INNOVATIONS FOR SUCCESSFUL SOCIETIES

ENHANCING SECURITY TO RESTORE CREDIBILITY:

SAFEGUARDING ELECTIONS IN THE PHILIPPINES, 2008 – 2010

SYNOPSIS

Citizens of the Philippines braced for renewed election violence in 2010, as bitter political feuds and longstanding family rivalries simmered. Candidate-hired private militias and other armed political groups threatened to disrupt presidential and local voting, as they had in 2004. The job of building safety, trust and credibility into the electoral process fell to Jose A.R. Melo, a former associate justice of the Supreme Court who took over as head of the Commission on Elections in 2008, after a series of scandals that culminated in the resignation of the panel's chairman. Appointed by the nation's president, Melo recognized the urgent need to restore trust and credibility to the electoral process. While working to automate the balloting process, Melo sought a broader approach to reducing electoral violence. In conjunction with the police and army, Melo devised and implemented stricter rules regarding weapons and security personnel, and he organized a network of security centers that enforced the new rules. The May 2010 elections experienced less violence than the previous presidential and local elections in 2004, although questions arose over the susceptibility of the security forces to political coercion.

Michael Scharff drafted this case study on the basis of interviews conducted in Manila and Iloilo, Philippines, in March 2011.

INTRODUCTION

When he was appointed in May 2008 as chairman of the Philippines Commission on Elections (Comelec), 75-year-old Jose A.R. Melo, a former associate justice of the Supreme Court, knew he had to restore the public's trust in the panel.

The commission's credibility had suffered two significant blows during the prior three years. In 2005, the National Bureau of Investigation, a unit of the Justice Department, released wiretapped phone conversations that suggested collusion between an election commissioner, Virgilio Garcillano, and President Gloria Macapagal Arroyo. The conversations had taken place the previous year during the counting phase of the presidential election. On the tapes, a woman, believed to be Arroyo, asked a poll official, believed to be Garcillano, to add a million votes to her count, giving her the winning edge in the contest. Although no collusion was ever proven, the incident, dubbed the "Hello, Garci" scandal (after the opening line of the

conversation), sowed deep public mistrust in the commission and raised questions about the legitimacy of Arroyo's presidency.

Two years later, the commission's reputation suffered further when then-chairman Benjamin Abelos resigned amid accusations that he had used his influence as an election commissioner to offer a Dutch company $10 million to withdraw as a bidder for a contract to build a national broadband network, in order to clear the way for a Chinese company.

The familial nature of Philippine politics was one of several factors that fueled fierce rivalries and bred persistent violence during each electoral cycle. Nearly all elected officials, from the president to village-level councilors, came from families with extensive political histories. A sense of entitlement had developed because members of the same family had held positions, both elected and appointed, for generations. An entrenched patronage system, in which politicians doled out gifts and favors in exchange for votes, produced staunch supporters who were willing to resort to unscrupulous tactics, including violence, to ensure their benefactors remained in power.

Corruption in the armed forces and international arms-smuggling operations meant that handguns and other firearms could be bought easily on the black market. Moreover, loose licensing requirements made it easy for citizens to carry guns legally. Many politicians created their own private armies by organizing and arming their supporters. "What you have in the Philippines are private armies acting on behalf of the political dynasties," said Chyn San Juan, a senior program officer with the International Foundation for Electoral Systems, an elections technical-assistance group.

Characteristics of Philippine culture acted to sustain the violence through repeated electoral cycles. Since the early 1900s, clan feuds, often caused by political conflicts and land disputes, produced recurring cycles of offense and retaliation. The feuds often erupted in areas where weak government created a perceived lack of justice and security. Elections provided a platform for retribution against a rival clan's candidate or supporters.

A decades-old insurgency by communist guerrillas, known as the New People's Army, in parts of the country added to the worries of election officials who wanted to reduce violence. In 2008, there were an estimated 5,700 communist rebels in the country, according to a Philippine army general quoted by ABS-CBN News on 20 March of that year. Communist fighters were known for extorting large sums of money from candidates campaigning in communist-controlled areas in exchange for promises of safety. The fighters often killed candidates who refused to pay what were known locally as "permit to campaign" fees.

