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## Security Sector Governance and Practices in Asia<sup>1</sup>

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### Abstract

This article emphasises the plurality and diversity of Asia that provides opportunities as well as challenges. The paper presumes that a democratic system is better at ensuring good governance of the Security Sector because the civilian authority controls the military and the police.

In the Southeast Asian region the principles that guide the practice of Security Sector Governance can be modified by local circumstances. For example the norms and processes of the Association of Southeast Asian Nation's (ASEAN), may become outmoded and no longer effective in a highly interdependent world. These practices, of accountability and transparency are unlikely to be cast aside, however, and some incremental changes are inevitable.

The article also states that the role of external actors in security sector reform in Asia demands forward planning. It is important to identify the sectors of domestic society that can build partnerships to improve SSG. This partnership should be promoted via between think tanks, academic experts, civil society organisations, the business sector and expertise within the government.

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Asia - even Southeast Asia alone - is a plural place whose rich diversity provides both opportunities and challenges. Thus, it is right to speak of security governance and practices in Asia in the plural. As I am more familiar with Southeast Asia rather than all of Asia and even in Southeast Asia, with only a few countries, I shall focus my discussion of security sector governance and practices to this sub-region and refer to countries outside it only when relevant.

The 10 countries in the sub-region have a variety of political systems, among their many other differences. Brunei is a kingdom; Myanmar a military regime; Cambodia, Laos and Vietnam have a Leninist foundation in spite of “democratisation” in Cambodia; Malaysia and Singapore are dominant party states; while Indonesia, the Philippines, and Thailand are at varying stages of democratisation.

Until 1972, Malaysia, the Philippines, and Singapore shared a pattern of civil-military relations (CMR) where civilian governments controlled the military and the police. The Philippines broke ranks in 1972 when Ferdinand Marcos imposed martial law on the country, an event often regarded as the “original sin” whose effects on security sector governance continue to pose important challenges to the consolidation of democracy in the Philippines.

In Malaysia, Singapore, and Thailand, the military is organisationally and functionally distinct from the military. However, in Indonesia and the Philippines between 1978 and 1991, the pattern was different in that the military and the police were integrated into a single organisation, the ABRI in the case of Indonesia, and the AFP-INP in the Philippine case. Thus, the separation of the police from the military was one of the most important reforms undertaken during the early stage of democratisation in both countries.

A democratic system of government is presumably better able to ensure good governance of the security sector because it is a system where the civilian authority controls the military and the police and where the practices of transparency, accountability, and responsibility are guiding principles. It also helps when the colonial authority was able to institutionalise good governance principles that the post-independence government continued to observe. India, Malaysia, and Singapore are outstanding examples of this practice. In these countries, civilian oversight over the military and the police remained beyond independence. Others failed to preserve the inherited system, such as in Pakistan and the Philippines; while in others, domestic developments and exigencies took over to evolve a system quite unique, such as in Indonesia where the military’s *dwi fungsi* (dual function where the military role is combined with police as well as political, social, and economic functions) of more than 30 years is likely to pose a continuing challenge to the new democracy in the years to come.

Good governance, particularly of the military in a democracy means that civilian control over the military prevails. Thus, democratisation involves

constitutional and other institutional changes, including the definition of the relationship between the government and the security sectors, the restructuring of the security sector such as the separation of the police from the military, the institutional oversight mechanisms to ensure this relationship is sustained, such as executive and legislative oversight over the budget and appointments, and the body of civil rights that would enable other civilian sectors to monitor the behavior of the security sector.

This, however, does not mean that in non-democratic regimes, good governance of the security sector does not exist. At least as far as civil-military relations are concerned, Leninist regimes are also able to do so since the party controls the army. This was the case in the former Soviet Union, pre-democratic Taiwan, and China until at present.

## **Security Sector Governance and Practices in Selected Southeast Asian Countries**

As already noted above, Malaysia and Singapore have governed their security sectors well. The military and the police are distinct organisations 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. Prime Minister Abdullah Badawi is now reversing the alleged erosion of the police organisation during the latter part of the administration of his predecessor, Dr. Mahathir Mohamed. In Singapore, the military and the police enjoy high credibility.

