community and Service-Oriented Policing System that feature 'regular barangay visitations and intensified social awareness on crime and violence prevention',[139] have been hijacked by NTF-ELCAC,

with the military taking charge of this and similar programmes. These programmes had previously been designed to raise community concerns on security issues but now authorities are reportedly imposing their narrow security framework[140] One interviewee noted that something similar was happening in local level peace and order councils, which are effectively becoming forums for "spying on everyone" and could now be viewed as part of the "counter-insurgency infrastructure".[141]

Earlier in 2019, the Department of Education ordered the closure of 55 schools for Indigenous people. This move followed the recommendation and allegations of an NTF-ELCAC report that such schools are communist propaganda sites and rebel fronts. This step disenfranchised young Indigenous students whose only access to education is often through these schools. The move also threatened the communities' abilities to preserve their cultural traditions, which such schools were founded upon.[142] As one commentator aptly remarked, 'McCarthyism witch hunt has again reared its ugly head. [And] the victims are … the Indigenous peoples.'[143] These are the same young Indigenous people whom the government's counter-insurgency and counter-terrorism efforts purportedly seek to 'save'.[144]

'Learning institutions' are codified as a core target for the NAP with a range of suggested interventions, including mainstreaming PVE in school curriculums. The NAP, for example, references the Mindanao State University in relation to the need to target learning institutions, focusing – in its rationale – on potential supporters of the Maute group.

Recent government hostility towards the University of the Philippines shows just how easy this leap is. Although not specifically part of a P/CVE programme, the recent controversial move by the Department of National Defense to scrap an agreement with the university that had prevented it from entering the campus without university administration approval illustrates how counter-terrorism and the 'deradicalisation' agendas are being used to assert greater military control over civilian spaces and liberal institutions.[145] Defense Secretary Delfin Lorenzana justified the move, claiming that the 'University of the Philippines has become the breeding ground of intransigent individuals and groups whose extremist beliefs have inveigled students to join their ranks to fight against the government', and that 'the country's premier state university has become a safe haven for enemies of the state'.

The proliferation of approaches that stigmatise, surveil and intimidate communities under the increasingly pervasive control of the military is generating distrust and division.

Notes

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145 Earlier, in October 2018, the AFP, through Brig. Gen. Antonio Parlade Jr, who is a key member of the NTF-ELCAC, identified at least 18 schools where the Communist Party of the Philippines–New People's Army (CPP–NPA) has allegedly been recruiting students, raising fears of a crackdown on universities and student activists.

Filipino activists hold a rally in observance of Human Rights Day, in Manila, Philippines, 10 December 2020.
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5

A dangerous new chapter – the 2020 anti-terror law

After its agreement, the NAP P/CVE was supposed to be the guiding framework for government agencies, multilaterals and civil society groups' counter-terror efforts. However, rather than institutionalise the NAP P/CVE, the Duterte government pushed for the ascension of another, separate anti-terror law – the Anti-Terrorism Act (ATA).

Replacing the 2007 Human Security Act (HSA), this new law provides the government with more pre-emptive powers to counter 'terrorism'. At the time of publication, the law was under deliberation by the Supreme Court. It casts a dangerous shadow over rebels, dissidents and critics of Duterte's government alike, all of whom could be labelled as 'terrorists' under its provisions. According to a government official, "it is more a penal tool than a preventative instrument against violent extremism".[146]

The 2020 ATA expands the definition of 'terrorism', empowers the government's executive branch through an Anti-Terrorism Council (ATC) to designate individuals or organisations as 'terrorists' for the purpose of surveillance and financial monitoring, and removes oversight mechanisms and the power of the courts to authorise investigations into bank accounts. According to legal experts' interpretation, while the state's new power to designate individuals or groups as 'terrorists' is part of its mandate to guarantee security, it nevertheless puts in jeopardy the most sacred right – the right to life – which is enshrined in the Constitution, and it undermines the fundamental right to freedom from fear.[147] Viewed alongside the current crackdown on civil liberties, political rights and other freedoms in the Philippines, the law is a worrying development.[148] UN Special Procedures have expressed grave concerns that the ATA will allow authorities excessive breadth and scope to prosecute legitimate acts. In a direct communication with the government of the Philippines, they note that the ATA:

