The Summary of HiPeC First Practitioners Seminar

“Peacebuilding and Security Sector Governance in Asia”
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Introduction

Yuji Uesugi

This volume is a summary of an intensive workshop, entitled “Peacebuilding and Security Sector Governance in Asia” held on 3-5 August in Hiroshima, which was organized by the Hiroshima University Partnership Project for Peacebuilding and Capacity Development (HiPeC). In this HiPeC workshop, the features and challenges of security sector governance (SSG) in various countries in Asia such as the Philippines, Indonesia, Thailand, Timor-Leste, Sri Lanka and Nepal were discussed. This initiative, which grew out of discussion at the annual general meeting of the Association for Security Sector Reform Education and Training (ASSET) held on 2-3 March 2010 in Manila, was made possible with support from the International Security Sector Advisory Team (ISSAT) of the Geneva Centre for the Democratic Control of Armed Force (DCAF). At the ASSET meeting, experts of peacebuilding and SSG in Asia recognized a grave shortage of focus on Asia in the existing study of security sector reform (SSR) and agreed to commence on a collaborative research project to address this gap. The HiPeC workshop was the fruit of such an initiative. This volume, a work-in-progress, seeks to recapitulate the essence of all that was discussed at the HiPeC workshop and contribute to an emerging understanding of SSG from the perspective of Asia.

Before turning to a brief summary of each paper presented at the HiPeC workshop, a detailed description of the conceptual framework of this study is in order. The conceptual framework will be detailed in the following manner: (1) definitions of key concepts, (2) a conceptual framework, and (3) typology.

1. Definitions of Key Concepts

Peacebuilding and Security Sector Governance, which are the twin key concepts of this volume, are among the most important elements of state-building endeavour in the 21st Century. A core and common feature of both concepts can be attributed to their emphasis on efforts to prevent and manage violent conflict in a society. Both concepts could encompass multiple levels of activities and agenda ranging from an issue of global governance to that of a community development. In this volume, however, the focus will be on the state level, i.e., the state-building process of numerous states will be examined.

Peacebuilding is defined, according to the United Nations (2000), as activities “undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.” It

1 http://home.hiroshima-u.ac.jp/hipec/
2 ASSET is a professional association of education and training organizations and institutions that support the development of SSR capacity within governments, donors, security sector institutions, parliaments, civil society organizations and international/regional organizations. http://asset-ssr.org/
3 DCAF’s ISSAT provides practical support to the international community in its efforts to improve security and justice, primarily in conflict-affected and fragile states. It does this by working with a group of member states and institutions to develop and promote good security and justice reform practices and principles, and by helping its members to build their capacity to support national and regional security and justice reform processes. http://issat.dcaf.ch/
includes:

…reintegrating former combatants into civilian society, strengthening the rule of law (for example, through training and restructuring of local police, and judicial and penal reform); improving respect for human rights through the monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development (including electoral assistance and support for free media); and promoting conflict resolution and reconciliation techniques (UN, 2000).

In this volume, while respecting the definition provided by the UN, the term is employed to emphasize a certain aspect of peacebuilding activities. Thus, it is defined as a series of activities that are aimed at transforming a violence-prone society in such a way as to prevent the relapse of armed conflict. It is often pursued by redressing the problems of social relationships and laying the foundations of essential social fabrics. Nowadays, the majority of violence-prone states are considered to be failed or fragile states that can be a threat to international peace and security. It can be said that addressing the problems of state failure has become a major agenda for peacebuilding; therefore, peacebuilding has normally been envisaged through the creation of an effective and accountable state and government apparatus in recent history.

On the other hand, Security Sector Governance (SSG) is defined, according to DCAF (2009), as “the structures, processes, values and attitudes that shape decisions about security. Security Sector Reform (SSR) aims to enhance SSG through the effective and efficient delivery of security under conditions of democratic oversight and control.”

In this volume, these definitions of SSG and SSR are followed generally but some special emphasis is added in order to reflect the focus of this study, i.e., the nexus between peacebuilding and SSG. Thus, SSG is understood as one of the essential pillars of a society that we aim to enhance through peacebuilding. It can be defined as the capacity of a society to prevent and manage violent conflict and to maintain rule of law in the interest of the people. Effective and accountable SSG is a vital feature of a society in which people can live securely and peacefully. Hence, efforts at enhancing the capacity and integrity of the security sector in a society can be regarded as a core peacebuilding activity. While the security sector is definitely a pivotal element of government, in this volume, it is regarded to go beyond the state institutions and to encompass non-statutory actors ranging from liberation armies to civil society.

SSR is defined in this volume as an integral part of peacebuilding activities that aims to enhance the capacity and integrity of security actors and their oversight mechanisms in a society that has failed to provide security and justice to its people, and thus to contribute to democratic governance of the security sector in the state concerned. It is surely debatable whether or not all countries examined in this volume have failed to provide security and justice to their people. However, it is not our intention to argue what would constitute a failed or fragile state, but rather our aims are to present an outlook of SSG in Asia and to offer a comparative case study of SSG and developments that are undertaken in selected countries in Southeast Asia and South Asia.

2. A Conceptual Framework for SSR
There are a number of different approaches and understandings of SSR. Some organizations operate with a broad understanding of SSR that encompass a wide range of actors in need of reform, i.e., both state institutions and non-statutory actors as well as security actors and their civilian oversight mechanisms are often considered to be an object of reform.4 Other organizations approach SSR with a much narrower view, focusing only on the reform of the formal security forces such as military and police.

