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## ADMINISTRATIVE AND LEGAL SUPPORT FOR THE NATIONAL SECURITY OF THE UNITED STATES AND THE PHILIPPINES IN RESPECT OF COUNTER-TERRORISM COOPERATION

**Abstract. Purpose.** The purpose of the study is to reveal the dynamics and orientation of administrative and legal support for the national security of the United States and the Philippines in respect of counter-terrorism cooperation. **Results.** The article studies the military factor within administrative and legal support for the national security of the United States and the Philippines in respect of counter-terrorism cooperation. The process of transforming the Philippines into a U.S. military base in the Pacific region and determining the role of this base in the regional and world policy of the USA were considered. The author analyses and summarises the main trends in the development of U.S.-Philippine relations in the context of administrative and legal support for their national security, as well as cooperation to counter and combat terrorist organisations. It is underlined that the USA is a protector of the external and internal security of the Philippines and takes active measures to stabilise the political situation of the Philippines. Indeed, the development of democratic political forms reveals that the Philippines is the most progressive country in the region. Accordingly, the country has established a presidential-parliamentary democracy of the American type, with the division of powers into the executive and legislative. Military analysts believe that the Philippines' capacity to respond to threats has been weakened by long-standing wars against communist and Muslim uprisings, outdated equipment, politicisation, institutional corruption, low wages, and low morale, especially among middle-ranking officers. Many active and retired military personnel were reportedly accused of bribery. **Conclusions.** It is concluded that the United States and the Philippines maintain a reasonably long and reliable relationship considering administrative and legal support for their countries' national security. The joint efforts of the United States and the Philippines are underlined not only by the common history of the struggle in World War II, but also by numerous agreements and treaties. Through such programmes, the USA makes efforts to accelerate qualitative economic growth and stabilise the political situation in the Philippines. The political, economic and military domination of the United States has, among other things, military strategic objectives. U.S. politicians see the Philippines as a major outpost off the coast of the PRC, therefore a priority of American policy in the Philippines.

**Key words:** administrative and legal support, counterterrorism, military doctrine, internal relations, external relations, instruments, national security, defence, United States, Philippines.

### 1. Introduction

The U.S.-Philippine cooperation in national security encompasses a rich spectrum, including political, economic, social and, of course, military. The USA is a protector of the external and internal security of the Philippines and takes active measures to stabilise the political situation of the Philippines. Indeed, the development of democratic political forms reveals that the Philippines is the most progressive country in the region. Accordingly, the country has established a presidential-par-

liamentary democracy of the American type, with the division of powers into the executive and legislative.

The USA and the Philippines have been working together long enough to defend democratic freedoms during World War II. Therefore, today these countries are deepening their interaction in several ways of: overcoming poverty in the Philippines, creating various world organisations, implementing ideas on how to accelerate economic development, assisting victims of cataclysms or wars, fighting for human

rights, pursuing extremism, that is, they have the same view of what the world should be like. At the same time, given the political rhetoric of U.S. leaders, it may be noted that they support the Philippine Government's initiative to fight corruption, improve legislative reforms, combat poverty, and create opportunities for the people.

The purpose of the study is to reveal the dynamics and orientation of administrative and legal support for the national security of the United States and the Philippines in respect of counter-terrorism cooperation.

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 study 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, Yu.P. Bytiak, 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. It should be noted that a significant contribution to the study of general and regional problems of American politics in the Soviet period, and especially after the formation of a sovereign state, was made by Ukrainian researchers such as: S.I. Appatov, B.M. Honchar, Ya.R. Dashkevych, Ye.Ye. Kaminskyi, B.I. Kantseharuk, V.M. Kyrychenko, M.V. Koval, I.M. Kaminskyi, I.O. Minhazutdinov, V.I. Nahaichuk, S.V. Pron, Yu.I. Nyporko, O.V. Potiekhin, and others.