> **UN Special Procedures have expressed grave concerns that the ATA will allow authorities excessive breadth and scope to prosecute legitimate acts.**

'… *raises serious concerns regarding the protection and promotion of a number of fundamental human rights … in particular … the Act raises serious concerns regarding the designation of individuals and civil society and humanitarian organizations as "terrorists" in the context of ongoing discrimination directed at religious and other minorities, human rights defenders and political opponents.'* [149]

It uses a definition of 'terrorism' that is 'overbroad and vague', [150] and offers little distinction between organisations that commit acts of terror and revolutionary armed movements – another example of attempts by authorities to blur the lines between violent acts of terror and political opposition in general. The inclusion of language aimed at preventing material support to a group or an activity that is deemed 'terrorist' creates a clear threat for any individual or group that interacts with armed movements in the country. The consequence of this is to deter any engagement with such movements, however well intended – pushing the country away from peace. Although it outlines an exemption for humanitarian groups, some have argued that the law could have a chilling effect on agencies delivering aid and on community groups trying to support a peace process and a move away from armed conflict. [151]

> **There was no resistance to multilaterals and external states pouring resources into P/CVE trainings, the creation of a national action plan and other related programmes – because such efforts ultimately contributed to the threat narrative that the authorities were keen to amplify.**

5.1
The National Action Plan on Preventing and Countering Violent Extremism and the Anti-Terrorism Act

Some civil society advocates view the ATA's adoption as clear evidence of insufficient buy-in to the NAP P/CVE from the Duterte government. Others suggest that it demonstrates how the NAP was specifically a UN approach, imposed on the Philippines, and that the language included in the ATA exhibits the Duterte administration's true colours. While some sections of the civilian government – and even the military –

aspire to reform the domestic counter-terror approach through P/CVE and the NAP, [152] this does not appear to be the consensus view. A senior government official said that P/CVE could have been referred to more explicitly in the law but emphasised that the preventative approach to violent groups could be found – by reading between the lines. [153] Some have argued that the ATA nullifies many of the UN's priorities. For example, whereas the NAP P/CVE talks about root causes, gendered impacts and human rights, the ATA is likely to infringe on basic civil liberties, due process and the rule of law. [154]

While human rights groups in the Philippines have filed cases questioning the ATA's constitutionality, other civil society members are already anticipating the ill-effects of the law. In the words of a community organiser in Mindanao, "The passage of the ATA [will] lead to the securitisation and militarisation of the NAP P/CVE." [155]

On the other hand, some of our respondents argued that while the government never really committed to the P/CVE approach, it was always seen as a convenient way to ensure that counter-terrorism became the "priority agenda". [156] There was no resistance to multilaterals and external states pouring resources into P/CVE trainings, the creation of a national action plan and other related programmes – because such efforts ultimately contributed to the threat narrative that the authorities were keen to amplify. In turn, this enabled the security sector to gather intellectual and political support to invest in the military and to adopt a new anti-terrorism law. [157, 158] One respondent said they felt it was "no coincidence that after years of trying, the ATA was finally able to be passed after the NAP was finalised". [159]

5.2
Peace processes

For many, this second wave of counter-terrorism will have a disastrous effect on the fragile peace gains in many contexts nationwide, and poses the risk of a return to violence. Given the multiple peace processes in the Philippines, the impact of counter-terrorism on each of them will not, of course, be uniform.

i. Bangsamoro transition

In relation to Bangsamoro, anti-terrorism legislation should – in theory – support peacebuilding and normalisation since it deters and punishes further

violence and conflict. Acts of terror and violent groups are of serious concern given their potential to spoil the normalisation phase of the peace process.[160]

A member of the Bangsamoro parliament warned that the ATA could undermine the peace process if it is:

"… wielded as a means to maliciously target certain persons, groups, or communities given the fragile trust accorded by the Muslims to the government. Violations or abuses stemming from the law must be avoided, but if they happen, they must be met with swift and decisive steps to hold the perpetrators accountable."[161]