Our approach is a comprehensive approach to SSR. Effective and accountable SSG cannot be achieved unless we tackle the challenges of the security sector in the following four security sector quadrants: (1) statutory security actors, (2) non-statutory security actors, (3) formal oversight mechanisms, and (4) civil society actors (See Table 1).

Table 1: Four Security Sector Quadrants

Another important feature of our approach can be represented as “one approach, two principles and three dimensions.” Local/National ownership is the most fundamental denominator. Our approach aims at facilitating the local/national ownership in SSG. It seeks to enhance the capacity of the security sector in two aspects: effectiveness of the security and oversight actors, and their accountability to the people. This emphasis on accountability plays an important role in advocating “democratic” governance in a host state. Otherwise, the most

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4 For example, the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD) put forward a widely used definition, founding the security sector on two pillars: (a) the security forces and (b) the relevant civilian bodies and processes needed to manage them, which encompass: state institutions which have a formal mandate to ensure the safety of the state and its citizens against acts of violence and coercion (e.g. the armed forces, the police and paramilitary forces, the intelligence services and similar bodies; judicial and penal institutions) and elected and duly appointed civil authorities responsible for control and oversight (e.g. Parliament, the Executive, the Defence Ministry, etc.).
fundamental approach characterised by local/national ownership may contradict the second principle of accountability. Finally, this approach also advocates that when the needs of the security sector are being addressed, three dimensions must be taken into consideration: holistic, technical, and political. The holistic nature of SSR can be found in Table 2 below. It is obvious that the practice of SSR involves technical dimensions. In fact, it requires a wide range of expertise. For example, police reform may require technical experts in forensics, criminal psychology, or crowd control.

Table 2: Holistic Nature of SSR

While keeping in mind the holistic technical dimensions of SSR, this study will primarily highlight the political dimension of SSG by focusing on the political aspect of the challenges, rather than the assessment of technical issues. This is because we believe that political analysis is critical to our understanding of the context in which SSR may be carried out, but is often neglected in the existing literature. It is politics that matters. The security sector provides one of the most fundamental public goods, i.e., public safety and law and order, which can be regarded as a core function of the state. Hence, changes in the security sector, which may lead to political and social transformation, can create anxiety among the political elite in the host state. The political nature of SSR should not be underestimated if we want to maintain harmony between two possibly contradicting themes: local/national ownership and democratic governance.

Speaking of political sensitivity, consideration over the use of the term “reform” should deserve more than passing attention. While externally intervening actors have a tendency to call their efforts to support the security sector of a recipient state as a form of “reform”, some host governments show reluctance in recognizing this form of undertaking as “reform” and call it something else, such as development, transformation, reconstruction and etc. Hence, some advocates and practitioners of SSR tend to avoid the term “reform.” To some extent, this
negative reasoning is accepted in this study due to the delicacy and sensitivity of the topic. However, we prefer to label our endeavour here as security sector “governance” with a positive justification. That is, effective and accountable SSG, a key element of human security, is a fundamental goal, and effective way for states to address their security problems. Nonetheless, we must admit that in reality such a comprehensive approach to SSR with an emphasis on its political nature has barely been materialized. This is partly because there are numerous political and technical constraints on the ground, but also because there exists a deficit of adequate human resources as well as a lack of proper policy and methodology. This is particularly so in Asia where existing studies have failed to examine these aspects extensively. Therefore, it is important to review the challenges of SSG in Asia and identify gaps in human resources, policy and methodology.

3. A Typology of SSG in the Context of Peacebuilding

In this volume, two sub-regions of Asia, i.e., Southeast Asia and South Asia will be examined. While East Asia is an important sub-region in Asia, it will be placed outside the scope of this volume due to the different nature of challenges it faces with regard to peacebuilding and SSG.5

This study introduces a typology of SSG in the context of peacebuilding as the study purports to highlight the nexus between peacebuilding and SSG. A comparative analysis of the cases of SSG in this volume suggests that the features and challenges of SSG can be categorized into two: (1) political transition/democratization, and (2) post-conflict state-building. Of course, most of post-conflict state-building endeavours also aim for democratization. It is likely that these two types of SSG have overlaps in their objectives and activities. Furthermore, those countries examined in this volume have not only faced the challenges of SSG in the context of political transition/democratization but, as centers of violent local conflicts, have also tackled the issues associated with post-conflict state-building. Hence, these categories cannot avoid being artificial and the difference between the two cannot be crystal clear. Nonetheless, they have certain features peculiar to each category, which will be elaborated briefly below.

(1) Political Transition/Democratization
The first category includes attempts to enhance SSG in the process of political transition and democratization. The dominant features of SSG in this category can be summarized as follows:

(i) There are special (and historical) roles of the military in a socio-political dimension of these countries, which can be treated as an issue of civil-military relations.
(ii) The development is gradual and slow, but the process enjoys strong local/national ownership.
(iii) The process is closely linked to the challenges of nation-building and national reconciliation, which includes the protection of minority rights.