Another tumultuous election cycle appeared to be taking shape in late 2009, when officials from Comelec, the Philippine National Police and the Armed Forces of the Philippines met to try to devise ways to reduce the violence. The constitution granted Comelec the power to deputize national police and the armed forces personnel for election-related duties, and to draft resolutions that became law without legislative approval.

Although cooperation between Comelec, the national police and the army had been weak and sometimes contentious in previous elections, these new consultations, guided by Melo, produced tangible results. Conditions were ripe for the talks to succeed: Comelec was eager to restore its credibility, and the generals in the armed forces, unsure of who would be elected president, wanted to be perceived as neutral by all political parties. The talks produced new regulations that tightened previous restrictions on carrying guns and employing private security people

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during elections. Moreover, Comelec, the national police and the army agreed to create and operate a network of command posts, known as Joint Security Control Centers (JSCCs), that would coordinate all election-related security efforts. The JSCCs bolstered coordination between the three agencies, particularly in the enforcement of regulations on the carrying of weapons and use of security personnel.

This case sheds light on how, in a society with a history of electoral violence, election and security officials seized on opportunities produced by changing circumstances to create an effective mechanism for coordinating the enforcement of new and stricter rules.

THE CHALLENGE

Melo's extensive career in the justice system had earned him a reputation for being fair and politically neutral. Before serving on the Supreme Court, he had been a judge at the Court of Appeals, and before that he had worked for the Office of the Solicitor General. His law degree was from Manuel L. Quezon University in Manila. After retiring from the Supreme Court in 2002, he served on an independent presidential commission established to explore extrajudicial killings of journalists and political activists.

Looking ahead to the 2010 elections, Melo and his counterparts from the armed forces and the national police had to figure out a way to reduce violence and, once they decided on an approach, they had to coordinate and execute the strategy. Because firearms played a role in most violent incidents, any approach almost certainly had to address the gun issue. But a lack of reliable data meant that it would be difficult to set targets and measure results. The last major independent survey of guns in the Philippines, published in 2007, revealed an estimated 3.9 million licensed and unlicensed guns held by civilians, or about 41 guns per 1,000 people.[1]

A year later, the national police issued far lower numbers showing about a million licensed firearms and half a million others.

The prevalence of private armies contributed significantly to high levels of electoral violence. Historically, the national government had done little to disrupt or disband the private armies. National-level politicians often turned a blind eye and in some cases encouraged the formation of armed groups throughout the country. At election time, national-level politicians knew they could call upon their local party candidates, and the candidates' private armies, to round up votes.

The country's defense secretary estimated that in 2010 there were 132 private armies with about 10,000 total members.[2] Because the government wanted to be seen as taking a strong stance against illegal activities, its figures likely grossly underestimated the number of private armies as well as the number of loose and unaccounted guns.

Figuring out how to get the national police and armed forces to work in harmony with Comelec posed a stern challenge. Historically, the police and armed forces functioned as separate entities during elections and often squabbled over roles and responsibilities. Dennis Ausan, the regional Comelec official for Region 6 (one of the Philippines' 16 administrative regions), recalled, "In the past, there was no clear-cut delineation of forces in the field, especially in remote areas. The Comelec field personnel would call the national police to take care of something, and they would say, 'No, it's within the armed forces' area of responsibility,' and vice versa."

The armed forces and national police had worked together in past elections. A presidential order in 2006 directed the national police to assist the armed forces with internal security operations. Although the armed forces had issued guidelines specifying

when and how the national police should act in its supporting role, no coordinating mechanism existed. National police commanders in provinces, for example, had no way of knowing whether they should obey orders that came from the armed forces.

The Philippines' entrenched system of patronage presented a high hurdle for any nationwide strategy that required local cooperation. For example, governors appointed the province heads of police, who appointed city and town police chiefs who were endorsed by their local mayors. This arm-in-arm arrangement increased the likelihood that local police might turn a blind eye to infractions by incumbent officials, including the use of private armies.

