

## **Policies arming civilians a product of vigilantism**

*Danilo Reyes*

To enforce laws and protect communities from security threats is the sole responsibility of the state. In the Philippines however, the government has been promulgating policies that allow it to abdicate this role, such as the arming of civilians and granting them equal responsibilities and functions as law enforcement officers. This is all done on the pretext of upholding “civilian supremacy”, whatever that may mean.

The government’s announcement in August of this year that it would begin recruiting and training Police Auxiliaries (PAXs)—civilians who are armed and under the supervision of the Philippine National Police (PNP)—came as no surprise. Policies of using paramilitary forces in addition to regular soldiers in actual fact began in the late 1980s.

It was on 25 July 1987 when Executive Order (EO) 264 was signed by former president Corazon Aquino, which provides for the creation of—as they are known today—the Citizens Armed Forces Geographical Unit (CAFGU). This fateful order has since been the root justification of all policies relating to the arming of civilians. According to the order, article XVI, section 4 of the 1987 constitution legally mandates such a policy, stating that, “the Armed Forces of the Philippines (AFP) shall be composed of a citizen armed force which shall undergo military training and serve as may be provided by law”.

The government at the time claimed that the CAFGU was indispensable in helping the military fight against the communist insurgency, after democracy had been restored to the country following a people’s power revolt. Together with the CAFGU, anti-communist vigilante groups were also supported by the government, some of which were under the direct control and supervision of army commanders. President Aquino herself commended the ferocious vigilante group ‘Alsa Masa’ in Davao City, for helping the government fight the insurgents. The fact that these groups viciously targeted any persons even suspected of being communist supporters was overlooked.

Soon however, serious allegations were made against CAFGU members of involvement in human rights abuses. In fact, popular perception found their behavior synonymous to the atrocities committed by anti-communist vigilante groups. This prompted the government to consider deactivating the CAFGU in 1993, as a result of which about 80 CAFGU units composed of 10,000 members were disbanded. Not only does this disbanding indicate a policy failure, it also indicates that an effective disciplinary mechanism and system of accountability in addressing human rights abuses was lacking.

While the discipline of CAFGU was to be governed by the same regulations as those overseeing the Philippines military, it is widely held that in reality this was not the case. Insufficient information exists regarding whether or not CAFGU members were disciplined and held to account according to military guidelines, although the Philippines Commission on Human Rights did report in March 2000 that 1,070 CAFGU members have been charged in 853 cases filed at their office for committing human rights abuses. Presumably, these complaints exclude those filed before regular courts.

Despite the reports of atrocities and abuses, in 1996 the government halted its plan to completely disband the CAFGU, on the pretext that the activities of “dissident and terrorist (DT)” groups—referring to rebel and armed groups—have renewed. With the government having thus turned a

blind eye to the failure of its policy of arming civilians, the CAFGU continue to exist as a part of the state's armed forces. As of September 2007, there were a recorded 60,000 CAFGU members active in the country, who also take part in combat operations together with soldiers.

The Philippine National Police has unfortunately copied this failed policy in its recruitment and training of civilian 'police auxiliaries' beginning August 2008. Apart from the military, armed civilians can thus now also be found in the roster of the police force—making up the Civilian Volunteer Organization (CVO) and the PAX. They are not regular policemen, but are given law enforcement functions. The line between the duties and obligations of police officers and that of the PAX has thus been obscured.

It is important to note that even before the renewed fighting between Muslim rebels and government forces broke out in August of this year, the CAFGU and CVO had been part of the military and police respectively. The creation of the PAX therefore merely affirms an existing policy. Ignoring the opposition to the continued use of civilian militia and the government's failure to disband the CAFGU, even President Arroyo has now promoted and endorsed the continued use of these groups as "force multipliers" of the armed forces.

The signing of the EO 546 by President Arroyo on 14 July 2006 directed the police to undertake active support to the military in internal security operations. In particular, the police force was to provide "support (to) the AFP in combat operations (which) involves the suppression of insurgency and other serious threats to national security". The police were also given authority to "deputize *barangay tanods* (village watchman) as force multipliers in the implementation of peace and order plan". The order also required all Local Government Units—involving the cities, municipalities and provinces—to ensure funds for operation and logistical support to concerned police units are "sufficient", unlike the CAFGU, where the budget comes from the Department of National Defense.

Nothing in the provisions of the EO 546 clearly states that the PNP would be given authority to arm civilians; however, both the PNP and the Department of Interior and Local Government (DILG), justified their actions of August 2008 by pointing to the EO 546. It can also be said that the basis for the EO 546 can be found in the EO 264 issued in 1987 by former president Aquino.

### **Checkpoint sentinels**

Travelling for a few hours on a bus from the city of Davao towards the municipality of Midsayap, North Cotabato will give an idea of the authority and functions of these civilian militias—CAFGU and PAX. When my bus was stopped at a checkpoint before entering the municipality of Pikit, North Cotabato, I was confused by civilians wearing camouflage uniforms and carrying firearms, boarding the bus and ordering all male passengers to alight for routine inspections. The immediate question that sprung to mind was who are they, since they are obviously not soldiers. Only after reading their badges and nameplates did I realize they were CAFGU.

In another incident, as we approached the bus terminus in Digos City, a man carrying a baton with a huge sign of "Police Auxiliary" on his back, came aboard and inspected all the luggage. While this police auxiliary member was conducting his inspection, the police officers accompanying him waited outside the bus.

Therefore, it can be seen that one month after renewed fighting broke out in Mindanao in August, the CAFGU and CVO have been deployed on the frontlines, while the PAX are at highway

checkpoints, inspecting passenger buses. Some CAFGU members also inspect the buses. Routine security inspections however, are supposed to be the sole responsibility the police.