In Indonesia, the military's dual function during the New Order government under Suharto enabled it to become a dominant political force. Ironically, although the military had reserved seats in parliament and in the cabinet, its members were not allowed to vote, a situation that remained true today. ABRI was reorganised to become the TNI where the police was separated from the military. While the military's dual function remained under siege especially from civil society groups, the weakness of civilian political institutions and President Megawati Sukarnoputri's own inability to govern is likely to install a retired general as the next President of Indonesia in the run-off elections held on 20 September 2004. Inadequate training in police work among the Indonesian police has led to the continuing commission of human rights violation by its members in the course of the performance of their duties. Despite this handicap, however, it has racked up a decent record of investigating and arresting suspects in the terrorist bombings in Bali (2002), in Jakarta's JW Marriott Hotel (2003), and the recent Australian Embassy (2004). Controlling Indonesia's security sector could remain problematic so long as civilian oversight institutions remained relatively weak.

In the Philippines, civilian authority subordinated the military while the police used to be under the control of local chief executives until the

imposition of martial law in 1972. The integration of all the police forces and their institutional control by the Chief of the Philippine Constabulary (the national police that had become part of the AFP in the 1950s) who was one of the four major service commanders of the military consolidated the AFP's control over the security sector. The destruction of all the civilian oversight institutions in 1972 left the personal control of the president over the security sector as the only form of civilian control. In democratising security sector governance after 1986, the government faced a series of coups launched by sectors of the military still loyal to Marcos or his former defense minister seeking political power for themselves. Other than separating the Philippine Constabulary and the police from the AFP, the Aquino, Ramos, and Estrada governments failed to implement the military and other related reforms recommended by the investigating body following the failed December 1989 coup. In July 2003, young officers oblivious of the military reforms already underway since January 2001 launched a mutiny when a full-blown coup failed to materialise due to an early detection of the plot by the intelligence agencies. Since then, the Arroyo government has adopted military and police reform as part of its agenda, including the implementation of the set of recommendations made by the investigating bodies for the 1989 coup and the 2003 mutiny. She appointed a civilian secretary of national defense, a key recommendation of both commissions, and a full-time adviser to ensure the implementation of these recommendations. The Joint Defense Assessment (with the US) is designing a Philippine defense reform agenda as part of the US military assistance to the country that would ensure the long term implementation of military reforms. Perhaps a unique Philippine security sector governance practice is the inclusion of the national human rights commission in the set of oversight mechanisms. Without the commission's certification that the officer being considered for promotion has undergone training in human rights and international humanitarian law and has no record of human rights violation, the officer in question would not be promoted.

Like in Indonesia, civilian oversight institutions remained weak relative to the military, but for other reasons. Political accommodation to the military continued because of (1) the continuing armed conflicts (communist insurgency and Muslim secessionism); (2) the role of the military in the political succession from Marcos to Aquino in 1986 and from Estrada to Arroyo in 2001; and (3) the role of the military in the survival of the Aquino and Arroyo governments. Continuing domestic armed conflict have also required the use of paramilitary forces at the local level. The Civilian Armed Forces Geographical Units (CAFGUs) help contain rebel forces and hold territory in conflict areas. Little trained and poorly paid, they often cause problems of abuse of authority, engage in rent seeking activities, and sell their services to local warlords or mining and logging companies. Then, too, like in Indonesia, civilian politicians do not know very much about security sector governance and the importance of democratising civil-military relations in the consolidation of democracy.

In Thailand, the dominant role of the military since the 1932 coup came to an end beginning in 1991 and with the adoption of a democratic

constitution. Military dominance could have been facilitated by the country's status as frontline state in mainland Southeast Asia during the cold war, the communist insurgency, and Muslim separatism in Southern Thailand. Like in Indonesia and the Philippines, retired generals and former policemen have also entered Thai politics. The current Prime Minister has a police background before becoming a super-CEO, while his deputy is a retired general. It may not be entirely coincidental that under their leadership, there is an apparent attrition of the rule of law and democratic development. In the anti-drugs campaign the national commission on human rights alleged that some 2,500 persons might have perished from extra-judicial killings that did not merit much public protest. The government's populist policies have also contributed to the erosion of self-reliance among Thai communities, an ingredient so essential to meaningful popular participation, according to a recent UNDP report on Thailand.