The systematic study of the history of the Philippines in Soviet historiography is connected with the name of the outstanding researcher, the founder of the school of study of Southeast Asia A.A. Huber. U.S.-Philippine relations in the context of contradictions in the political and financial circles of the United States were analysed by O.H. Baryshnikova, Yu.O. Levtonova, and M.O. Savelieva.

In American historiography, the deep analysis of the political and socio-economic history of the Philippines, as well as the essence of American politics in the archipelago, is revealed in the monographs by W. Perlo, J. Marion, and W. Foster.

## 2. Historical aspect of the national security of the USA and the Philippines

As noted above, since the September 11 attacks, Washington has begun to form an international counter-terrorism coalition, in which the Philippines, with its example of domestic threats and traditions of coopera-

tion with the USA, making them almost ideal partners. That is why, in early June 2012, President Barack Obama and President Benigno Aquino met bilaterally to reaffirm that cooperation. First of all, the Presidents emphasised new opportunities for effective cooperation on security, economic independence, the exchange of human resources and a number of other regional issues. Among other things, the Millennium Challenge Grant, a \$434 million United States financial assistance to the Philippine government, was discussed to boost the economy and its domestic capabilities.

The review of the study by L.M. Tkachuk on the territorial organisation of East and South-East Asia reveals that in the 1990s, the Philippines, like most countries in the region, found itself in a difficult situation as a share of their GDP for export, was significantly above the average of developed countries and showed hypertrophic dependence on the external market. In the mid-1990s, it was 36% in the Philippines. It was 36 percent in the Philippines (Tkachuk, 2007). An over-dependence on external market opportunities is evident.

According to the authors, the world crises that flooded the XXI century were the reason for the introduction of public policy aimed at deepening the regional bond market, with the aim of reducing dependence on bank financing, which can protect a country from the volatility of future capital flows. The spontaneous intrusion of the crisis into the financial markets of the Philippines could not only stop this process, but also contribute to its significant transformation, down to the end of integration ties, or postponing them to a later date. Nevertheless, the U.S. remained the main investor in the Philippine economy, a source of finances and economic assistance, particularly the multi-million U.S. "infusion" aimed at addressing the situation on Mindao Island for the development of its infrastructure (Baryshnikova, Levtonova, Shebalina, 2005).

Following the *Washington Post*, thanks to the "U.S. factor" in the Philippines economy, there is a record growth in GDP over the last decade – 7.2% and a fairly consistent implementation of government programmes for economic liberalisation. Through the lens of government programs, the U.S. makes efforts to accelerate quality growth in the Philippines (Habulan, 2012). We can argue that the U.S. is making a significant contribution to the development of the Philippines by defending its own national security interests.

In January 2012, a number of U.S. senators visited the Philippines, where they met with President Benigno Aquino, Security Secretary Del Rosario and other public administrators

of the country, to express support for the Philippine people on the issue of freedom of movement and wished for a peaceful resolution of the dispute and assured of their continued assistance, as stated on the official website of Virginia Senator John Webb (Webb, 2011).

It has been repeatedly noted by many scholars that administrative and legal support for the national security of the United States and the Philippines is developing quite dynamically, including in the military sector. Thomas Lum noted that the Philippines is an ally of the United States under the Mutual Defense Treaty of 1951 (Lum, 2014). Moreover, during the Cold War period between the United States and the Soviet Union, the Philippines had a significant number of American military bases to counterbalance Soviet bases in Vietnam. However, in 1992, these bases were closed, and the Philippine government allowed the United States Navy to use the repair docks of the former American base at Subic Bay on a commercial basis. That is why we note that these countries have common strategic interests in administrative and legal support for national security. In addition, the Philippines relies heavily on the external security system of the United States of America. As part of the ongoing military exercises, these countries conduct joint military operations to enhance the Armed Forces of the Philippines preparedness and ability to respond to threats, as well as maintain the interaction of the Philippine Air Force and the United States Armed Forces.