5 The case study in this volume does not include stable liberal democracies such as Japan, Korea and India; constrained democracies with well-governed security sector such as Taiwan, Singapore and Malaysia, one-party socialist countries such China, Vietnam and Laos; military and authoritarian regime such as Myanmar and North Korea; and monarchy such as Bhutan and Brunei. Although Cambodia, Bangladesh and Pakistan should deserve a closer analysis, these counties are not covered extensively in this volume due to the lack of appropriate experts in our team.
(2) Post-conflict State-building
The other category of SSG involves the challenges associated with post-conflict state-building. All of our cases have dealt with violent anti-government rebellion or insurgency, and have had a different pattern of conflict termination as well as external involvement, which can be summarized as follows.

**The Philippines:** The government of the Philippines has fought several Islamic insurgency groups such as the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) in Mindanao. While a series of peace talks between the government and MNLF brought the creation of the Autonomous Region in Muslim Mindanao, the violent conflict still continues between the government and MILF. In other words, the armed forces of the Philippines are being reformed as a part of wider political transition and democratization, while being asked to conduct counterinsurgency operations in Mindanao.

**Indonesia:** Rounds of difficult negotiation ended a violent conflict in Aceh, which was fought between the government of Indonesia and the rebel group called the Free Aceh Movement (GAM). A peace agreement allows Aceh to remain and to be rebuilt as one of the provinces of Indonesia, while Indonesia as a state has undergone political transition from the authoritarian rule to a democracy. SSR is carried out with a strong local initiative as a part of larger efforts of political reform. The presence of external players including those that gathered for post-tsunami recovery in Aceh also provided support and contributed to the implementation of the peace agreement.

**Thailand:** Thailand has the rebellion of the Muslim minority in the southern part, which is closely linked with political struggle in the power centre that involves the statutory security actors. The recent political violence in Bangkok reflected a challenge in the security sector in Thailand as it undergoes political transition to a democracy under a constitutional monarchy. A delicate triangular relationship among the monarch, military and democratic forces will have to be addressed, which can be too sensitive for domestic actors to undertake but too intrusive for an external player to be involved.

**Timor-Leste:** After a violent secession from Indonesia, Timor-Leste now undertakes the development of SSG with massive external involvement. For example, the United Nations assumed transitional executive authority including the role of providing justice and law enforcement over the territory of Timor-Leste. Due to the lack of capacity and integrity of the local security actors, the United Nations undertook executive policing in Timor-Leste, while other donors supported the Armed Forces.

**Sri Lanka:** The armed conflict in Sri Lanka was fought between the government of Sri Lanka and the rebel group called the Liberation Tigers of Tamil Eelam (LTTE) that sought to secede from Sri Lanka and establish an independent Tamil state in the northern and eastern parts of the country. The armed conflict was terminated with a military victory by the government side, which features the consolidation of the majority rule with some elements of nation building and national reconciliation attached to the agenda of peacebuilding and SSG. Sri Lanka has a very effective security sector together with a strong executive body, but its inherent challenge of peacebuilding and SSG lies in the issue of government legitimacy in the eyes of the Tamil minority.
Nepal: The violent conflict between the government of Nepal and the Community Party of Nepal (so-called Maoist) was terminated with a comprehensive peace agreement, which inaugurated a difficult process of regime change from monarchy to democracy. Despite the fact that it received support from the international community and had an effective and functioning armed forces loyal to the former King, a new power-sharing arrangement among the former adversaries, which brought a deadlock in the political transition, has undermined SSG in Nepal. They will have to find a way to accommodate contradicting ideologies of royalists, communists and pluralists in a new statehood.

While such differences in circumstance, each country will surely have different challenges in implementing SSG, but there is a common feature across these cases. That is the tension between the host government and the international community. This tension is particularly acute when the international community tries to impose a certain set of norms and standards upon the host government. The subsequent case studies illuminate the dilemma that exists between the pursuit for democratic governance and the respect for national/local ownership in SSG. Although it seems on the surface that SSR, in the context of post-conflict state-building, will give us a golden opportunity and advantage to proceed with an “ideal” reform, it often faces limited local/national ownership and a lack of political will to accept externally driven reforms.

**Reference:**

It is timely and significant to address peacebuilding and security sector governance (SSG) in Southeast Asia due to current trends in the world and the region. At the global level, the United Nations has underlined the importance of democratic SSG through the process of Security Sector Reform (SSR). At the regional level, the Association of Southeast Asian Nations (ASEAN) has established a policy direction to create an ASEAN Political and Security Community (APSC) that emphasises the importance of peaceful resolution, democracy, respect for human rights, and a rules-based society. At the national level, initiatives to promote SSG still vary due to the political system of each country, ranging from democratic to authoritarian ones. This political situation has an impact on SSG and on the ways in which each country deals with the issues of domestic conflict and peacebuilding.

Addressing SSG in Southeast Asia will have future political implications, as a general trend of democratisation is an irreversible process. Issues on civil-military relations have dominated the discourse of SSG as the military has its significant role in almost all countries in the region. While the study of SSG per se is relatively new in Southeast Asia, the concept of SSR itself has drawn world attention only in the last decade or so. Considering this reality, addressing the issues of SSG in Southeast Asia needs to be tailored to domestic political processes and dynamics. SSG cannot be seen and located in a vacuum; rather it must be understood that it is interconnected with many factors.