Those we spoke with anticipated that the ATA could embolden security officials since it "leaves a lot of discretion to these officers". There is a real fear that "some officers [particularly those who are not from BARMM] exhibit a certain degree of prejudice against Muslims and other minorities" and that this might result in significant overreach. This is grounded in the "demonstrated history of human rights abuses, backed by a culture of impunity among the ranks".[162]

Bangsamoro's experience of counter-terrorism provides little comfort. At the height of the global war on terror, Moros and Muslims in the Philippines bore the brunt, not only of attacks from local violent groups but also of human rights violations by law enforcement. People who are both Moro and Muslim are especially exposed to these abuses as both identities suffer negative stereotyping by the authorities – as well as from wider segments of Filipino society – and unjust perceptions about their propensity for 'terrorism'. Incidents of illegal and unwarranted arrests in pursuit of local and international 'terror' groups are well-documented in the island provinces[163] – sometimes extending to the port city of Zamboanga, which links the islands to mainland Mindanao. In the years following the Estrada administration's 'all-out war' in Mindanao and the passage of the 2007 HSA under the Macapagal-Arroyo administration, human rights abuses escalated. Human rights defenders who often find themselves on the frontline of conflict have consistently documented cases involving unwarranted arrests, unlawful detention, torture, the use of 'John Doe warrants', and the killings of civilians caught in armed encounters between state security forces and known armed groups.[164]

These issues are compounded by the dangerous conflation of revolutionary groups that defend Bangsamoro's struggle for self-determination with violent groups that commit acts of terror within and against Moro and Muslim communities. This has led to many assumptions being made about communities, without their consultation. A narrative that treats these populations simultaneously as 'dangerous' and 'vulnerable' has made them the primary target of the highly securitised counter-terrorism approach.

Significant strides in the peace process in Bangsamoro, with a transitional regional government installed in 2020 and positive developments in decommissioning combatants and arms, are likely to be threatened if current counter-terror and P/CVE approaches are applied to this context. The MILF-led Bangsamoro transition government has exercised prudence in this regard.[165] It has distanced itself from 'threats' and 'vulnerabilities', language which was adopted by the national government in the NAP P/CVE, and instead adopted a 'resilience' and culturally sensitive model in the development of its 'Bangsamoro Convergence Framework on Community Resilience'.

ii. The communist armed conflict

When it comes to the communist armed conflict, the impact of the counter-terrorism approach and the ATA has been profound and violent. At a macro level, the shift from peace negotiations to a military approach – in which counter-terrorism language, logic and frameworks are applied – have undermined efforts to further the peace process with the Communist Party of the Philippines, the New People's Army and the National Democratic Front of the Philippines (CPP-NPA-NDFP).

Promising developments in the peace process in 2017 have since unravelled following the termination of negotiations and the subsequent attempts to label the CPP-NPA as 'terrorist communists'. The Philippine government has escalated its labelling of the CPP-NPA as a Communist Terrorist Group, a branding used previously by the military but not by the civilian government until the negotiations were terminated in November 2019.[166] Within a few months, the Department of Justice sought to declare the CPP-NPA a 'terrorist' organisation under the HSA.[167] Following delayed progress in the courts, the government has taken a new tack in changing the law to transfer powers from the judiciary to the executive branch, allowing them to designate individuals or communities as 'terrorists'.[168] The argument about whether the CPP-NPA is a 'terrorist organisation' or a revolutionary movement is fraught with bias and there is a long history of violence between the communist armed movement and the military.

> " **When it comes to the communist armed conflict, the impact of the counter-terrorism approach and the ATA has been profound and violent.** "

It is worth noting that the collapse of the peace talks was not caused primarily by the emergence of counter-terrorism. Instead, counter-terrorism can be seen as a contributory factor that exacerbated mutual distrust among the parties about the other's sincerity in the peace negotiations. However, while it did not lead to negotiations completely falling apart, the adoption of the counter-terrorism approach does mark a major escalation of the conflict with the communist insurgency.

