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Establishing Good Security Sector Governance in Southeast Asia

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Abstract

The political and social systems in Southeast Asia have created varied conditions for security sector governance, each with its own sets of issues that need to be addressed. The inception of the ASEAN Charter has made democracy one of, if not the, principal goals of political development, creating a common ground for reforming security sector governance even in the face of the region's politically diverse character.

Outside of the Charter, security sector governance is equally important given the challenges posed by ongoing political transitions and democratisation among ASEAN's member states. While some member states have already transitioned from authoritarian, military-led regimes, each state's stability and ability to provide security – especially human security – remain fragile. The issues concerning the latter are played out in different political conditions, and their effects on intra- and inter-state relations reflect on the various ways security sector governance is implemented across the region.

This Policy Series presents papers in a preliminary form and serves to stimulate comment and discussion. The views expressed are entirely the author's own and not that of the RSIS Centre for Non-Traditional Security (NTS) Studies. The paper is the result of research conducted under the Asia Security Initiative programme on internal challenges supported by the MacArthur Foundation. Visit www.asicluster3.com to find out more about this initiative. More information on the work of the RSIS Centre for NTS Studies can be found at www.rsis.edu.sg/nts.

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Biography

Herman Kraft is the Executive Director of the Institute for Strategic and Development Studies (ISDS). He is also a faculty member of the Department of Political Science at the University of the Philippines.

He is interested in Philippine security issues (particularly those in relation to the United States) and regional security in Southeast Asia. While he has written principally on Philippine and Southeast Asian security, he has also published work on democratisation and human rights in Southeast Asia.

Currently, he is involved in projects on political transitions in Southeast Asia and indexing security sector reform in the Philippines. He is also a consultant for various projects on human security in the Philippines.

The intense exchange of gunfire between the Thai and Cambodian armies over the disputed territory surrounding the Preah Vihear temple erupted on 4 February 2011 and lasted four days, settling the question of whether ASEAN is a security community. Having gone through over forty years of process development and interaction, it is unthinkable for ASEAN member states to settle their differences – of which there are many – through the use of, or with the threat of the use of force. More importantly, it has raised questions about the idea of ASEAN as a nascent security community.

Beyond this, however, are issues that have to do with the security forces of the countries in question. Did populist forces on both sides influence the actions of the military to the extent that they pushed their governments into a more aggressive stance? This raises questions about the effectiveness of security governance in both countries, and the implications of good security governance not only to national security but also to regional security.

Security Sector Governance and Southeast Asia's Diverse Political Landscape

In Southeast Asia, the concern with security governance focuses on national efforts and is, essentially, about the governance of the security sector. Security sector governance (SSG) is concerned with how the security sector is organised and managed (Hanggi 2003). In brief, the security sector refers to institutions responsible for the protection of the state and its constituent communities. It therefore includes the security forces themselves (defined here as the armed forces, police and intelligence agencies), as well as institutions – especially non-military institutions – that create, implement and oversee internal and external security policy (Hanggi 2003; Hernandez 2005).

Good SSG pertains to ensuring that the security sector is inclusive in its decision-making (i.e., there are mechanisms whereby the public is consulted); impartial in performing its mandated functions and is not corrupt; responsive to public demands and concerns; coherent, efficient and effective in the performance of its mandated tasks; and accountable to the public it is supposed to serve (Schnabel 2009).

A well-governed security sector ensures that the incidence of abuses committed by security forces in the name of national security is reduced. In societies where conflict conditions exist, this would go a long way towards mitigating the factors that created the conflict in the first place. It would also provide mechanisms for ensuring that the conflict does not escalate because of actions undertaken by security forces or because of social injustices resulting from political actors' use of security forces.

Where the potential for conflict exists because of pre-existing societal differences and tensions, strong and effective SSG would at the very least ensure that state agents in the middle of such a situation would not be perceived as favouring one group over the other. A sustained programme on strengthening SSG reduces the chances of heavy-handed use of force by the state and, should a lapse occur, prevents the state from being perceived as turning a blind eye to wrongdoing. Such a programme would be a major factor in reducing challenges to state authority.