FRAMING A RESPONSE

When Melo joined Comelec in 2008, he had pledged publicly to "conduct the elections to such an extent that the results of the next presidential election will not be questioned." Melo recalled that in the lead-up to the 2010 elections, "It was my opinion that we could not afford another presidency of doubtful legitimacy." He understood that violence and voter intimidation would undermine any public support earned by government efforts to automate the voting process. Melo thought that reducing violence significantly was the best way to foster confidence in the electoral process and to boost Comelec's credibility.

A single calamitous event in November 2009 thrust the issue of private armies into the public spotlight and galvanized public opinion behind moves to quell electoral violence. Armed supporters of an incumbent governor on the southern island of Mindanao seized a convoy of activists and journalists who were on their way to register a competing candidate for governor and killed 57 unarmed civilians. The worst single instance of electoral violence in Philippines history, the incident helped pave

the way for Melo's strategy to curb private armies.

The uncertain political situation encouraged leaders of the armed forces to work with Comelec in creating and implementing a security plan. Term limits prevented the incumbent president, Arroyo, from running again in 2010. Although she endorsed Bayani Fernando as her successor, Fernando's party later in 2009 chose another candidate. After that, Arroyo did not endorse a presidential candidate. In the absence of a clear front-runner who had the support of the incumbent, generals of the armed forces—who had risen to their ranks with the nod of the president— were eager to hedge their bets. "They wanted to be seen as fair to all candidates," noted Ramon Casiple of the Institute for Political and Electoral Reform, a non-governmental organization, and head of the national election-monitoring group Election Watch 2010.

Melo's choice for a key aide helped to bolster his relations with the military. Not long after his appointment, Melo hired Edgardo Gurrea, a retired general, to serve as his chief of staff. Gurrea had a strong rapport with the top army officers, and Melo calculated that Gurrea could play a pivotal role in efforts to coordinate joint efforts by the armed forces and Comelec.

By late 2009, Melo began talking with senior officials at the armed forces and the national police about the need to address the so-called "three Gs" of Filipino politics: "goons, guns and gold." This common expression helped shape the official response to electoral violence. Given the limited time before the May 2010 election, Melo and his counterparts at the armed forces and the national police decided that only the first two Gs were practical targets for their anti-violence campaign. Efforts to look into politicians' financial resources were shelved because any such action required congressional approval,

which would take too much time.

In late 2009, the Comelec commissioners, along with their counterparts from the armed forces and the national police, examined past efforts. Although Comelec had instituted a gun ban for previous elections, the ban had allowed individuals to apply for exemptions that were routinely approved. Moreover, armed security personnel were not required to wear uniforms or other identifying clothing, and there were numerous complaints that plainclothes security officers were doubling as private army members. Commissioners also discovered a past resolution that called for the establishment of joint checkpoints, but few rules existed to govern the operations.

Collectively, Comelec, the national police, and the armed forces decided to implement a total gun ban during a five-month period around the elections and to limit the number of security personnel that candidates could have. Checkpoints on roads throughout the Philippines would serve as the primary enforcement mechanism, and clear rules would govern the conduct of those who staffed the checkpoints. Coordinated efforts would originate from a series of command posts called Joint Security Control Centers (JSCC). "The JSCCs came about because of the generally agreed-upon feeling that if we can coordinate better, we can reduce violence," said Lucenito Tagle, a Comelec commissioner.

The JSCCs also were meant to bolster public confidence in the effort to reduce electoral violence. The image of national police and the armed forces working together conveyed the gravity of the matter.

Bowing to practicality, Melo and his counterparts decided against taking on private armies or trying to track down unlicensed guns. The armed forces traditionally handled internal security threats, while the national police focused on law and order. The armed forces were occupied with operations against

communist strongholds, and generals wanted to avoid other violent confrontations in any effort whose goal was to reduce violence.

The three agencies also decided to avoid unconventional approaches such as mobilizing peace committees or holding peace forums. Such strategies had been tried, with varying degrees of success, by other countries that attempted to reduce the divisiveness of competitive processes. Officials believed non-governmental organizations were better positioned to handle these functions. Indeed, Filipino election monitoring groups like Vote Peace and Bantay-Eleksyon attempted peace forums. In some instances candidates agreed to eschew violent acts, but participation in the forums was generally weak.