In particular, the designation of the CPP-NPA as a 'terrorist' organisation increased mutual distrust between the two parties, and made a return to the negotiating table almost impossible for the near

future. Experiences around the world clearly show that counter-terrorism frameworks significantly hamper or derail peace negotiations and mediation efforts.[169]

At the local level, this is likely to mean an increase in harassment against specific sectors that are perceived, rightly or wrongly, as being supportive of or sympathetic to the communist armed struggle. It could lead to increased violence and displacement in communities located in known NPA areas. CSOs and critics are at risk of being tagged as alleged communist fronts by security forces. But there is a risk that Indigenous communities will suffer the most serious repercussions; these communities are often

Aftermath of the Siege of Marawi inside the Islamic city's Most Affected Areas (MAA).
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perceived by the military as main targets of NPA recruitment and they reside in many of the active conflict areas. In fact, the first case under the new anti-terrorism law is against two Aetas – members of an Indigenous community in Central Luzon.[170]

We interviewed an Indigenous youth and community organiser who recalled being told by a government official that he was perhaps an NPA member, because "he knows how to speak up". He said that when you talk about human rights, "you are tagged or perceived as a member of the NPA and you are already a terrorist".[171] He was included on a so-called 'NPA/terrorist list' and summoned four times by the

military to disprove his NPA membership.[172] This is a common and harmful downstream effect of counter-terrorism and the P/CVE agenda – witnessed in a number of different contexts around the world.[173] Young Muslim men are frequently the target of such repressive approaches, but in the Philippines this is also increasingly manifested in the targeting of organisations and individuals that are believed to sympathise with dissident politics.

5.2
Impact on civic space

The resurgence of counter-terrorism has not only inflamed ongoing armed conflicts and caused harms to affected communities directly affected by these conflicts. The counter-terror approach has also been used to restrict civic space and to delegitimise activists, progressive groups and critics. On numerous occasions the Duterte administration has made unsubstantiated allegations about the links between various human rights and humanitarian organisations, as well as political opposition parties such as that of the sitting Vice-President on the one hand, and the CPP and the NPA on the other.[174]

As a result, activists are increasingly afraid they will be 'red tagged' or wrongly accused and punished for links with the CPP-NPA.[175, 176]

Such incidents are hardly new. In October 2018, the AFP spokesperson for the NTF-ELCAC identified at least 18 schools where the CPP-NPA had allegedly recruited students, raising fears of a crackdown on universities and student activists.[177] This charge was repeated in January 2021.[178] In August 2018, the Department of Justice filed a petition linking 648 people with the CPP-NPA, including Victoria Tauli-Corpuz, the UN Special Rapporteur on the rights of Indigenous peoples,[179] before cutting the list to include just eight individuals.[180] Following this, the Justice Secretary admitted that the 'Department of Justice itself did not have any personal verification of any connection by these individuals with the CPP-NPA' and that the names and aliases came from the intelligence units of the AFP and the Philippine National Police.[181]

> **The playbook that so many authoritarian governments have followed is being replicated in the Philippines.**

Under the shadow of the new ATA, such measures are becoming more frequent and challenging to address. Bank accounts of some human rights and humanitarian organisations that are alleged by the ATC to be 'communist terrorist' fronts have been frozen.[182] This was justified by the Anti-Money Laundering Council Authority who provided 'vague reasoning that there was probable cause that the [accounts] are related to terrorism financing'.[183]

In early 2021, citing recent ATC resolutions that designated various organisations as 'terrorist' and apparently to regulate NGO funding to prevent financing of 'terrorism', the Department of Foreign Affairs informed all diplomatic missions in the Philippines to declare foreign government funding for NGOs 'regardless of mode of disbursement, transfer or download of funds' for appropriate clearance.[184] Foreign Affairs Secretary Teodoro Locsin Jr later clarified that 'this doesn't affect legit [sic] NGOs' since 'it is how a responsible government monitors where money comes from and goes to in the face of insurgent and terrorist-secessionist threats'.[185]