The diversity of political and social systems in the region creates varied conditions for SSG. Each has own sets of issues that need to be addressed, and their effects on intra- and inter-state relations show how SSG can vary from country to country. All of them, however, are influenced by the efforts to manage intra-state conflict. Conflict conditions are generally

believed to be aggravated by poor security sector governance. Thus, the escalation of societal conflict to armed conflict is in no little way related to the state of security governance in a country.

The inception of the ASEAN Charter has made democracy a principal goal of political development. It therefore creates a common ground for improving SSG even in the face of the region's politically diverse character.

SSG is equally important outside of the Charter, given the challenges posed by political transitions and ongoing processes of democratisation in its member states. Some countries in Southeast Asia have already been through political transitions from authoritarian, military-led regimes, although one can argue that their stability and ability to provide security – especially human security – remain fragile. And while some parts of the region have seen the conclusion of peace agreements after decades of civil wars, the reform of the security sector to adjust to political changes has been slow. Consequently, this has led to serious concerns about the viability and sustainability of some of these peace agreements.

Security Sector Reform and its Link to Democracy

Security sector reform (SSR) as generally defined pushes a democratic agenda (Law 2004; Organisation for Economic Co-operation and Development 2004; Bryden and Hanggi 2005). Fundamentally, it refers to the state's effective provision of security in a manner consistent with democratic principles and the rule of law. It presupposes, therefore, that the provision of security is inherent in good SSG, i.e., that the country's security forces are properly managed and overseen by civilian agencies that are themselves subject to and are overseen in accordance with well-defined and well-enforced rules.

The interest in SSR in Southeast Asia has been generated by the democratisation experience of the past three decades, uncertain and inconsistent as that process may have been. In Indonesia, reducing the military's involvement in formal politics has been at the centre of both the democratisation and peacebuilding processes. In the Philippines, where military restiveness has been associated with the poor management of peace by civilian authorities, SSR also includes reforming civilian institutions that have oversight functions over the military, rather than reforming just the military. This is indicative of the general public's increasing frustration over the government's ability to govern properly and effectively.

In Indonesia, the Philippines as well as in Thailand, there is increasing frustration over scandal-torn governments. In the case of the latter two, it has led to extra-constitutional means of replacing or attempting to replace incumbent authority figures. Opinion polls in the Philippines show that popular perception sees no contradiction between these extra-constitutional means and democracy (Kraft 2010a).

The disjuncture between formal democratic institutions and popular attitudes can also be seen in the perpetuation of political elites and the narrow interests they represent. This despite regularly held popular elections where voter turnout has always been consistently high, even by the standards of Western democracies. In Indonesia, the lack of experience in democratic governance provides a rich ground for political socialisation as well as the possibility of democracy being subverted by political interests. The latter has been the case with Thailand when Thaksin Shinowatra was in power. Technically, however, this could also

be argued of the uprising that had forced him into exile, as well as of the subsequent ones that forced popularly elected governments (led by members of Thaksin's political coalitions) to relinquish power.

It is perhaps not surprising that the issue of SSR in Southeast Asia has arisen specifically in cases where a democratic system of government is in place and coincides with an emerging or existing culture of democracy. As with institutional reforms and cultural introspection, democratisation and peacebuilding require the people's active participation. The involvement of a strong civil society is thus a key factor in the political development of Indonesia, the Philippines and Thailand.

The mainstreaming of gender and indigenous people's rights has been a key policy area in these countries. Strongly represented civil society groups have played an important role in enacting the Indigenous Peoples' Rights Law in Indonesia and the Philippines (Lusterio-Rico 2007). They have also played pivotal roles in reducing conflict in local areas in Thailand, the Philippines and Indonesia and thus paved the way for strengthening democratic institutions and introducing more lasting prospects for peace. The dark side of civil society participation, however, is the support of militant and other groups opposed to the incumbent administration in attempts by segments of the military to overthrow the government. In much the same way that it is the kind of institution rather than the institution itself that is key to strengthening democracy and peace, it is the kind of civil society that becomes key to democratisation (or its weakening) and peacebuilding (or the regression to violence).

The irony is that even as SSR is an agenda for democratic and democratising countries, it seems largely unnecessary in Malaysia and Singapore, each of which has one dominant party system. SSG in these countries nevertheless remains strong, with civilian institutions being able to maintain their oversight functions over the military. Hernandez (2005) elucidated the contrast between these two countries and their neighbours when she wrote:

> [t]he military and the police are distinct organizations and perform distinct functions, particularly after the communist insurgency had been defeated. While an internal security act remained enforced, a practice initiated by the British colonial government, its use has apparently been in accordance with law. The military and the police are better governed in these countries than in their Southeast Asian neighbors.