GETTING DOWN TO WORK

After the initial review in late 2009, Comelec convened a technical working group to draft new rules and revise existing ones. The working group consisted of a senior official from the armed forces, a general from the national police, and three senior Comelec officers.

A gun ban and limits on security personnel

The working group published the resolution that called for a total gun ban and restrictions on the number of security personnel a candidate could employ. Because it was an arm of Comelec, the working group had the power to put rules into effect without legislative approval. The gun ban would become effective on 10 January 2010, which marked the start of the campaign period, and continue until 9 June, 30 days after the election. Private citizens were not allowed to carry firearms, and all previously issued permits to carry guns were suspended during the five-month period. Firearms could be carried only by personnel from certain law enforcement agencies, such as the armed

forces, the national police, guards of the National Bureau of Prisons, Customs Security and Enforcement, Port Police, and investigative agents of the Bureau of Immigration. When carrying guns, law enforcement personnel were required to wear their uniforms and identification tags that listed their names and the serial numbers of their firearms.

The resolution also called for all candidates for mayor, governor, congressman, senator and president to use only national police personnel as guards. Candidates who felt their lives were in danger could request security details. The national police initially hesitated to agree to such a significant increase in its election duties because of the manpower requirements. But top national police officials acquiesced when Comelec agreed to set limits on the number of national police personnel guarding each candidate. Mayors were allowed two national police officers; governors, congressmen and senators could have five; and presidential candidates could have as many as 20. Although candidates for vice mayor and local councilor were not eligible for national police details, they were allowed to hire two guards from private security companies. To make the idea slightly more palatable to candidates who were being forced to give up trusted private guards, candidates were allowed to hand-pick national police officers and agents to protect them.

The technical working group also had to decide on the structure of the JSCCs that the three agencies had agreed to establish for the election. Melo and the heads of the armed forces and the national police comprised the national JSCC in Manila, while each of the 16 regional JSCCs was composed of the top regional officials of each agency. Municipal JSCCs had similar structures.

Melo and his commissioners next went to Congress for approval of its election budget. Because budget deliberations could become

bogged down in debates over specific line items, the commissioners worked carefully to avoid particulars. Because the gun ban was a politically sensitive issue, for instance, the commissioners did not specify that funds would be used to implement the ban.

Publicizing the resolutions

Soon after releasing the resolution banning the carrying of guns and limiting security personnel, Comelec published a revised copy of the resolution governing the conduct of checkpoints. To raise public awareness of both resolutions, Comelec advertised in two national newspapers and published the full resolutions. Comelec capitalized on the Education and Information Department's distribution networks and sent copies of the resolutions to all elections officers and to police stations and army bases throughout the country.

At the same time, the armed forces and national police distributed a "joint letter directive" that spelled out the details of the new JSCCs. The directive contained copies of both resolutions. To ensure awareness across all ranks, a general in the armed forces ordered platoon leaders to send text messages to his personal mobile phone confirming that they had received the directive, that they would disseminate it to their subordinates, and that they agreed to abide by the rules. The directive became effective on 10 January, the start of the election period.

Implementing the resolutions

Regional and municipal JSCCs jointly decided on the number and location of checkpoints needed to enforce the election rules. For example, in Iloilo, a city of 248,000 registered voters on Panay Island, city election chief G. Bert Arbis worked with the heads of the armed forces and national police to formulate a plan for the city's checkpoints. The negotiators decided to locate most of the

checkpoints on major roads, where traffic was heaviest. Two months later, after grenades were thrown at the home of the incumbent mayor's brother and at the mayor's bakery (no injuries were reported in either incident), officials at the regional JSCC called for an emergency meeting. After listening to the recommendations of the Iloilo city JSCC, the officials from the regional JSCC decided to increase the number of checkpoints in the city. The armed forces provided additional personnel for checkpoint duty because the national police were already thinly stretched.