However, there remain daunting challenges. SSR is not understood properly in ASEAN countries. Some regimes consider SSR to be an act of weakening the state capacity in providing security, and even perceive it as an agenda of external actors. SSR is a politically sensitive endeavour due to the existing nature of political practices in Southeast Asia, combined by the reality that many countries are still far away from democracy and freedom. In some cases, external SSR activists are involved in SSR without sufficient knowledge of the political sensitivity and local culture, assuming that SSR is something that could be emulated from a template made in the West. External SSR advocates must first establish trust with the local authority and be sensitive to local wisdom. There is no quick-fix solution or one-size-fits-all approach to SSR.

The “domestic” challenge of SSR in each country is intermingled with the challenges of SSR at the regional level. The political system and structure of the member states such as Indonesia, Thailand and the Philippines have a direct impact on how ASEAN could promote democracy and governance, rule of law and peaceful conflict resolution. Most countries in Southeast Asia are facing the problems of “intra-state” conflict, which in turn will limit how and to what extent ASEAN can respond to domestic conflicts in the region.

To address the challenge of SSG in Southeast Asia, the role of the military in domestic politics must be examined. In regions like Indonesia and the Philippines where the political background was characterized by authoritarianism, the role of the military in politics has been very crucial. As a result, any effort to reduce military role in politics will not be easy. Moreover, the issue of the deep involvement of the military beyond its traditional duties gets even further complicated as given the way authoritarianism influenced the mentality of its people. For example, the culture of militarism is one of the after effects of such authoritarianism.
It is also relevant to look at the level of democracy in Southeast Asian countries by utilising the Map of Freedom in Southeast Asia that was reported by Freedom House. According to the political map of Freedom House called “Freedom in the World 2010 Survey Release,” the countries in the region were divided into three: Free, Partly Free, and Not Free. Among the countries in Southeast Asia, Vietnam, Cambodia, Laos, Myanmar, and Brunei are categorized as Not Free. Thailand, Malaysia, and the Philippines are considered to be Partly Free. It is important to take note that Indonesia, together with New Zealand, Japan, South Korea, Australia and Taiwan, was the only ASEAN member that is regarded as Free.

The political landscape of Southeast Asia is quite diverse even though this region was able to develop ASEAN, one of the most successful regional organisations in the developing world. Moreover, despite all the criticisms, ASEAN has emerged as a driving vehicle behind the development of regional security architectures beyond Southeast Asia such as the ASEAN Regional Forum (ARF) and ASEAN Plus Six. Indeed, the latest development of the East Asia Summit (EAS) that virtually integrates the whole of East Asia and the Pacific region could contribute to construction of a better regional security system.

At the regional level, it cannot be overlooked that ASEAN has, in the last five years, embarked upon a significant journey. ASEAN pointed out the need to govern the relations among its members so that they would adhere to democracy and peaceful conflict resolution. Bali Concord II (Declaration of ASEAN Concord II) declares the creation of the ASEAN Community that is based upon the following three pillars: (a) APSC, (b) ASEAN Economic Community, and (c) ASEAN Socio-Cultural Community.

The APSC Blueprint could at least be used as an initial staging ground to promote democratic SSG. The Blueprint states: “The APSC will ensure that the peoples and Member States of ASEAN live in peace with one another and with the world at large in a just, democratic and harmonious environment” and “The APSC shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter.”

Furthermore, ASEAN has agreed to develop a rule-based society or the rule of law: “ASEAN’s cooperation in political development aims to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN, so as to ultimately create a Rules-based Community of shared values and norms”.

In addition, the ASEAN Intergovernmental Commission on Human Rights (AICHR) was established as a result of the lengthy negotiation process.

There is hope for better democratic SSG and the development of proper rule of law and justice in Southeast Asia, which will contribute to peacebuilding in the region. However, SSG needs to be seen as a political process that requires political commitment. At the moment, as most countries in the region are muddling through periods and processes of political transition, such initiatives will not be easy. Under the current state of political direction, the key to promoting SSR is to link it to the way in which democracy is unfolding in the countries in the region, even though to some extent there is democratic reversal or democratic deficit.

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1 http://www.democracyweb.org/new-map/ accessed 10 August 2010
2 Electronic version of the APSC Blueprint can be found at the Secretariat of ASEAN. <http://www.aseansec.org/22337.pdf>
The Philippines

Carolina G. Hernandez

The Philippines hosts the only extant communist insurgency in Southeast Asia and an extremely complex armed ethnic secessionist movement. These twin armed conflicts have worked against the achievement of security and development for the population. The Philippine case is a good illustration of the relationship between good security sector governance (SSG) and building sustainable peace. Good SSG implies a democracy that ensures transparency, accountability, responsiveness, participation, and responsibility among relevant actors.

A realization that democratizing civil-military relations and putting the military under civilian political control is not sufficient to ensure effective governance coupled with integrity in those who govern gave birth to the concept of security sector reform (SSR) and good SSG. While democracy is challenging and has many deficiencies, a democratic polity is recognized as the form of governance that can ensure integrity. Thus, good SSG is democratic SSG.

The context of SSR in the Philippines can be characterized as political transition from authoritarianism to democracy at the national level, while at the local level conflict and post-conflict situations can be detected. Authoritarian rule ended with the first people power in February 1986 that removed Marcos as president. The 1987 Constitution contains the basis for democratic governance, including of the security sector. Among its relevant principles and features are the supremacy of civilian authority at all times, civilian control over the military by various executive departments, legislative committees, judicial and quasi-judicial bodies, and independent constitutional commissions; political non-partisanship of the military and the police; and the institutional and functional separation of the police from the military.

