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U.S.-PHILIPPINE NATIONAL SECURITY AND DEFENCE RELATIONS IN THE EARLY XXIst CENTURY

Abstract. Purpose. The aim of the article is the historical and legal study of U.S.-Philippine relations in national security and defence in the early XXIst century and its impact on the internal development of the country. **Results.** The article forms the state of affairs in U.S.-Philippine relations in national security and defence at the beginning of the XXIst century. The author describes the content of U.S.-Philippine problems, the degree of conflict and contradictions in the field of military security. The focus is on the disclosure of the dynamics and direction of U.S. military doctrine towards the Philippines and its impact on the internal development of the country. In the study, the author analyses the trends and prospects of development of the U.S. strategy in relation to the military influence of the Philippines on the dynamics of processes in the Asia-Pacific region. It is noted that the joint activities of the United States and the Philippines in the international arena by harmonising the interests of administrative and legal framework of the national security of the countries under study provide opportunities for strengthening their positions and better internal development. However, we should not forget the individual challenges to the national security of countries that arise from time to time. U.S. politicians regard the Philippines as a major outpost off the coast of the PRC, as the key to increasing domination over the Pacific Ocean. Maintaining a sustainable relationship with Washington provides the Philippines with opportunities to strengthen its international standing, which could be an indicator of the success of independent foreign policy. **Conclusions.** It is concluded that the U.S.-Philippine Military Alliance on National Security and Defence has become a credible guarantee of peace and security in the region. All instruments of the administrative and legal framework were aimed at military strategic goals, expanding the geographical boundaries of democracy and increasing the joint global fight against terrorism and countering terrorist activities and propaganda. That is why the joint activities of the United States and the Philippines in the international arena by harmonising the interests of administrative and legal framework of the national security of the countries under study provide opportunities for strengthening their positions and better internal development. However, we should not forget the individual challenges to the national security of countries that arise from time to time. It should be noted that U.S.-Philippine relations in national security and defence are one of the possible aspects of ensuring stability and prosperity in the Asia-Pacific region.

Key words: administrative and legal framework, fight against terrorism, military doctrine, internal relations, external relations, instruments, national security, defence, USA, Philippines.

1. Introduction

The relationship between the U.S. and the Philippines is classified as a special relationship. The countries were together during World War II, defending freedom from fascism and having common foundations for what the future world should be. The Washington administration acted as a protector of the external and internal security of the Philippines and took active measures to stabilise the political situation, preserving the democratic system of the country. After the terrorist attack

of September 11, 2001, Washington began to form an international anti-terrorist coalition, in which the Philippines, with its example of domestic threats and traditions of cooperation with the U.S. has become almost an ideal partner. This was translated into new military assistance tranches and the active involvement of U.S. military and social experts in the process of dismantling terrorist bases and developing infrastructure on the island of Mindanao, Participation of Philippine peacekeepers and community leaders in the Iraq campaign and other

joint projects. The mutual interests of both States are important enough to maintain cooperation between the two countries in the field of security and defence.

General theoretical issues of the administrative and legal regulatory mechanism for security have been studied, including by legal experts in administrative law, but taking into account the current state and development of national security of Ukraine and its permanent transformation. It is necessary to consider the foreign experience of the national security genesis using elements of diachronic and synchronous comparison. Our considerations are based on the scientific works by scientists such as O.M. Bandurka, A.I. Berlach, Y.P. Biytiak, I.P. Holosnichenko, V.V. Verkhohliad, R.A. Kaliuzhnyi, V.H. Komziuk, O.V. Kuzmenko, V.Y. Nastiuk, A.V. Nosach, V.I. Olefir, A.A. Starodubtsev, V.V. Sokurenko, M.M. Tyshchenko, M.V. Tsvik, and others. Some aspects of U.S.-Philippine relations development have been covered by N. Horodnia and I. Pidbereznykh. The aim of the article is the historical and legal study of U.S.-Philippine relations in national security and defence in the early XXIst century and its impact on the internal development of the country.

2. The areas of Philippine-U.S. National Security and Defence Cooperation

It should be noted that, according to V.A. Antonov, the functioning of the security system is carried out within the framework of the State's security policy. Thus, security measures, designed to protect the national interest of the country, are foreseen, planned, organised and implemented (doctrines, strategies, concepts and programmes). In particular, the history of the formation and development of the Ukrainian statehood confirms that the institution of security is determined by factors such as the social division of labour, social differentiation of members of society, the struggle for economic and political power, the National Liberation Movement for the Affirmation of the Nation State. In the scientific knowledge of the category of security, the study of the latter as a specific legal concept and the development of an appropriate methodology of this study are very important. As a matter of principle, the approach to defining security should consider it from the human security perspective, which is the fundamental constitutional and legal basis of this concept, which regulates security relations (Antonov, 2018, pp. 25–26).