And in Myanmar, the military junta continued to rule and launched Myanmar's Road Map to Democracy purportedly to bring democracy to the country after all the preparatory steps beginning with the drafting of a constitution in which all sectors (including the national races), but except the National League for Democracy led by Aung San Suu Kyi are supposed to be represented. Governance of the security sector is done by the military junta without any outside participation. Myanmar's poor domestic governance has created trouble for ASEAN in its external relations, particularly with the European Union. The political dialogue between ASEAN and the EU had stalled in the past and there was the danger that the Hanoi ASEM summit would not take place until the two sides agreed on a compromise formula. In exchange for the admission of Cambodia, Laos, and Myanmar into the ASEM process, ASEAN would accept the 15 new EU members as well. However, Myanmar would send a lower level delegation to the ASEM summit. This problem persists and relentlessly impinges on ASEAN's relations with the outside world, one that it needs to play a credible external role.

Corruption in the military and the police appears to be common in the other Southeast Asian countries, particularly in Cambodia, Indonesia, Myanmar, the Philippines, and Thailand. In Indonesia, Myanmar, and Thailand, the military are known to own and control economic enterprises, not only to augment their salaries, but also as a logical consequence of the dominant role they played in the government without being subject to controls and accountability. Cross border trade in gems, timber, illegal drugs, and small arms between Cambodia, Myanmar, and Thailand appear to have involved their military officers, including retired ones. In the Philippines, although the military and the police as an institution did not own and control business enterprises except in investment and manufacture of CCIE during martial law, their officers were reputedly involved in corrupt practices related to military and police procurement, mismanagement of soldiers' provident funds, illegal trafficking in drugs and small arms, illegal logging and mining, kidnapping for ransom, bank robberies, among others. Of course, under military regimes or those

relying on the security sector for regime survival, the military and police behave with impunity.

How can the problem of poor governance of the sectors in Southeast Asia be remedied? Would external pressure facilitate its resolution? In particular, what is the context of Southeast Asia that makes certain policy approaches counterproductive?

## **The Context of Southeast Asia**

Unlike other regions elsewhere, Southeast Asia prides itself in having transformed intra-regional relations during the past 37 years. By sublimating their bilateral conflicts and national ambitions inimical to the evolution of a stable regional order, the five original members of ASEAN – Indonesia, Malaysia, the Philippines, Singapore, and Thailand – succeeded in creating a benign and peaceful sub-region. This stable environment enabled them to use scarce resources to address domestic problems of underdevelopment, peace and order, as well as push back armed challenges to their societies. This environment attracted the entry of development assistance, trade, and investment from advanced countries in the West and from Japan. ASEAN relations with Japan was a critical foundation for its countries' economic take-off and the resulting economic dynamism that made ASEAN the fastest growing region in the world until the financial crisis hit and the results of a hugely competitive China became undeniable. From a sub-region of poor and underdeveloped countries, Southeast Asia's core states have been able to raise the standard of human development in their own societies remarkably, at least until the crisis of 1997. As a group, they were able to play a credible regional role in Cambodia and attracted even the EU to start the ASEM process.

By their achievements, the original members of ASEAN were also able to enlarge the grouping to embrace all the 10 countries of the sub-region. By their impressive economic growth, they hoped to be able to engage the new members constructively, so that their economies would also grow, their societies develop, and have the liberalising effects of economic and social development create a domestic aspiration for social and political change. Unfortunately, the dual enlargement (of membership and of its external relations that diluted the non-communist character and relatively coherent economic and human development indices of the grouping) and the financial crisis unleashed destructive forces at home requiring prior attention of the ASEAN member states. Indonesia roiled, but embarked on democratisation despite great odds. Malaysia, Singapore, and Thailand looked inwards as well. In combination, they were not able to engage the new members particularly Myanmar, who with the sanctions from the West had to continue relying on China for help in its own economic agenda. Sanctions have not helped the opening of Myanmar, and they are not likely to succeed in a country whose people remained proud in spite of their collective poverty and are used to having very little to live on. ASEAN failure and the sanctions delivered Myanmar to Chinese hands in the strategic game surrounding China's rise whose outcome remained unclear.