However, while the constitutional and legal framework for democratic civil-military relations and good SSG exists, there remains a substantive deficit in the performance of the security sector. The Armed Forces of the Philippines (AFP) continued to exert substantive political influence due to its continuing (1) primary role in counterinsurgency where coercion remained salient, (2) pivotal role in regime survival against military destabilization threats, and (3) substantive role in political succession (in February 1986 from Marcos to Cory Aquino and in 2001 from Estrada to Arroyo). Moreover, oversight institutions have either misused or abused their oversight functions either innocently or otherwise, members of the AFP and the Philippine National Police had allegedly committed violations of human rights and humanitarian laws, and the achievement of efficiency and integrity in the security sector remained elusive.

These cases show that good SSG contributes positively to peacebuilding. However, the government’s overall approach to peace is saddled by the attachment of key security sector actors to three conflicting approaches: (1) achieve military victory; (2) extend only as little concessions to pacify the rebels and bring them to the negotiating table, and (3) address the conflict’s root causes through institutions that adopt and ensure the effective implementation of socio-economic and political development programs with integrity. The AFP’s mission in conflict areas is to win the ‘war’ by also using methods to ‘win the hearts and minds’ of the people. Civilian government agencies are supposed to take over from the AFP those areas already cleared of armed rebels to undertake peacebuilding and development activities. However, lack of a single approach—preferably the third—has contributed to a failure to
achieve lasting peace and therefore, an enabling environment to deliver security and development (Hernandez, 2004). An ineffective system of autonomy through the Autonomous Region of Muslim Mindanao (ARMM) has not abated the secessionist flame.

While peace agreements had been forged with the Moro National Liberation Front (MNLF) and the rejectionist factions of the Communist Party of the Philippines and its armed wing (or those opposed to the mainstream communist leadership) in 1996 and 2000, respectively, the implementation of the peace agreements has been faulted by various sources (Santos & Santos eds., 2010). In the case of that with the MNLF, allegations of government failure to implement the peace agreement led to the rise of a breakaway faction loyal to Nur Misuari. It now operates as an armed secessionist group, in addition to former MNLF fighters who became ‘lost commands’, joined either the Moro Islamic Liberation Front (MILF) or its various factions, or criminal gangs like the Abu Sayyaf Group (Makinanao & Lubang, 2001). This further complicates the armed ethnic secessionist movement originally led by the MNLF and now by the MILF. In these local areas, the context of SSR is both conflict and post-conflict.

The key challenges to good SSG and peacebuilding are those associated with (1) political transition including the observance of democratic civil-military relations especially the reduction of the military’s political role, (2) conflict and post-conflict, including an approach to conflict and peace making that yields sustainable peace, security and development, (3) capacity building for the entire security sector, in particular the statutory security forces and government oversight institutions, and (4) civil society participation to raise popular awareness of the importance of appropriate SSR for good SSG as key to sustainable peace, security and development.

Some useful policy interventions are:
(1) Reduce the AFP’s political role by addressing its primary role in armed conflict, and in regime maintenance and political succession by respecting its non-partisanship and ensuring effective elections;
(2) Adopt the institutional approach to peace;
(3) Adopt enabling legislation to achieve democratic control of armed forces, functional separation of military and police functions, etc.;
(4) Enforce the law equally and consistently to enforce discipline and facilitate the achievement of responsible citizenship in a functioning democracy;
(5) Adopt legislation to ensure effectiveness and integrity in the security sector; and
(6) Build a national constituency for democratic SSG and sustainable peace.

Reference:


Aceh, Indonesia

Rizal Panggabean

In August 2005, the government of Indonesia and the Free Aceh Movement (GAM) signed a Memorandum of Understanding (MoU). The agreement transformed the war in Aceh into one of the successful stories of civil war termination in recent times.

A combination of developments lies at the background of the historic deal that ended the rebellion that started in 1976. These include the mutually hurting stalemate, the regime change in Jakarta from authoritarianism to democracy, and the additional momentum created by the earthquake followed by tsunami in December 2004. The most important development, however, was the drastic change in the rebel’s demand from an independent state to ‘self government’ within Indonesia. Although the pre-negotiation stage of the peace process in Aceh can be traced back to early 2004, the deal was reached after five rounds of negotiations from January to July 2005, mediated by Marti Ahtisaari from the Crisis Management Initiative (CMI), Finland.

DDR is the first issue to be dealt with after the signing of the MoU. In accordance with the agreement, the GAM submitted 840 weapons to be destroyed and as many as 21,681 troops and police withdrawn from Aceh. The Aceh Monitoring Mission (AMM) that was formed jointly by ASEAN and EU supervised the decommissioning of GAM’s weapons and troop redeployment, which proceeded very well. GAM members returned safely to their communities—no revenge seeking and very few tensions exist between them and the communities, the military, the police and the local government. The security situation in Aceh improved significantly. People are free to move and free from fear.