In non-democratic regimes, the military has also been subject to strong control, regulation and oversight by non-military institutions. In the case of Laos and Vietnam, it is the communist party that controls the army. However, the situation is less clear in Cambodia, which is undergoing democratisation, and the absolute monarchy of Brunei. While the military is technically accountable to civilian authorities, the line of accountability is more personal than institutional. In the case of Cambodia, the military is accountable to Hun Sen. In Brunei, it is accountable to the Sultan.

The situation in Myanmar clearly calls for reform because the military regime has become the main source of insecurity for its citizens. However, SSR is not relegated to questions of improving governance – there is no civilian authority to check military excesses in the provision of security. It must be part of an extensive process of political reform or, to be more

precise, with democratic transformation. While central to it, the case of Myanmar is not the driver that brings the issue of democracy and democratisation in Southeast Asia to the fore.

The absolute monarchy of Brunei, the socialist states of Laos and Vietnam, and the military dictatorship in Myanmar makes SSR an inappropriate tool for ensuring the effectiveness of the security sector. Neither is SSR applicable in countries that, like Malaysia and Singapore, fall within a broad democratic framework but identify themselves as democracies with a dominant party system (albeit with regularly held elections).

It is in this context that SSG, which has a less explicit link to democracy, is more relevant in the region. As noted previously, however, the question of democracy as a guide for SSG is something that is largely brought about by regional developments. That which Hanggi refers to as security governance at the regional level is impelled by developments within ASEAN.

ASEAN's Need for Security Governance

With its democratic bias, the acceptability of SSR in Southeast Asia is not an easy sell because of the lack of a common political and strategic culture. At the Fifth ASEAN People's Assembly that was held in December 2006, Surapong Suwana-adth (2007:262) of the Directorate of Joint Operations of the Royal Thai Army noted that the application of SSR as a conceptual guide for security policy is a difficult proposition because of the diversity of the security environment in the different countries in the region.

However, the ASEAN Charter and the establishment of the ASEAN Political-Security Community (APSC) creates a regional context that relies on good security governance to succeed in its vision of a democratic community of states that is protective of human rights and is conscious of maintaining regional stability.

In ASEAN, regional stability is related to the ability of its member states to maintain national harmony and order. The normative emphasis on democracy and human rights, however, means that this goal must be achieved within a certain context, one in which good SSG plays an important role. Regional co-operation, especially with the APSC, must take into consideration the quality of governance of the security sector.

SSG at the regional level is concerned with how existing conflicts at the national level have tended to overspill into the borders of neighbouring states. This overspill takes different forms. The most obvious ones have to do with the displacement of populations caught in the middle of the conflict between government forces and armed groups opposed to the government.

The continuing conflict in Mindanao has driven refugees and asylum seekers from the Philippines to the state of Sabah in Malaysia, of whom around 70,000 are still there (United Nations High Commissioner for Refugees 2009:243). Similar cases of displacement involve Myanmar and different countries in the region.

Displacement and the subsequent failure or unwillingness of governments to reintegrate these populations have been contributing factors to protracted conflict conditions. In a number of cases, refugee sanctuaries are used by rebel groups as recruiting bases, thereby helping prolong intra-state conflicts. Armed groups have used unprotected areas of common borders as temporary sanctuaries from pursuing government forces. In these situations,

intra-state conflicts, the factors that contribute to their persistence and the extent to which security forces are well-governed become regional concerns.

In Southeast Asia, there appears to be a correlation between good and effective governance of security forces and the significant level of success in intra-state conflict management. Good SSG is important in settling problems emanating from post-conflict conditions in Aceh, and may be critical to the resolution of conflicts in Mindanao and Southern Thailand.

In Aceh, for instance, SSR may assist in the continuing reform of its police, prison and justice institutions, and ensure that the disarmament, demobilisation, and reintegration (DDR) of the former cadres of the Free Aceh Movement (GAM) continues. Studies have shown direct and indirect links between rogue GAM members and maritime predation in the Malacca Straits and the Riau islands (Mak 2006; Frecon 2006). DDR can help prevent arms from this volatile region from being used for piracy as well as provide former pirates with alternative livelihoods. The settlement of conflicts in both Mindanao and Southern Thailand will necessitate DDR strategies and societal reform of the major law and order institutions to create sustainable peace.