ASEAN is also faced with non-traditional security issues of huge proportions – poverty, transnational criminal activities including illegal trafficking in drugs, small arms, and human beings particularly women and children, piracy, pandemic diseases, and of late, international terrorism. In nearly all of them the role of the security sector, particularly the police is critical. Good, solid intelligence information and good police investigative work is critical in the campaign against transnational crime, including piracy and terrorism. Southeast Asia's security sector stand to benefit from enhanced capacity to meet these challenges effectively. Good governance of this sector is an imperative, as is enhanced regional cooperation.

While ASEAN norms and ways of doing things may be outmoded and no longer effective in a highly interdependent and globalising world, they are not likely to be cast aside, although some incremental change is inevitable. Equality, mutual respect for each other's sovereignty and national territory, non-interference in the domestic affairs of another country, peaceful settlement of disputes are norms ASEAN took from the universal norms of the United Nations, and lived by them. While individual ASEAN member states view human rights and democracy differently, they are one in objecting to conditionalities in official development assistance, in the inclusion of social clauses in international trade and other agreements, as well as in the application of sanctions. Despite disappointment and impatience in Myanmar's domestic developments, ASEAN closed ranks behind an often irritating and indefensible regime in Yangon.

I often get impatient with ASEAN's slow evolution in institutionalism and its failure to respond to common challenges in a collective manner. But such is the nature of the beast. It prefers the Japanese approach: use development assistance, trade and investment to facilitate economic development that at the end of the day could develop its own dynamics on the domestic front, including the rise of a middle class autonomous of the state that would then seek social and political change.

Thus, on the question of security sector governance, an item very much within the realm of domestic political jurisdiction, it is unlikely that a proactive role of external actors pushing and pressuring for change would work. If such an approach works in other regions of the world, another approach is required in Southeast Asia.

## **The Role of External Actors in Security Sector Reform**

In this regard, it is important to identify sectors in domestic society that can become partners for improving security sector governance. In many Southeast Asian countries, they are in think tanks, in academe, in other parts of civil society, in the business sector, and even in government. The key is to find out what they wish to accomplish and to help them find

lessons learned and best practices from other countries and regions of the world to provide them with a range of options whose domestic relevance and applicability they are in the best position to determine. In undertaking military reform in the Philippines for example, a project that the US has long aspired to see happen, Washington waited for the right time to have an administration in Manila willing to undertake structural reforms in the military, and even in the police. Thus, while consultants from the Pentagon are in Manila at present, they consult with various sectors in the Philippines to find out the context, the situation on the ground, and to facilitate the search for options and solutions. Then only would come the capacity building for the new institutions and structures that the Philippine authorities themselves choose to adopt.

External actors need to have a huge amount of sensitivity to know what to do, with whom, when, and how. In short, they have to be politically savvy which means knowledge about the domestic context is critical for success. It is also good to remember that in places like Southeast Asia, the shortest distance between two points is not necessarily a straight line.

## Future Prospects

The road to any reform is long, winding, and lined with booby traps. Given the Southeast Asian context where non-traditional security issues and challenges are on the rise and with ASEAN and its external dialogue partnership as a framework for intra- and inter-regional dialogue, the prospects for improving security sector governance are good. In bilateral discussions for enhanced security cooperation with Japan for example, cooperation in meeting these non-traditional security issues is high on the agenda. This includes building the capacity of the police to conduct investigation, the intelligence community to gather good intelligence information, and the military to conduct joint exercises for interoperability. To deal with post-conflict peacebuilding, training in peacekeeping operations is also part of the discussions. In combination with domestic reforms to improve transparency, accountability, and responsibility of the security sector, these cooperation activities can go a long way to improve security sector governance and practices in Southeast Asia.

In this regard, potential external actors may have to keep in tune with domestic and regional developments that impact on security sector governance and as in the case of the object of security sector reform also learn from other external actors with better track records in cooperation activities. In Southeast Asia, the Japanese partnership in highly sensitive issues that have domestic social and political implications is a credible model.