The U.S.-Philippine joint military actions were negotiated under the Visiting Forces Agreement (VFA), which was signed in 1998 and ratified by the Philippine Senate in 1999. Under the terms of this agreement, the Clark and Subic Bay bases were once again being used for military training.

Following the terrorist attacks in the U.S. (September 2001), the George Bush administration declared the Philippines, with its Islamist terrorist network, a front line in the fight against terrorism. The United States designated the Philippines as a Major Non-NATO Ally (starting on October 6, 2003) after President Gloria Macapagal-Arroyo supported the U.S. invasion of Iraq.

Despite the closure of U.S. military bases in the Philippines, the limited U.S. military presence remained. In 2002, the Philippines became an important base in the United States' war against global terrorism in Southeast Asia. The administration of President Gloria Macapagal-Arroyo signed a military transport and defence agreement with the United States. This allowed the use of supply bases in the Philippines for American military operations in

the region. At the same time, the U.S. Special Forces were stationed in the Sulu Archipelago, extending from Mindanao Island in the southern Philippines, to support Philippine Air Force in the counter-terrorism efforts. It should be noted that the joint exercises of these countries were directed primarily against Islamist terrorist groups in Sulu and Western Mindanao with the aim of reducing the power of terrorists. However, in 2011, military cooperation began to shift the vector of a potential external threat towards the South China Sea.

In the study of U.S. and Chinese military capabilities, the I. Vishnevska noted that in a letter Senator John Webb, Head of the Senate Committee for South Asian and Pacific Relations, dated July 2011, underlined the need for the State Council to step up additional military intervention in the conflicts between China and the Philippines in the South China Sea. Remember that the territorial dispute for the Spratly Islands between China, Vietnam, the Philippines, Malaysia and Brunei has not been resolved. However, according to political analysts, peaceful coexistence between China and its neighbours is possible provided parity, that is, the interconnectedness of economies (Vyshnevska, 2007).

### **3. Interrelationship of legal and administrative support for the United States and Philippine national security**

Therefore, the level of administrative and legal support for the U.S. national security was directly dependent on the readiness and level of national security of the Philippines.

According to Erlinda Basilio, the Philippines, in support of the principle of the global nuclear non-proliferation and disarmament regime, signed the Global Initiative to Combat Nuclear Terrorism, launched by Russia and the United States in June 2006 (Basilio, 2011).

Balikatan is the most famous U.S.-Philippine joint military exercise, first held in 1991, but it was temporarily suspended in 1995-1999. It should be noted that Balikatan contains an extensive humanitarian component, because in 2010-2011 training, each of which involved about 2,000 soldiers of the Philippine army and 6,000 U.S. troops, included the following activities: preparation for combat, rescue, evacuation of victims, decontamination and disposal of bombs, maritime safety exercises, disaster management, joint command action. During the exercise Balikatan attention is paid not only to the combat force of the country, but also to education, namely, several schools have been repaired and supplies to them have been resumed. In addition, special flood protection systems were built. It is expected that in the future some of the joint exercises will

include about 20 participants from other South-East Asian countries. The Chinese government has launched a campaign to determine the real goal of Balikatan and suggested that such activities could destabilise the situation in the region. However, Philippine and U.S. officials deny this (Gomez, 2012; Tian, 2012).

In addition, the threats by the Islamist terrorist organisations Abu Sayyaf and Jemaah Islamiyah, with links to Al Qaeda, the national security of the United States and the Philippines are real. Abu Sayyaf is a small violent Islamist group operating mainly in the Sulu Islands Archipelago. The group engaged in hostages, numerous murders and bombings. Abu Sayyaf has sacred ties to the Indonesian terrorist organisation Jemaah Islamiyah, regional terrorist organisations (Bhattacharji, 2009).