Good SSG requires international co-operation from multi-stakeholders. The Organisation for Economic Co-operation and Development (OECD) has noted that multi-stakeholder partnerships promote and enhance international co-operation by establishing a common ground for everyone in the national and international levels. It does this by promoting a multilevel concept of security, thereby helping to fill gaps in the expertise and knowledge of many development agencies and diplomatic professionals.

Educating stakeholders on SSG can provide a greater understanding of the challenges in sustaining improvements in the security sector and improve expertise in security and justice issues. Because SSG promotes a multi-faceted concept of security that requires participation from all levels of society, it also helps increase the exchange of experience and expertise. This, in turn, improves the ability of the international community to co-ordinate effectively (Organisation for Economic Co-operation and Development, 2004).

SSG breaks the concept of security down into several components that include:

1) defence, intelligence, policing, prison, and justice;
2) the role of private security companies;
3) civilian oversight of the military;
4) the role of civil society;
5) gender mainstreaming; and
6) disarmament, demobilisation and reintegration (DDR).

Each component requires co-operation and support – in the form of expertise and resources – from the international community. Since they are separate, well-defined and quantifiable, donors and supporters have more specific indicators of success and are able to focus their efforts on programmes and achieve concrete reforms.

The commitment to maintain proper observance of the rules and, where needed, institute and sustain reform processes in each of these components is necessary for SSG to succeed. If donor interest fades before the reform process is completed, an unstable political environment may prevail and lead to the resumption of conflict.

When ASEAN leaders signed their association's Charter in November 2007, they committed to a vision of the future that revolved around:

1) the principles of democracy, the rule of law and good governance, and respect for and the protection of human rights and fundamental freedoms;
2) the establishment of an ASEAN human rights body;
3) the establishment of bodies that will be responsible for co-ordinating the different areas of co-operation in conformity with the three pillars of the ASEAN Community, i.e., the ASEAN Economic Community (AEC), the ASEAN Political-Security Community (APSC), and the ASEAN Socio-Cultural Community (ASCC); and
4) the idea that all member states are obliged to take all necessary measures to effectively implement the provisions of the Charter and comply with all the obligations of membership (Association of Southeast Asian Nations 2007).

These, especially the first set of aspirations, underscore the need for SSG in ASEAN's member states. To achieve its vision, ASEAN must confront the question of democratic transformation for member states that are non-democracies and examine the implications on SSR. The importance of these issues were further emphasised by the approval of the APSC Blueprint at the ASEAN Summit in 2009.

The ASEAN Political-Security Community's Role in Establishing Security Sector Governance[1]

At their summit meeting on 1 March 2009, the leaders of ASEAN's member states signed the Second Work Plan for the Initiative for ASEAN Integration and the Cha-am Hua Hin Declaration.

The declaration presented a roadmap for an ASEAN Community, which consists of blueprints for the APSC, AEC and ASCC. It emphasised that all member states are responsible for making sure that the elements of the roadmap are implemented to ensure the establishment of the ASEAN Community by 2015. This has important political implications for ASEAN because of the normative aspirations, particularly on democracy and human rights, that are specified in the different blueprints. (Association of Southeast Asian Nations 2009b). The APSC Blueprint commits ASEAN into becoming:

1) a rules-based community of shared values and norms;
2) a cohesive, peaceful, stable and resilient region with shared responsibility for comprehensive security; and
3) a dynamic and outward-looking region in an increasingly integrated and interdependent world.

It reaffirms the aspiration in the ASEAN Charter towards a regional environment of justice, democracy and harmony among its members. The APSC is intended to be the means for achieving greater co-operation between the member states so that higher levels of political development and security can be attained.

[1] This section was adapted from an unpublished paper submitted by the author to the Geneva Centre on the Democratic Control of the Armed Forces (Kraft 2010b).

In establishing good SSG, the APSC Blueprint offers a basis for introducing measures and ideas under the ambit of specific action plans that could encourage member states into undertaking policies applicable to their national situation. In some cases, SSR may be necessary to ensure good SSG. However, the unevenness of the levels of democratisation and the state of SSG in the different member states makes a regional SSR agenda unrealistic. Reform measures should instead be undertaken in response to specific issue areas or clusters of issue areas.