Regional JSCCs processed all applications for security details by candidates for congress, governor, mayor, vice mayor and local councilor. After they received an application, the JSCC heads met and developed a threat assessment based on intelligence gathered from police and army officers in the locale. The JSCC then forwarded the application with the threat assessment and a recommendation to the Committee on the Ban of Firearms and Security Personnel at the national Comelec headquarters. The committee comprised a handful of Comelec personnel who ruled on applications for security details, gun licenses and other matters. Regional JSCCs granted all candidates a 30-day temporary security detail while their applications were being reviewed. Armed forces and national police personnel served as bodyguards, and the regional JSCCs played a key role in working with the army and police to determine the allocation of personnel from each organization.

Candidates for senator and president requested security details directly from Comelec's firearms and security committee. The committee referred each application to the national police and armed forces at the national level, and within five days both agencies sent their threat assessment and recommendation back to the committee. The committee could then approve, deny or modify the request. In some cases, the committee conducted an additional check, relying on informal channels that included conversations with non-governmental organizations and with national police and armed forces intelligence personnel located at the regional offices and bases.

Approvals for security details were issued in writing. The local agency providing the security maintained one copy of the approval, and bodyguards were given copies to wear with their identification tags.

To complete the security planning, officials from the regional, municipal and city JSCCs determined the number of security personnel to deploy to polling places on Election Day. "First, we decided whether a polling station was sensitive or not," said Colonel Tyne Bañas, who represented the armed forces in the Western Visayas region at some meetings of the regional JSCC. To determine susceptibility to violent incidents, the JSCC looked to the national police's historical data of individual incidents of electoral violence. "We also looked at the presence of fighters from the New People's Army as well as the existence of private armies maintained by the candidates," Bañas recalled. The regional JSCC deployed the armed forces to polling places where violent confrontations were considered possible. To counter the risk posed by communist guerrillas, the JSCC decided to send two soldiers for every communist fighter believed to be in the region.

OVERCOMING OBSTACLES

As members of the technical working group were writing the resolution governing the use of security personnel, they realized that allowing some candidates to use private security people for protection introduced the prospect of relying on untrained and undisciplined guards. Aiming to reduce rather than increase the number of such people on

the streets, the group decided to set specific parameters on the use of private armed guards.

First, only security companies with accreditation from the national police's Security Agencies and Guards Supervision Division were eligible to provide protection. Second, only so-called "protective agents" could serve as bodyguards, because they had some training from their employers on protecting individuals. Protective agents normally served as bodyguards for private individuals, including businessmen, celebrities and politicians. Most security companies in the Philippines employed a mix of security guards and protective agents. Security guards, who were commonly hired to protect businesses and residences, had little formal training.

To standardize training, the working group required that all protective agents undergo a 10-day "VIP training course." A team of trainers from the national police headquarters in Manila traveled to each region and conducted training at regional police offices.

With requests for security details pouring in from every region of the country, Comelec's Committee on the Ban of Firearms and Security Personnel was swamped with paperwork. Tagle, who headed the committee, brought in eight individuals from both the armed forces and the national police, and recruited five more from Comelec's law department. Processing fees for applications helped to pay for the additional staff. The committee also intensified its meeting schedule. Instead of meeting just once or twice a week, the committee met every day as a group to review applications and make decisions.

ASSESSING RESULTS

A poll released by a leading national opinion research group after the 2010 elections indicated that Melo had made significant progress toward his goal of restoring trust and credibility in the electoral process. Social Weather Stations reported that 75% of respondents in its survey were satisfied with the general conduct of the elections. This was a marked improvement over the 2004 elections, when 53% of respondents said they were satisfied with how the elections were conducted. Moreover, the polling group said that 74% of respondents were satisfied with the "terms of the peace and order situation" during the 2010 elections, that 84% were satisfied with the performance of the national police during the elections, and that 82% were satisfied with the armed forces' performance.[3]

Other numbers underlined the success of Comelec's efforts. The 2010 election period witnessed a sharp reduction from 2004 in the number of individuals killed and the number of other election-related violent incidents. Officials reported 45 deaths and 67 election-related violent incidents, compared with 295 deaths and 152 election-related violent incidents during the 2004 elections. A nationwide total of 184,202 checkpoints set up during the election period led to the arrests of 2,424 individuals and the discovery of 2,113 firearms, according to data provided by Comelec. Although the numbers on arrests and firearms were relatively modest, both represented a substantial increase over the 2004 elections, when 1,650 people were arrested and 1,264 firearms were confiscated.