When it comes to who is legitimate or not, it appears that the government will decide. Earlier in January, the DILG required CSOs 'to secure clearances' from the AFP and the Philippine National Police, indicating that they must be 'cleared from any illegal and subversive activities' in order for them to be accredited to join a local 'People's Council' of CSOs and to determine their 'legitimacy'.[186]

The Duterte administration appears to have seized upon external interest in counter-terrorism to strengthen a national approach with far-reaching legislation. This is being used to enable a crackdown on dissent, restrict civic space and destroy fragile peace processes across the country. The playbook that so many authoritarian governments have followed is being replicated in the Philippines. Now released, it will be hard to put the genie back in the bottle.

Notes

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6

Reframing engagement – towards a new approach in the Philippines

The Philippines sits at a precarious crossroads. The gradual takeover of democratic, civilian functions by authoritarian leaders has left little scope to rethink the current militarised approach to violence, conflict and instability. The ATA's passage in June 2020 may well set the country on a course that will be hard to change. The ongoing deliberations in the Supreme Court on an unprecedented thirty-seven petitions challenging the constitutionality of the ATA may just halt the hitherto unimpeded march towards securitisation and militarisation.[187] If security assistance partners, donors, the UN and civil society were hesitant to draw conclusions prior to the accession of this act, the ATA – whether it is deemed unconstitutional or not – has at least made the government's intentions clear.

While previous administrations in the Philippines sowed the seeds for the rise of militarism, the current administration has taken it to new levels, placing the military in almost total control of the civilian government. As democratic institutions are run into the ground, the generals have taken over.

For this authoritarian government, the counter-terrorism agenda has provided further justification for a 'shoot first and ask questions later' approach to political and security challenges. In recent years, religious and ethnic minorities, political opposition, dissenting groups and anyone unlucky enough to be deemed an enemy of the state have been the targets. The boundaries between the counter-terrorism, counter-insurgency and P/CVE agendas are now blurred. Many of those we spoke to in the course of this research viewed these agendas simply as different faces of the same approach. Indeed, the specific body of the Philippine government under the DILG, tasked to coordinate the NAP on P/CVE, is called 'Preventing and Countering Violent Extremism and Insurgency – Project Management Office'. While an agenda that claims to invest in prevention and in tackling root causes remains tied to more belligerent strategies, profound risks and contradictions will persist.[188]

> **For this authoritarian government, the counterterrorism agenda has provided further justification for a 'shoot first and ask questions later' approach to political and security challenges.**

Aftermath of the Siege of Marawi.
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> **The P/CVE discourse has played a role in inflating the threat of 'terrorism' and in ensuring counter-terrorism is the primary lens through which to view conflict in the country.**

A common response to criticism of the P/CVE agenda is the assertion that the framing helps to influence a shift away from hard security and towards a developmental, human rights-based approach. During our research, some of our respondents maintained this line in regards to the Philippines. Yet we see scant evidence that this is happening. The passage of the ATA and the lack of clarity about where the NAP P/CVE now stands in relation to it, combined with the conduct of the wider Duterte administration and the security establishment, does not suggest P/CVE is making a positive difference. Instead, the P/CVE discourse has played a role in inflating the threat of 'terrorism' and in ensuring counter-terrorism is the primary lens through which to view conflict in the country. This has enabled authorities to wage another 'war of hearts and minds' against 'enemies of the state' and political enemies and, in turn, move away from a preventative and holistic approach and towards a coercive and militaristic model.

Ultimately, our analysis shows how the P/CVE agenda in the Philippines has not been implemented in a manner through which 'legislation, policies, strategies and practices … [are] firmly grounded in the respect for human rights and the rule of law'.[189] In reality, the situation in the Philippines reflects Special Rapporteur Ní Aoláin's warnings, whereby 'many practices for preventing and countering violent extremism involve targeting particular people, communities and groups, giving rise to assumptions about their "suspect", profiling, excluding and compounding structural discrimination and exclusion, including surveillance and harassment.'[190]

Recommendations

In this context, it is worth questioning why some external states, UN agencies and international NGOs are continuing to engage in programming in an area that is clearly leading to direct harms. The Duterte administration's exploitation of the P/CVE agenda should clearly indicate to all involved that this is not a neutral development agenda or an approach that respects human rights and fundamental freedoms. Instead, this highly politicised agenda is used to pursue militarised, security ends. For these reasons, all those involved should consider carefully how to move forward with a focus on the ways to address the risks to peace, stability, human rights and fundamental freedoms.