Many clauses of the MoU, however, need to be included into a law to be fully implemented. The Law on the Governing of Aceh (LoGA) was enacted on 1 August 2006. It put most of the MoU into effect and provided other provisions regarding government, security, local political parties and others. LoGA is the result of post MoU negotiation in Indonesia, involving many stakeholders and their interests. In 2006, local elections were held for governorship of the province, followed by elections for the district heads and city majors in 2007 and 2008. These elections were peaceful. Former GAM leaders became the governor and deputy governor. GAM candidates also won another ten district and municipality positions (out of 23 districts and municipalities in Aceh).

In addition to the successfully implemented local elections, the nexus between security and development in Aceh can be seen from different angles. The MoU contains arrangements for the issues such as governance of Aceh, political participation, economic management, rule of law, practice of human rights, amnesty and reintegration into society of ex-combatants and political prisoners, security, the establishment of the AMM, and dispute resolution. In other words, the MoU provides a framework to deal with some of the most important issues of security and development in post-conflict Aceh.

The roles played by the military and the police during the counterinsurgency operations in Aceh also showed in the MoU and, later, the LoGA. Regarding defence and security matters, an important point agreed during the negotiation in Helsinki was the division of labour
between the military and the police. After the agreement, soldiers in Aceh had nothing to do with keeping law and order. External defence would be the only task for the military and keeping law and order would be the task of the police. This important point was not adopted in the LoGA. Instead, the role of the police and the military in Aceh is similar to the role of these security forces in Indonesia in general. Nevertheless, the military and the police in Aceh adjusted very well to the conditions of peace in Aceh.

Since development is not an important issue in the MoU as well as LoGA, strengthening the security-development nexus in Aceh is an important challenge in the post-agreement period. After the signing of the MoU, the majority of the rebels returned home and were accepted by their communities. In many cases, they were welcomed back as heroes. In addition, most of the displaced people have returned to their villages and homes. During the first years of the post-war peacebuilding, assistance for reintegration was given to individuals and families without a good monitoring process. Now, however, reintegration programs are integrated into broader development and recovery programs, with better mechanism for monitoring the programs. It must be noted that, unlike many post-conflict societies, Aceh has the resources for development programs. In addition, former rebels’ newly acquired positions in the executives and legislatures of many districts and municipalities of Aceh will facilitate their contribution to the development of Aceh.

While the demilitarization of politics at the macro level has been taking place, strengthening the role of the police and local government at the village levels is a very important next step in the demilitarization process. Village leaders and communities should participate in the planning, implementation and monitoring of economic development programs at the community level. It is also necessary to introduce peacebuilding and conflict resolution knowledge and skills for local community leaders. In addition, police skills and capacities to perform their tasks in post-conflict environment should be improved. The military in Aceh should not be excluded from the post-conflict process. While the MoU and the constitution of Indonesia limit their role in domestic security matters, they can play a role in other forms of military operation other than war, such as disaster mitigation, rescue and relief, and supporting the police.

Groups, institutions, and organizations that play a role in the security sector in Aceh need to increase their capacity to work together with each other, as well as with civil society organizations. Increasing the capacity of security actors and oversight institutions – both at the state and non-state sector – will strengthen peace and security sector governance in Aceh.
For a nation that has achieved continued economic development in the past several decades, Thailand has never quite seen itself to be treading the path towards a deeply divided society. Thailand’s security sector has been put under much stress and increased pressure since the recurrence of violent conflict in the Deep South in 2001. More recently, public demands on the security sector, particularly the military, to take a stand in resolving the escalated violence of the political conflict manifested in the April and May 2010 crisis and left many in doubt of the security sector’s position. The crisis, on the one hand, has prompted the Thai people to realize how polarized their political aspirations have become, while also raising serious questions regarding the future of Thailand’s democratization and the implications it holds for Thailand’s security sector governance (SSG).

Thailand’s SSG features the role of the military and its long-standing involvement in Thai socio-political affairs. Since 1932, Thailand, under constitutional monarchy, has experienced intervals of military interventions. The latest occurred in September 2006 (the eighteenth coup). To provide the basis for further discussion on Thailand’s SSG, the paper reviews five periods of military interventions. It highlights how the military has throughout most of its history legitimated its intervention and thus maintained its dominance among the four dimensions of SSG.

As a state institution recognised for its role in nation-building, the military kept its deep involvement in state affairs throughout the Cold War period in an effort to suppress communist insurgencies and to protect the Thai border against external threats. It was also under the military leadership that Thailand was linked to the international development system and began its pursuit of economic growth under the ‘development for security program.’ It thus eventually came to embark on its first five-year National Economic Development Plan in 1961. This had enabled the military to establish, with its civilian counterparts, the networks and coalitions with politicians and business leaders that further strengthened its roots in Thailand’s political power structure. More importantly, the military’s established pledge of allegiance to the monarchy since military leader Sarit’s time (1957-1963) continues to be a key source upon which the military legitimates its act with adamant insistence to maintain that regime security and national security. Military intervention during periods of democratic transition, however, appears in its backing of its civilian allies under the rhetoric of democracy (Samudavanija, 2010).