In the early 2000s, under the leadership of Muammar Gaddafi, Janjalani and Abu Sayyaf became more effective as a terrorist organisation. The Janjalani developed plans for city bombings, improving ties with separatist insurgent groups, the Moro Islamic Liberation Front (MILF), established cooperation with the terrorist organisation Jemaah Islamiyah. Janjalani reemphasised Abu Sayyaf's religious orientation. Abu Sayyaf and the Raja Suleiman Movement (RRM), a Filipino Muslim refugee in Manila, were found responsible for the bombing of a ferry in Manila Bay in February 2004 that killed more than 100 people (Manny, 2005). In February 2005, Abu Sayyaf and the Raja Suleiman Movement carried out simultaneous explosions in three cities, killing 16 people, including one attack targeting the United States Embassy.

Despite the effective conduct of the attack in the mid-2000s, Abu Sayyaf activities begin to weaken.

The combined military efforts of the United States and the Philippines towards counter-terrorism cooperation have dealt a serious blow to terrorist targets in recent years. In November 2011, the Philippine police arrested Abu Sayyaf member Hussein Ahaddin, who was linked to six bombings since 2002, including the killing of an American Green Berets fighter. In February 2012, the Armed Forces of the Philippines claimed to have killed or seriously wounded key members of Jemaah Islamiyah, regional leaders on Jolo Island, who were originally from Malaysia. In addition, two other senior Islamist militants, leaders of the Philippine Abu Sayyaf and the leader of the Singapore-based Jemaah Islamiyah, and 12 fighters were reportedly killed in the air strike (Habulan, 2012).

It is estimated that joint operations in 2005 significantly reduced Abu Sayyaf's force from about 1,000 to 400 persons (Abuza, 2005).

According to NBC News, since 2002, joint JSOTF-P (consisting of strike units of the U.S. Special Forces and Air Force, Marines and other American servicemen) special operations have been included in the program of peace and democracy in Asia. Since the middle of the last decade, on average, 500-600 personnel (down from nearly 2,000 persons in 2003) have been assisting two Philippine regional combat armies in Sulu and Mindanao (Mong, 2010).

Under the Philippine Constitution's prohibition on the deployment of foreign combat troops, the countries agreed on special rules of engagement. The U.S. government spends about \$50 million a year to support its Task Force in the Philippines. 17 soldiers have died since the beginning of the mission, 3 of them died in an explosion and the rest died after the helicopter fell out of combat (Michaels, 2011).

The problem of Muslim extremism has been particularly acute since the breakdown of peace talks between the Arroyo Government and the Muslim opposition leaders of the Islamic Front in August 2008. The outbreak of armed conflict is therefore a major challenge to the stability of the political regime.

Moreover, in 2011, the Philippine armed forces are among the weakest of the large, relatively developed countries in the region. The army lacks fighters and its fleet consists of small, obsolete ships, some of which were used during World War II (Storey, 2011). Military analysts believe that the Philippines' capacity to respond to threats has been weakened by long-standing wars against communist and Muslim uprisings, outdated equipment, politicisation, institutional corruption, low wages, and low morale, especially among middle-ranking officers. Many active and retired military personnel were reportedly accused of bribery.

President Benigno Aquino pledged to defend national security administrative reforms: greater oversight of MIC procurement and additional funding for the Philippine People's Army. The budget was expected to increase by more than 80% to \$2.4 billion in 2011 (Cruz De Castro R., Lohman, 2011). With the help of the United States, the Benigno Aquino administration plans to build the country's military arsenal, including sophisticated weapons systems. The long-term Army Capacity Development Plan aims to develop a modest deterrent capacity to protect the country's vast maritime borders and territorial claims in the South China Sea.

At the same time, Ogasian argued that Hillary Clinton wanted to expand the U.S. military presence in the region and strengthen the military power of its allies. There are ideas to create a so-called Mini NATO, which can

grow into a full-fledged military-political organisation, which could include South Korea, the Philippines, and Thailand (Oganesian, 2011, p. 43).