Lessons at the national level

Our analysis generates observations that should precipitate serious reflection at national level. Among those who will need to reflect are states and multilateral entities providing security and development assistance to the Philippines, international NGOs and other implementing organisations, local and national authorities, and Filipino civil society. Four key lessons have emerged:

1. **People should come before external policy frameworks:** The process for the Philippines NAP on P/CVE appears to have prioritised an external policy framework over the needs and demands of communities nationwide. Security should be people-centred as a process, not centred on a policy framework. UN agencies, international NGOs and national CSOs in the Philippines should acknowledge the shortcomings of the P/CVE agenda in the Philippines and shift towards policies that – unlike P/CVE – are developed with, and enjoy the support of, a cross-section of Philippine society including minority groups, women and youth. To do this, all entities working on peace and security need to commit to broadening and deepening the engagement with Philippine society especially those that are most affected by state repression and violence. This cannot be optional. Instead, it should be central to any strategies, efforts and programmes to build peace and prevent violence.

2. **Human rights norms are central to avoiding downstream harms:** For too long violations of human rights and fundamental freedoms have been treated as unintended consequences of counter-terrorism approaches. Two decades of reports from UN Special Procedures show clearly that these unintended consequences are in fact wholly predictable. Downstream harms will continue until a conscious effort is made to recalibrate all counter-terrorism and P/CVE programming to make human rights fulfilment a central goal. To mitigate these harms, UN agencies, international NGOs and national CSOs should ensure all P/CVE and counter-terrorism programming and policies include a conflict sensitivity assessment and a gender analysis in the design, implementation and evaluation phases. The UN already has some of these tools in place (UN Human Rights Due Diligence Policy,[191] the UNDP Risk Management for PVE Programmes,[192] Gender mainstreaming principles, dimensions and priorities for PVE). Operationalising these prior to programming is crucial.

> **It is worth questioning why some external states, UN agencies and international NGOs are continuing to engage in programming in an area that is clearly leading to direct harms.**

3. **Impartiality is not neutrality:** UN agencies, international NGOs and – to some extent – some national CSOs are right to try and maintain impartiality. For UN agencies present in the Philippines, this is a requirement. But impartiality is not the same as neutrality. The entirety of the UN system with presence in the Philippines, international NGOs and national CSOs cannot be neutral in relation to an agenda that is causing significant human rights harms, exacerbating conflict and derailing peace processes. If programming is contributing – directly or indirectly – to the shrinking of civic space, to criminalising opposition, or to spying on minorities, then UN agencies, international NGOs and national CSOs should refuse to cooperate with authorities. Beyond programming, this must also extend to terminology and language. The use of language like 'Communist Terrorist Groups' and 'violent extremist groups' is not without prejudice in the Philippines and has been liberally used to justify harmful security responses in recent years. Stakeholders should avoid replicating blanket, divisive and value-laden terms such as 'extremists' or 'radicals', and employ terminology such as 'violent groups committing terror attacks' that clearly focuses attention on the act of violence rather than the perceived political persuasion and identity of the individual/group in question.

4. **It is not too late to reverse securitisation and militarisation:** Counter-terrorism has clearly enabled the militarisation of civilian governance structures in the Philippines. This has come hand-in-hand with the overt securitisation of wider development, peacebuilding and conflict prevention efforts. Yet there are many human rights organisations, activists, peacebuilders, community organisers and Indigenous peoples in the Philippines still working for democracy and human-centred security responses. To reverse securitisation and militarisation in the coming years, UN agencies, international NGOs and national CSOs should invest in projects and programmes that promote human security and reassert democratic norms, and opt out of supporting securitised efforts.