Four general principles should guide these regional efforts. First, member states should recognise the need for a region-wide understanding of SSG and SSR. This understanding could then be aligned with or placed under the general ambit of the APSC Blueprint. Second, such an understanding should recognise that SSG involves more than just the military or the police, and that SSR is not just about military or police modernisation. Third, the process of putting together this regional understanding of SSG and SSR should involve entities outside ASEAN's formal networks. Fourth, SSG and SSR should be mainstreamed into ASEAN's community building process.

Democracy is inherent in the APSC's goal to promote political development. One of the key objectives for establishing clear obligations of member states should thus be to mainstream in ASEAN's practices and processes: (1) norms associated with democratic principles, good governance and the rule of law; and (2) the promotion and protection of human rights.

The mainstreaming process must include standards of SSG as well as the types of SSR measures that should be taken if existing conditions fall short of these standards. ASEAN should hold a series of workshops to discuss the significance of SSG in building a community of shared values and norms. This could initially be undertaken by Track Two processes as a way of segueing into discussions at Track One levels.

The mainstreaming process should take advantage of available platforms. Media outlets in the different member states should be utilised to promote the idea of good SSG and SSR to the general population, possibly beginning with serialised articles in broadsheets or television programmes that present the experiences of countries that do not find SSR a sensitive issue. Dialogue and partnerships between governments, the private sector, civil society and other relevant publics should be established to foster a common understanding of SSG and its central role in deepening democratic values and norms within the region. Existing ASEAN discussions that impact these values and norms should also be used to promote good SSG, e.g., measures on anti-corruption should incorporate measures for addressing corruption within the security sector.

The establishment of the APSC is predicated on the need to maintain a cohesive, peaceful and resilient region with a shared responsibility for comprehensive security. This requires a security sector that is able to respond efficiently and effectively to issues that go beyond traditional security concerns and would require mostly non-military responses. Good SSG becomes even more significant because of the more demanding role placed upon the security forces and the need to ensure that they can undertake their expanded tasks. These also place greater responsibility on oversight institutions, which will ensure that the security forces have the resources and authority necessary to fulfil their tasks.

Some of the non-traditional security issues that ASEAN should develop the capacity to address are humanitarian assistance; disaster management and emergency response; post-conflict rehabilitation; transnational crimes such as human, drug and small arms trafficking; piracy at sea; and terrorism. These require regional exchanges among senior officials involved in drafting the security agenda of the member states. The fact that the APSC already pushes the idea of a regular ASEAN Defence Ministers Meeting (ADMM) provides a ready platform for these kinds of consultations. SSG and SSR should be part of the ADMM agenda as well as its three-year work programme.

To dovetail with the ADMM, ASEAN should develop a pool of independent experts on the security sector, i.e., those who do not work for government agencies, who will function as resource persons for assessing regional security, security governance in the region, and SSG among the member states. Technical co-operation with the United Nations and other relevant regional organisations may also be obtained in order to exchange expertise and experiences in security governance.

This final point brings in the third aspect of the APSC's objectives: to push for a dynamic and outward-looking region in an increasingly integrated and interdependent world. The inception of the ASEAN Charter is partly predicated on the increasing importance of the association's ability to conduct business with other regional and international institutions as a regional body. In this respect, ASEAN should establish co-operative activities with regional experts to promote awareness of its activities and experiences on SSG and SSR to other regional and international groups. This could then lead to inter-regional dialogues on SSG and SSR.

Security Sector Governance in Southeast Asia

Looking at SSG in Southeast Asia is timely given ASEAN's goals to establish a security community. Instituting SSG, and understanding its limitations and the problems of implementation are critical for ASEAN's success in promoting peace and security in the region. More importantly, fostering international co-operation through SSG is important as the ASEAN member states intensify their engagement with their partners in the Asia Pacific, other major powers, and international institutions.

For ASEAN to be effective in external as well as regional engagement, it will have to keep its house in order. SSG and SSR are important considerations as other regions become more aware of these concepts and their importance to national and regional security and stability, and as APSC embarks on a project that could easily cause tension and rifts among its member states.

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