#### 4. Conclusions

To sum up, the United States and the Philippines maintain a reasonably long and reliable relationship considering administrative and legal support for their countries' national security. The joint efforts of the United States and the Philippines are underlined not only by

the common history of the struggle in World War II, but also by numerous agreements and treaties. Through such programmes, the USA to accelerate qualitative economic growth and stabilise the political situation in the Philippines. The political, economic and military domination of the United States has, among other things, military strategic objectives. U.S. politicians see the Philippines as a major outpost off the coast of the PRC, therefore a priority of American policy in the Philippines.

#### References:

- Tkachuk, L.M.** (2007). Terytorialna orhanizatsiia hospodarstva Skhidnoi ta Pivdenno-Skhidnoi Azii [Territorial organisation of the economy of East and Southeast Asia]. *Skhidnyi svit – Eastern world*, 3, 121-125 (in Ukrainian).
- Baryshnikova, O.G., Levtonova, Iu.O., Shebalina, G.S.** (2005). Iugo-Vostochnaia Aziia v 2004 g: regionalnye i stranovye aspekty razvitiia [Southeast Asia in 2004: Regional and Country Aspects of Development]. *Vostok – East*, 5, 155-158 (in Russian).
- Habulan, A.** (2012). Philippine Military: Southeast Asia's Most-Wanted Terrorist Killed in Airstrike on Island Camp. *Washington Post*. February 2. Retrieved from [https://www.jstor.org/stable/26349853?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/26349853?seq=1#metadata_info_tab_contents) (in English).
- Webb, J.** (2011). Related Congressional Actions. *Virginia Senator official website*. Retrieved from <http://webb.senate.gov/newsroom/pressreleases/07-20-2011-04.cfm> (in English).
- Lum, T.** (2014). The Republic of the Philippines and U.S. Interests. **Congressional Research Service**. Retrieved from <http://www.fas.org/sgp/crs/rov/RL33233.pdf> (in English).
- Vyshnevska, I.H.** (2007). Viiskovyi potentsial SShA i Kytai: protystoiannia [Exploration potential of the United States and China: prototype]. *Skhodoznavstvo – Similarity*, 39-40, 29-30 (in Ukrainian).
- Bazilio, E.** (2011). 35-letie filippino-rossiiskikh diplomaticheskikh otnoshenii: progress v velikuiu epokhu peremen [35th Anniversary of Philippine-Russian Diplomatic Relations: Progress in a Great Era of Change]. *Mezhdunarodnaia zhizn – International life*, 7, 69 (in Russian).
- Gomez, J.** (2012). Filipino Forces Plan Drills Near Disputed Area. *Associated Press*. – January 19. Retrieved from <https://www.taiwannews.com.tw/en/news/1819439> (in Russian).
- Tian, L.** (2012). Commentary: Proposed U.S. – Philippines Drills Raises Questions about U.S. *Intentions in Asia*. Xinhua, January 23. Retrieved from <http://en.people.cn/90780/7712035.html> (in English).
- Bhattacharji, P.** (2009). Terrorist Havens: Philippines. *Council on Foreign Relations Backgrounder*. June 1. Retrieved from <https://www.cfr.org/backgrounder/terrorism-havens-philippines> (in English).
- Manny, M.** (2005). Philippine Rebels. Linking up with Foreign Jihadists. *Reuters*. August 21. Retrieved from [https://www.everycrsreport.com/files/20110103\\_RL33233\\_99d7e15352d96650ab08d4ad27f2bd64989d5cf4.pdf](https://www.everycrsreport.com/files/20110103_RL33233_99d7e15352d96650ab08d4ad27f2bd64989d5cf4.pdf) (in English).
- Abuza, Z.** (2005). Balik-Terrorism: The Return of the Abu Sayyaf Group. *U.S. Army War College*. Retrieved from <https://www.files.ethz.ch/isn/14279/Balik%20Terrorism.pdf> (in English).
- Mong, A.** (2010). U.S. Troops 'Presence in the Philippines Altruistic'. *NBC News*. – October 2. Retrieved from <https://www.refworld.org/pdfid/5375d9d64.pdf> (in English).
- Michaels, J.** (2011). Philippines a Model for Counterinsurgency. *USA Today*. March 30, 2011. Retrieved from <https://smallwarsjournal.com/blog/philippines-a-model-for-counterinsurgency> (in English).
- Storey, I.** (2011). China and the Philippines: Implications of the Reed Bank Incident. *China Brief*. May 6. Retrieved from <https://jamestown.org/program/china-and-the-philippines-implications-of-the-reed-bank-incident/> (in English).
- Cruz De Castro, R., Lohman, W.** (2011) U.S. – Philippines Partnership in the Cause of Maritime Defense. Heritage Foundation Backgrounder, no. 2593. August 8. Retrieved from <https://www.heritage.org/asia/report/us-philippines-partnership-the-cause-maritime-defense> (in English).
- Oganesian, A.** (2011). Tikhookeanskii vektor SShA: «Ia pridu i tebia oboimu» [US Pacific vector: "I'll come and clip you"]. *Mezhdunarodnaia zhizn – International life*, 12, 43 (in Russian).