The close ties between the Philippines and the United States in the area of national security and defence in Southeast Asia are based on the Mutual Defence Treaty between the United States and the Republic

of the Philippines of August 30, 1951 (Mutual Defence Treaty Between the United States and the Republic of the Philippines, 1951), which established and strengthened U.S.-Philippine Military Alliance to "act to meet the common dangers, armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific" (Valencia, 2019). Growing concerns about maritime security, especially China's actions in the South China Sea, have led the Philippine leadership to re-emphasise its security and defence relations with the United States. Furthermore, the achievements of cooperation in the field of security and defence include the establishment of a bilateral strategic dialogue, in particular through the signing of the Enhanced Defence Cooperation Agreement (EDCA), aimed at Philippines maritime security, its ability to participate in counter-terrorism and counter-insurgency operations and to respond to natural disasters (Greitens, 2016, pp. 3–4).

The United States of America has consistently noted the need to protect vital national security and defence interests in South-East Asia, in particular in support of naval and air bases, bilateral cooperation in national security and defence and the global fight against terrorism since 2001.

The administrative and legal framework for U.S. national security and defence policy involved supporting the U.S.-Philippine alliance and stability in Southeast Asia, namely providing assistance to the Armed Forces of the Philippines (AFP) in the fight against terrorism, modernisation and administrative reforms; supporting the peace process in Western Mindanao; promoting broad-based economic growth and human rights; helping the Philippines to build stable and flexible democratic institutions; strengthening democratic governance and supporting the efforts of the Government of the Philippines to promote comprehensive development and security and defence cooperation in the Indo-Pacific region. United States aid to the Philippines contributed to broad-based economic growth, security, improved health and education for Filipinos, promoted democratic values, strengthened regional and global partnerships between the State Department, Ministry of Defence, United States Agency for International Development (USAID). Moreover, the aid is aimed at enhancing cooperation through a State-wide approach that supports a free and inclusive Indo-Pacific region. Over the past decade, the United States has provided more than \$143 million to the people of the Philippines, deployed more than 50 U.S.

ships and aircraft, about 1,040 U.S. troops for humanitarian relief operations in the aftermath of Typhoon Haiyan/Yolanda, which ravaged the country in 2013 (Philippine-United States Bilateral Relations Fast Sheet, n.d.). Therefore, historical lessons enable to state that the United States of America has long streamlined its relations with the Philippines through the implementation of statutory activities of national security and defence actors to strengthen its cooperation and training, including how to further optimise processes in case of disasters.

In addition, since 2002, the United States of America has provided non-military assistance through the Joint Special Operations Task Force-Philippines (JSOTF-P). Philippine-U.S. counter-terrorism efforts have enabled to significantly reduce the number of terrorist threats from several Islamist organisations, including the New People's Army, Abu Sayyaf, Jemaah Islamiyah. Joint activities include a significant non-military component and help reduce incentives for civilians and insurgents to join separatist and terrorist organisations (Lum, 2012). That is, through the administrative and legal framework of the activities of national security and defence entities, national security and defence are being established.

An individual component of the administrative and legal framework for national security and defence are the meetings of the heads of powers of the USA and the Philippines, including the global war against terrorism, support of operations in Iraq by Philippines, U.S. economic assistance, successful deployment of U.S. troops in the southern Philippines, giving the Philippines greater access to U.S. defence equipment and materials. Therefore, the President of the Philippines commented: "We believe that U.S. leadership and interaction with the USA makes the world safer for all of us" (Garamone, 2003).

In 2014, U.S. President Barack Obama directed U.S. policy to restore balance with Asia through defence and security cooperation, human trafficking and exchange, Philippine membership in the Trans-Pacific Partnership, etc. (Philippines. Office of the Historian, n.d.).

In order to provide access to U.S. ships, U.S. aircraft transferred two ships to the Philippine Navy: Weather High Endurance Cutter (WHEC) – BRP Gregorio Del Pilar (formerly USCGC Hamilton) and Weather High Endurance Cutter (WHEC) – BRP Ramon Alcaraz (formerly USCGC Dallas) (Philippine-United States Bilateral Relations Fast Sheet, n.d.). These vessels were utilised to patrol Philippine waters, conduct search and rescue operations as well as deliver relief supplies to typhoon victims. The White House noted that Obama's meeting

with Aquino would "highlight economic relations and security cooperation between the two countries, including through the modernisation of the defence alliance, efforts to expand economic ties and spark economic growth through the Partnership for Growth, and through our deep and enduring people-to-people ties" (Obama to arrive in Manila April 28, 2014).

3. U.S. National Security and Defence trends

The National Security Strategy, the most comprehensive document of the Presidential Administration of B. Obama, which set out the principles and priorities for how America will continue to lead the world to greater peace and new prosperity (The 2015 National Security Strategy, 2015; Jennings, 2018).