Implications at global level

At the global level, the Philippines case illustrates three overarching lessons:

5. **Counter-terrorism is being instrumentalised by authoritarians:** States and multilateral bodies that are committed to protecting human rights, civic freedoms and pushing back on authoritarianism, need to develop a policy response that confronts the way in which counter-terrorism is being abused by authoritarian states. This requires an effort to actively learn from the harm that counter-terrorism and P/CVE is doing in the Philippines, and to build this understanding into future reviews of strategies such as the UN Global Counter-Terrorism Strategy, and the formulation of other policy frameworks, terminology guides, programme manuals and safeguarding approaches.

6. **P/CVE cooperation cannot be assumed to be neutral: The Philippines shows clearly that P/CVE is not an apolitical development agenda.** Clearly, those who are implementing this agenda at a national level do not automatically absorb the conceptual underpinnings within the UN PVE plan of action. On the contrary, the P/CVE agenda is actively contributing to harm in the Philippines. The Philippine government's abuse of the P/CVE agenda illustrates how this agenda is being weaponised – exacerbating conflict and undermining human rights. Programming should focus on upholding international human rights standards rather than undermining them. Where this cannot be guaranteed, projects should be suspended until the human rights situation is addressed.. International partners need to be honest about the extent and scope of militarisation by the Philippine government and its institutions, and avoid treating P/CVE programming as an apolitical agenda, disconnected from militarised structures and approaches.

7. **Peace processes and human rights norms cannot be treated as acceptable collateral damage:** The Philippines case should elicit a serious reflection by proponents of P/CVE and counter-terrorism approaches. The neglect and erosion of human rights – and the adoption of belligerent approaches that undermine processes for conflict mediation, resolution and reconciliation – should not be viewed as the acceptable cost of rolling-out counter-terrorism and P/CVE interventions. This reflection should trigger a step change in prioritising peacebuilding approaches and tools, human rights work, support to local civil society groups and human rights defenders in response to conflict in fragile settings where – for too long and at great human cost – counter-terrorism approaches have dominated.

Notes

187 At the time of publication in May 2021, the Supreme Court of Philippines was in the middle of hearing petitions against the ATA.

188 According to Memorandum Circular 2019–116, the Department of Interior and Local Government (DILG) through the Preventing and Countering Violent Extremism and Insurgency-Project Management Office will 'synchronize NGA, CSO, and IA projects and services for monitoring purposes, proper coordination, and more proactive interventions.' (https://dilg.gov.ph/PDF_File/issuances/memo_ circulars/dilg-memocircular-2019724_a9f8eff710.pdf)

189 United Nations Secretary-General (2015), 'Plan of Action to Prevent Violent Extremism Report of the Secretary-General', A/70/674, 24 December (https://www.un.org/en/ga/search/view_doc. asp?symbol=A/70/674)

190 Ní Aoláin F (2020), 'Human rights impact of policies and practices aimed at preventing and countering violent extremism, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights challenge of states of emergency in the context of countering terrorism, A/HRC/43/46', 21 February (https://undocs.org/en/A/ HRC/43/46)

191 United Nations (2015), 'Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces' (https:// unsdg.un.org/sites/default/files/Inter-Agency-HRDDP-Guidance-Note-2015.pdf)

192 UNDP (2019), 'Risk management for preventing violent extremism (PVE): Programmes guidance note for practitioners' (https://www. shareweb.ch/site/Conflict-and-Human-Rights/Documents/Risk%20 Management%20for%20PVE%20-%20UNDP%20Guidance.pdf)

About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity. We are a not-for-profit organisation working in 12 countries and territories across Africa, Asia and the Middle East.

About Initiatives for International Dialogue

Established in 1988, the Initiatives for International Dialogue (IID) is a Philippines-based peacebuilding and advocacy institution promoting human security, democratization and people-to-people solidarity. We believe that by bridging peoples, we can build peace. We conduct programs on specific focus areas (Burma/Myanmar, Mindanao, Southern Thailand, West Papua and Timor Leste), and on the Southeast Asian region and the ASEAN in general.