The Thai military gained legitimacy both by the circumstances of the situation during each period and by its own making, but the other dimensions of the security sector appear to remain uninvolved. Though, the Armed Force Committee presides in both houses, the Thai parliament, as an oversight mechanism, remains short of expertise in military and security affairs. Thus, despite the existence of formal rights to scrutinize defence policy, the Thai parliament stands without informed capacity to do so (Samudavanija, 2010). The absence of informed public debate and scrutiny has further left the military to its own practical autonomy (Bamrungsuk, 2001). Such lack of expertise and involvement by those other than the Armed Force, is thus an important challenge for Thailand’s SSG. More importantly, the political agenda of civil governments manifested in military control through politicisation has made it much more difficult for any structure of civil-military relations to develop towards enabling meaningful reform of the security sector.
Premised on the notion that lasting peace would come about when both the state and its population’s security needs are equally addressed in parallel with political and socio-economic considerations (Hanggi, 2005) the paper examines two cases to address the challenges to Thailand’s SSG. They are the cases that have put Thailand’s security sector to the test and remain Thailand’s security concern of the decade: the violent conflict in Southern Thailand and the recent political conflict, which led to the violence of April and May 2010. Seen through these two cases is Thailand’s effort in peacebuilding thus far in post-conflict situations: the National Reconciliation Commission (NRC), an independent body set up by the government to address the violent Southern conflict, and three committees established to address the violent political conflict of 2010: the Committee on Reform Strategy, the Committee on Reform Assembly, and the Fact-finding Committee.

This paper attempts to outline the general context of the Thai security sector so as to illustrate how Thailand’s SSG has long been within a power structure that defines the Thai state. Its focus on the Thai context reflects how Thailand’s security sector functions under a power structure which has come to be challenged by social change manifested in a radical social movement that has set the recent political conflict in motion. While the violence from the conflict in Southern Thailand has received most attention due to it being a much more internationalized and publicized case in connection to the notion of terrorism, the political power structure analysis suggests that it is simply a reflection of a much larger challenge to Thailand’s power structure. Because this power structure dictates Thailand’s SSG the situation has produced the worst violence Thailand has ever witnessed in its recent history.

The paper discusses how ensued circumstances of the continued political conflict may provide a window of opportunity for Thailand to rethink its stance and perspectives on its SSG. It argues that given the overarching power structure and the sensitivity of the situation, any reform likely to take place in the Thai security sector will not be opened to external intervention, rather, it will be rooted and driven through initiatives from within Thailand’s own process of political change.

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Interview:
Timor-Leste

Nelson Belo

It is often said that in Timorese society, it is not the rule of law which dominates, but the rule of the deal. Timor-Leste is a country whose independence was achieved through the efforts of its people, often through violent actions in the cities and armed combat in the forests and jungles of the Timorese countryside. Almost all Timorese people were involved in one way or another in contributing to the struggle for independence.

One of the major security actors in Timor-Leste that is often neglected in the discourse of security sector governance (SSG) is the non-statutory actor. Because a number of groups were formed during the resistance, once the fighting was over, these groups needed something to do. With high unemployment in the society, these well-organized groups that were still around could easily be compelled to action by different political actors who were acting for their own personal needs. As long as these groups still exist, and are not being directed into positive activities or gainful employment, they will be ready to act on behalf of those political actors who can pay and protect them. The most vocal of these groups have been disenfranchised Forças Armadas da Libertação Nacional de Timor-Leste (FALINTIL) veterans, who devoted their lives to the resistance movement and believe they deserve a certain role in post-independent peacebuilding. One might ask whether economic development has been deliberately stunted, as a way of keeping these groups around for future use.

The formal/state security actors in Timor-Leste also face numerous challenges as the United Nations made a series of mistakes when setting up the security sector. The manner in which the United Nations Transitional Administration in East Timor (UNTAET) oversaw the establishment and recruitment for the Defence Force (Falintil-Forças de Defesa de Timor Leste: F-FDTL) was a source of major discontent in Timorese society (Rees 2004, p. 3), and was influential in the creation and expansion of politically-active veterans groups across Timor-Leste. These groups were also highly critical of the National Police (Policia Nacional de Timor-Leste: PNTL), in particular because large numbers of PNTL offices were recruited from the group of former POLRI, Indonesia National Police. Clashes between these veterans groups and PNTL were a serious security concern in 2002 and 2003, eventually leading to the major crisis of the security sector in 2006.

Throughout its state-building process, the United Nations took charge of the security sector reform (SSR) of Timor-Leste. In particular, it had been responsible for the rebuilding of PNTL and it recruited many young people into the police force who were members of the various martial arts and cultural arts groups in Timor-Leste. It is simply difficult to unify people who are recruited from groups with rivalries and competing interests. These police officers brought with them not only their group mentality but they also maintained a deep sense of loyalty to their groups. This prevented PNTL from growing into a professional organization. A series of policing procedures such as collection of evidence, questioning and processing of suspects were compromised by the interference of some PNTL officers who belonged to different martial arts groups. The lesson that should be learned here is those who were affiliated with martial arts groups should not have been permitted to join the PNTL.

The 2006 crisis was led by the tensions between PNTL and F-FDTL. Since then ordinary Timorese citizens have lost their confidence in the ability of security institutions to protect its people and society. This is because the security sector has been politicized and interfered by
politicians who use them for their own agendas. Also, there are many divisions among the member of the security forces based on their 1) geographical affiliations, 2) martial arts group membership, 3) political connections, and 4) mestico-indigenous relations.