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## АДМІНІСТРАТИВНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНИХ БЕЗПЕК США ТА ФІЛІПІН У НАПРЯМІ АНТИТЕРОРИСТИЧНОЇ СПІВПРАЦІ

**Анотація. Мета.** Мета дослідження полягає в тому, щоб розкрити динаміку і спрямованість адміністративно-правового забезпечення національних безпеки США та Філіппін у напрямі анти-терористичної співпраці. **Результати.** Стаття присвячена дослідженню військового чинника в рамках адміністративно-правового забезпечення національних безпеки США та Філіппін щодо антитерористичної співпраці. Розглянуто процес перетворення Філіппін у військову базу США в Тихоокеанському регіоні та визначення ролі цієї бази в регіональній і світовій політиці Штатів. Автором проаналізовано та узагальнено основні тенденції розвитку американо-філіппінських відносин у контексті адміністративно-правового забезпечення національних безпеки країн, а також співпрацю щодо протидії та боротьби із терористичними організаціями. Наголошено, що США є протектором зовнішньої і внутрішньої безпеки Філіппін та впроваджує активні заходи щодо стабілізації політичної ситуації Філіппін. Адже саме у сенсі розвитку демократичних політичних форм Філіппіни є найбільш прогресивною країною в регіоні. У зв'язку із чим у країні встановлена президентсько-парламентська демократія американського типу з поділом гілок влади на виконавчу та законодавчу. Військові аналітики вважають, що потенціал Філіппін на відбиття загроз був ослаблений тривалими війнами проти комуністичних і мусульманських повстань, застарілим обладнанням, політизацією, інституційною корупцією, низькою заробітною платою, низьким моральним духом, особливо серед середньої ланки офіцерів. Багато дійсних і відставних військовослужбовців за повідомленнями були звинувачені у підкупі. **Висновки.** Зроблено висновок, що Сполучені Штати та Філіппіни з метою адміністративно-правового забезпечення національної безпеки своїх країн підтримують досить тривалі та надійні відносини. Спільна діяльність США та Філіппін підкреслюється не лише спільною історією боротьби у Другій світовій війні, але й численними домовленостями та договорами. Кризь призму таких програм США працює над пришвидшенням якісного росту економіки та стабілізації політичної ситуації на Філіппінах. Політичне, економічне і військово-панування Сполучених Штатів переслідує, зокрема, і військово-стратегічні цілі. Американські політики розглядають Філіппіни як найважливіший форпост біля берегів Китаю, а тому є пріоритетним напрямом американської політики на Філіппінах.

**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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