Although the numbers demonstrated an improved security situation, planners may have sometimes gone too far in attempting to instill discipline and structure on their efforts. For example, stringent regulations governing the conduct of checkpoints hindered the ability of security personnel to identify weapons. Without warrants, security personnel were not permitted to search vehicles, so a weapon hidden under a blanket, for instance, could evade detection. The resolution on checkpoints did, however, afford some options

to carry out warrantless searches. If the occupants of the vehicle appeared to be nervous or suspicious, or if an occupant was a known or wanted criminal, a search was permissible.

The mere existence of checkpoints likely had a significant impact on violence by helping to reduce the carrying of weapons and to curb the movements of armed supporters of politicians. But the checkpoints were easy to avoid. "A common practice was to send someone on a motorbike ahead of your convoy to check if there was a checkpoint on the road," recalled Josil Jaen, a former mayor in Iloilo province. If the person doing reconnaissance spotted a checkpoint, the armed individuals would take an alternate route.

Non-governmental groups actively backed Comelec's efforts to control abuses that arose from conflicting political loyalties. Election-monitoring groups and a vigilant media, for instance, would make sure that local security personnel enforced laws—even against elected officials who may have given the security people their jobs. Some election monitoring groups periodically observed checkpoints. Other support came from the political side, as supporters of one candidate were more than willing to raise the alarm against perceived injustices by other candidates or their supporters.

The greatest contribution of the JSCCs may have been that their existence showed Filipino voters that election administrators were serious about improving the electoral process. Moreover, the JSCCs represented a significant step toward promoting greater cooperation between national, regional and local election and security officials. The collaboration, evidenced in the joint planning of security checkpoints and in the review of applications for bodyguards, helped to curtail electoral violence.

REFLECTIONS

Under the leadership of Jose A.R. Melo, the Philippines Commission on Elections gained public stature and made solid progress toward reducing election-related violence in a heated political context. His personal attributes, including his background as a former Supreme Court justice, played an important role in that success.

Looking back on the 2010 elections, Chyn San Juan of the International Foundation for Electoral Systems, commented, "The credibility of Comelec increased after Melo took over. Coming from a 2004 election marred by so much controversy, he knew how much was at stake."

Retired General Edgardo Gurrea credited Melo's inspired vision. "He wanted the elections to be automated and credible," Gurrea said. "Without his clear-cut guidance, we could not have done this."

Comelec worked closely with the armed forces and the national police to draft rules and establish an enforcement mechanism that produced measurable results. The creation of the Joint Security Control Centers as a formal organizing tool forced key decision makers to work together, promoted collective decision making, and provided the platform to determine clear lines of responsibility. "We welcomed the creation of the JSCCs," said Dennis Ausan, the regional Comelec official for the Western Visayas. "It helped us a lot with our networking and coordination with the national police and the armed forces."

Commissioner Lucenito Tagle praised the deterrent effect of the checkpoints, which he said caused individuals to think twice about carrying guns. Boygee Pangilinan, a lieutenant general in the armed forces and a senior figure at the national JSCC, said that in the next round of elections, attempts should be made to increase the number of security personnel in order to further reduce incidents of election

violence.

Melo stressed the importance of leadership credibility in reform efforts such as this one. "You have to start with a leader with credibility," he said. "The way he is doing it may be questioned, but his motives for doing so will not be questioned."

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[1] Karp, Aaron. "Completing the Count: Civilian Firearms." *Small Arms Survey.* Geneva: Graduate Institute of International Studies, 2007. Web. 14 March 2011.
[2] "Guns and Goons." *The Economist.* 7 January 2010: Web. 14 March 2011.
[3] "SWS: 3 out of 4 Pinoys satisfied with May polls." *ABS-CBNnews.com* 28 July 2010: Web. 4 April 2011.

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