That document affirmed the value of joint actions, particularly in addressing the problems of aggression, terrorism and disease. Building on the unique capacity of the United States to mobilise and lead the international community, the 2015 National Security Strategy argued that strong and sustainable U.S. leadership contributes to global security and prosperity, dignity and human rights. The Washington administration has called for strategic patience and perseverance, given the fact that the country does not have infinite resources. This confirmed that difficult choices were made among many competing priorities, warning against over-coverage, as many security problems did not have quick and easy solutions. The implementation of the Strategy is a combination of military power and diplomacy. What others regard as indecisiveness, Obama explained as calculated choices to avoid being drawn into unnecessary conflicts and wars. Coalition-building and partnerships, rather than the use of force, were touted as better strategies in addressing threats of terrorism and aggression (Pabeliña, 2015).

Moreover, the deterioration in U.S.-Philippine relations following the election of President Rodrigo Duterte in June 2016, whose policy was based on stopping the sale of illegal drugs, human rights organisations accused him of allowing the police to shoot suspects without a trial, resulting in the death of more than 7,000 people (The 2015 National Security Strategy, 2015; Jennings, 2018).

According to Richard Javad Heydari, Duterte pursues pragmatic foreign policy, defined by "strategic rebalancing" between the United States of America and China (Watts, 2016).

In administering national security, the Philippines has sought to preserve its security benefits from the United States of America, as well as to increase commercial and economic benefits from China. But the practical advantage of this long-standing alliance has been to the advan-

tage of both the U.S. and the Philippines.

The Armed Forces of the Philippines, as one of the weakest military forces in the region, relied heavily on the United States to address its security concerns, including tensions in the South China Sea, terrorism and natural disasters. The military has played an important role in the security of the country and has been vital to peace processes with communist rebels and rebel groups. Defence Secretary Delphin Lorenzana has expressed clear support for the U.S. Mutual Defence Treaty. The United States continued to enjoy great support among ordinary Filipinos despite these developments. According to the 2016 Philippine Public Opinion Poll, 76% of respondents stated that they had “strong confidence” in the United States, and only 22% gave the same answer for China. In addition, the military remained largely pro-U.S., despite growing nervousness in the defence bureaucracy (Khzmalyan, 2019).

Therefore, the historical facts prove not only the clearly regulated activities of national security actors has a significant impact on the administrative and legal framework for national security, but also have the political situation between countries, the peculiarities of their zones of influence.

In 2018, the National Defence Strategy (NDS) was developed based on two earlier strategic documents – the National Security Policy (NSP) for 2017 and the National Security Strategy for 2018 (National Security Policy for Change and Well-Being of the Filipino People, n.d.). The NSP outlined, in broad strokes, the overall national security objectives of the government. The NSS, on the other hand, categorized the Philippines’ national security interests into “core,” “important,” and “other.” These interests were then harmonized into national security goals from which broad strategic courses of action were identified. The NDS “maps the planning, prioritization, and resourcing processes in line with the identified priorities and outcomes of the NSS” (The Philippines National Defence Strategy – Analysis, 2019).

Indeed, the NDS identified six of the twelve national security goals which are most relevant. Among others, these national security goals included: safeguarding and preserving national sovereignty and territorial integrity, ensuring maritime and airspace security, strengthening international relations. Anchored on the relevant national security goals, the NDS identified two categories of defence missions: external, and internal. The external defence missions are: Maritime and Air Defence Mission (MarAD), Cyber Security Mission (CS), and Security Cooperation and Engagement Mission (SCE) (The Philippines National Defence Strategy –

Analysis, 2019).

Recognising the interrelatedness between national security and defence instruments, it appeared that the NDS has three major implications. First, the NDS strategic environment assessment situated the country’s external politico-security challenges within the broader purview of the U.S.-China geostrategic competition that will likely shape the dynamics of Asia-Pacific in the foreseeable future. The instrument emphasized that the “overall strategic backdrop and geopolitical landscape of the Asia-Pacific lies on the U.S.-China rivalry, which proves to be a vital consideration for the strategic decisions of the country” (The Philippines National Defence Strategy – Analysis, 2019).