Apart from the question of whether or not they have the legal authority to conduct inspections, it is also obvious that these paramilitary officers have little—if any—idea of what are they looking for in people’s luggage. Moreover, how can sticks and batons accurately detect bombs? Without sufficient training and gear, how can these men protect the lives of commuters and civilians?

### **Recruitment and training**

When the PNP and DILG began the process of recruiting members for PAX, they assured the public that recruits would be properly “screened and trained”. In the meantime, the Deputy Director General, former chief of the Philippine National Police, Avelino Razon Jr., invited members of the ‘Ilaga’ vigilante group to apply as PAX. This is contradictory to the police guidelines that recruits should have good morals, and puts the credibility of the screening process into serious question. What morals and values could this vigilante group, known for its violence during the 1970s-1980s, have to become police auxiliary members? The group was particularly active in North Cotabato, where the recruitment and training of police auxiliaries has begun. In fact, when the fighting broke out again between the armed forces and the rebels this year, it was reported that the Muslim rebels first clashed with the CAFGU and CVO in North Cotabato. The current actions of the Philippines police mirror those of the Philippines army in the 1980s, when they endorsed and encouraged vigilantism.

A source from the army’s reserve unit confirmed that the requirement of rigid screening and training is not being implemented. According to the guidelines, the recruits should not be over 50 years of age, should have no criminal record and should undergo a psychological and drug test. In practice however, the recruits have learned that as long as they are able-bodied and have the village chairperson’s recommendation—despite having no formal education or experience using firearms—they can apply to become police auxiliaries. In fact, with the village chairperson given the authority to approve who is to be recruited, the manner of recruitment has also become highly politicized. In every village, only five police auxiliaries can be recruited and the recruits must train in the same village that they will be deployed to. After their training, they would become additional forces of the CAFGU and CVO. It is likely that village chairpersons may use their authority to recruit persons to wield their influence, as well as the risk that these auxiliaries could be used as the chairperson’s private army.

In any case, the (unmet) criteria for police auxiliaries’ recruitment is lower than that of regular policemen, who are required to have completed their formal education, undergo several months of rigid training and pass a board exam. In addition, they are subjected to numerous internal disciplinary mechanisms as well as civil service regulations. None of this was considered necessary for the police auxiliaries.

It is unclear how much these police auxiliaries would get as compensation, but if it is similar to that paid to the CAFGU, it will be around USD 57 a month. The funding for this is to come from local government units. While their allowance is minimal, it is the resulting influence and benefits that entices recruits—mostly farmers—into applying. The hardships faced by some farmers due to the conflict, including not being able to cultivate and harvest their crops due to the fighting, also makes them vulnerable to recruitment. They may see this as a means of revenge against the rebels.

In the municipalities of Midsayap and Aleosan of North Cotabato, police auxiliaries have already begun their month-long training. The local officials there openly endorse the arming of civilians so they can protect their own villages. Upon the completion of their training, these paramilitary personnel are usually issued with a ‘memorandum receipt’, a document signed by military or police commanders granting individuals the authority to carry firearms.

After the government’s recruitment of police auxiliaries, as well as its distribution of at least 13,000 shotguns to members of the CVO and PAX in the provinces of Lanao del Norte and North Cotabato, the situation there has become extremely volatile. According to the police, the reason for issuing shotguns rather than M16 rifles is that the former are not used for assault—suggesting that these armed civilians should not be involved in combat operations. However, in many conflicts, including the Vietnam War, shotguns are used as assault firearms.

The use of the CVO and CAFGU in the ongoing fighting in Mindanao has been particularly useful to the military due to their familiarity with local conditions and terrain. This gives them an advantage over regular soldiers who tend to be strangers to the area.

### **Civilians forced to bear firearms**

Many local officials are keen to endorse the arming of civilians. In Carmen, North Cotabato the village chairperson has been forcing the indigenous community to take up firearms. Many indigenous persons are unwilling to take part in the conflict, not wanting to be accused of supporting either the soldiers or the armed militias. In another village, residents were forced to contribute Php 200 (USD 4) per household for the purpose of buying ammunition. The money is being collected against people’s wishes, and in spite of their daily struggle to buy enough food for their families.

In Lake Sebu, South Cotabato an indigenous community was issued with firearms, forcing them to fight against the Muslim rebels. This incident forced some of the villagers to leave. The displacement of villagers, as well as the significant number of arms distributed amongst communities can lead to serious social crises. This is particularly worrisome to a society as fragmented and with an already high level of violence as the Philippines.

It is highly disappointing that the government is continuing policies that are historically flawed. Even if there are dubious legal bases for the policies, they do not conform to international legal and human rights principles, or to norms concerning law enforcement.

The United Nation's Code of Conduct for Law Enforcement Officials clearly stipulates that those carrying firearms and performing responsibilities equal to those of law enforcement officers should possess the necessary “high degree of responsibility”. When even the country’s soldiers and police, who are accountable to existing disciplinary mechanisms, are found to commit abuse and atrocities, what can be expected from the paramilitary forces and armed civilians who are not bound to any code of conduct?

By justifying the arming of civilians, the government has encouraged the blurring of responsibilities. Whose job is it to enforce laws and maintain order? Who is to be held accountable when rights are violated, and under what mechanism? There are no clear answers to these questions, perpetuating the cycle of impunity.

Unless the government takes serious actions towards the disbandment of these forces, its claims to oppose the resurgence of vigilante groups in Mindanao will be seen as blatant lies. It is

therefore of extreme importance that any policies and laws justifying the practice of arming civilians and the continued operation of the paramilitary forces be abolished. The policy of arming civilians itself endorses the notion of vigilantism.