It should be noted that the bilateral strategic dialogue was the main forum for discussing the range of political, economic cooperation between the Philippines and the United States: defence and security; economy, development and prosperity; regional and global diplomatic engagement; rule of law and law enforcement [17]. Both sides recognized the importance of a strong Philippines-U.S. alliance in enhancing security cooperation and promoting regional stability and prosperity. The Philippines and the United States pledged to strengthen security and defence cooperation, including by improving defence infrastructure, personnel and logistics procedures, as well as increasing mutual communication and coordination on the operational elements of regional security. In this context, both sides commit to begin planning on a range of activities to improve maritime domain awareness. In this context, both sides reaffirmed their commitment to plan a range of actions for freedom of navigation, overflight, and other lawful uses of the South China Sea, and stressed the importance of peacefully resolving disputes in accordance with international law, as reflected in the Law of the Sea Convention. Both sides also emphasized the importance of concluding an effective and substantive Code of Conduct (COC) that would not prejudice the rights under international law of both claimant States and non-claimant States in the South China Sea (8th Philippines-United States Bilateral Strategic Dialogue (BSD) Joint Statement, 2019). High-level officials committed to deepening their work against terrorism and violent extremism by improving information-sharing and port and aviation security to prevent terrorist attacks in the Philippines and the transit of foreign terrorist fighters into and within the country. In addition, both delegations committed to upholding international best practices to detect and combat money laundering and the financing of terrorism, to deepen their

cooperation in expanding legal aid services (8th Philippines-United States Bilateral Strategic Dialogue (BSD) Joint Statement, 2019). High-level officials committed to continue working together to effectively eradicate trafficking in persons and in this regard noted the 1st rate maintained by the Philippines in the Trafficking in Persons Report 2019 (Trafficking-in-Persons-Report, 2019).

4. Conclusions

To sum up, U.S. Philippine National Security and Defence Relations in the early XXIst century reveal that the U.S.-Philippine Military Alliance on National Security and Defence has become a credible guarantee of peace and security in the region. All instruments of the administrative and legal framework were aimed at mil-

itary strategic goals, expanding the geographical boundaries of democracy and increasing the joint global fight against terrorism and countering terrorist activities and propaganda. That is why the joint activities of the United States and the Philippines in the international arena by harmonising the interests of administrative and legal framework of the national security of the countries under study provide opportunities for strengthening their positions and better internal development, however, we should not forget the individual challenges to the national security of countries that arise from time to time. It should be noted that U.S.-Philippine relations in national security and defence are one of the possible aspects of ensuring stability and prosperity in the Asia-Pacific region.

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АМЕРИКАНСЬКО-ФІЛІПІНСЬКІ ВІДНОСИНИ У СФЕРІ НАЦІОНАЛЬНОЇ БЕЗПЕКИ І ОБОРОНИ НА ПОЧАТКУ ХХІ СТ.

Анотація. Мета. Метою статті є історико-правове дослідження американсько-філіппінських відносин у сфері національної безпеки і оборони на початку ХХІ ст. та її впливу на внутрішній розвиток країни. **Результати.** У статті сформовано стан американсько-філіппінські відносини у сфері національної безпеки і оборони на початку ХХІ ст. Автор характеризує зміст американсько-філіппінських проблем, ступінь конфліктності та протиріч у сфері військової безпеки. Особлива увага приділяється розкриттю динаміки і спрямованості американської військової доктрини щодо Філіппін та її впливу на внутрішній розвиток країни. У своєму дослідженні автор аналізує тенденції і перспективи розвитку американської стратегії відносно військового впливу Філіппін на динаміку процесів в Азійсько-Тихоокеанському регіоні. Зауважено, що спільна діяльність США та Філіппін на міжнародній арені шляхом узгодження інтересів адміністративно-правового забезпечення національної безпеки досліджуваних країн дає можливість для зміцнення їхніх позицій та кращого внутрішнього розвитку, однак не варто забувати про окремі виклики національній безпеці країн, що час від час виникаю. Американські політики розглядають Філіппіни як своєрідний найважливіший форпост біля берегів КНР, як ключ до наростаючого панування над Тихим океаном. Підтримка стійких відносин з Вашингтоном дає Філіппінам можливість для зміцнення позицій на міжнародній арені, що може стати показником успішності реалізації незалежної зовнішньої політики. **Висновки.** Зроблено висновок, що американсько-філіппінський військовий союз у сфері національної безпеки і оборони став надійною гарантією миру та безпеки у регіоні. Усі інструменти адміністративно-правового забезпечення були спрямовано на військово-стратегічні цілі, розширення географічних меж демократії та нарощування спільної глобальної боротьби з тероризмом і протистояння терористичній діяльності й пропаганді. Саме тому спільна діяльність США та Філіппін на міжнародній арені шляхом узгодження інтересів адміністративно-правового забезпечення національної безпеки досліджуваних країн дає можливість для зміцнення їхніх позицій та кращого внутрішнього розвитку, однак не варто забувати про окремі виклики національній безпеці країн, що час від час виникаю. Зауважимо, що американсько-філіппінські відносини у сфері національної безпеки і оборони є одним із можливих аспектів забезпечення стабільності і процвітання в Азійсько-Тихоокеанському регіоні.

Ключові слова: адміністративно-правове забезпечення, боротьба з тероризмом, військова доктрина, внутрішні відносини, зовнішні відносини, інструменти, національна безпека, оборона, Сполучені Штати Америки, Філіппіни.

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