These contentious relationships among the security forces cause people to be suspicious of their ability to provide security to everyone in a fair and equal manner. Likewise, foreign investors and international workers also have their doubts in the ability of PNTL and F-FDTL to carry out their duties professionally. This lack of confidence in public security and lack of a diligent justice system has negative effects on the current and future development of the country.

The generation gap in Timor-Leste also challenges the security sector. Despite the fact that most people in Timor-Leste do not speak Portuguese, it was made an official language for the country and the government. Many see this as a way of excluding the younger generations, who were educated in Indonesian and thus do not understand Portuguese, from participating in important political dialogues, and ensuring for the time being that the older Portuguese speaking politicians maintain their grip on the most important and influential political positions.

Another challenge the language situation poses to the security sector, is that of police training. Many police officers from Portugal are sent to Timor-Leste to train PNTL. However, the language policy interferes with the efficiency of the training programs, as almost none of the PNTL officers speak Portuguese. This forces PNTL officers to deal with at least three languages when conducting investigations, interrogations, and taking witness statements. Tetun (local language) is translated into English, which is then translated into Portuguese, and the process is reversed again. Through translation, some important details are changed, adjusted, or omitted. Not only does this hamper police work, but this also takes up crucial time that should be used for the training and instruction of PNTL officers. Without a serious reconsideration of the language policy in Timor-Leste, the problems stemming from using Portuguese as an official language will continue to pose a challenge for the development of the security sector.

Regarding the oversight institutions, the National Parliament has approved the National Commission B to draft laws related to the security sector in Timor-Leste. Nevertheless, it has yet to pass or implement any effective measures for reform or change due to lack of human resources. There are several NGOs providing oversight to the security sector. Hukum Asasi Kemanusiaan (HAK) is engaged in monitoring and reporting human rights violations against civilians by Timorese security forces. They also provide human rights training to the security forces as a way to professionalize their members. Fundasaun Mahein is another NGO whose sole focus is to reform the Timorese security sector. The Fundasaun Mahein publishes in-depth reports on current security sector issues and provides recommendations.
South Asia

Shiam Vidurupola

The language of Security Sector Reform (SSR) is relatively new to South Asia, and therefore widely misunderstood, while SSR programs struggle for tolerance. SSR has rooted faster in the African and Latin American regions where conflicts and volatility had attracted early Western concerns and resources, possibly nudged by moral obligations due to colonial legacies. ‘SSR strategies’ tailored to South Asian requirements can enhance state-building, resolution of conflicts, recovery and bring about conditions conducive to regional peace and corporation. British colonisation in most of South Asia had created structures of democracy and state capacity to address civil and political rights. Post colonial South Asia, however, appear to be struggling to maintain certain democratic practices, whilst other regions are increasingly claiming ownership. Regional and local elites need to focus on the middle ground between security and development for safer and sustainable livelihoods for the 1.5 billion people living in South Asia.

India, an electoral democracy dominates the South Asian security arena and shares a border with most member states of the South Asian Association for Regional Corporation (SAARC). Since 1947, continued hostilities have haunted India and Pakistan over the state of Kashmir, the longest conflict of the region with no solution in sight. Bangladesh has been coping with religious extremism threatening the country’s peace. Even historical socio-cultural and religious commonalities have failed miserably in establishing South Asian trust and political tolerance. Nepal’s experiment of federal democracy at the end of Monarchical rule in 2006 suffers from inter-party and intra-party disagreements. Bhutan remains a constitutional monarchy, internally troubled by issues of identity, power sharing and economically constrained being land locked. Sri Lanka’s democratically elected government successfully ended a twenty six year old separatist insurgency, enhancing the island nation’s capacity to early transition, recovery and peace. Afghanistan, the youngest member of the SAARC is still embroiled in violence with cross border spill over to Pakistan now burdened with close to three million displaced. The Maldivian government has seen a power change after thirty years and has the opportunity to engage with reforms.

Security Sector Governance (SSG) in South Asia is usually misunderstood as an external desire to ‘reform’ or ‘change’ the security forces. ‘Reform’ invites resistance from governments in crisis or transition which claim total ownership of every agency linked to ‘defence’ and ‘security’. Regional actors aware of the benefits of SSG may occasionally allow such suspicion to grow for their own advantages, even at the cost of regional stability. SSG may be better digested, if explained in simplistic terms, as various tools and oversight mechanisms of prevention, change, and good governance, which enhance the security of the state and its people.

This paper examines SSG in South Asia through a comparative analysis of two South Asian conflicts, which are Nepal, where parties ended violence by committing to a Comprehensive Peace Agreement (CPA) in November 2006, and Sri Lanka, which militarily defeated the Liberation Tigers of Tamil Eelam (LTTE) in May 2009. ‘New Nepal’s’ nation building exercise is seriously hindered by disagreements in constitution drafting and lack of political compromise on the future of its armies.

Sri Lanka, emerged from a legacy of extreme violence between two insurgencies, faces
diverse internal and external challenges related to tolerance and the rule of law, which the state is fully capable of addressing. Both Nepali and Sri Lankan transitions to durable peace should take into consideration the expectations of the people, the concerns of international community, overcome vulnerability to the regional ambitious, while realizing the aspirations of China, India and other actors interested in the South Asian region.

The Communist Party of Nepal-Maoist (CPN-M) mustered the masses by blaming long-term neglect, social exclusion, and ignored poverty. People’s expectations still remain high in seeking justice and reconciliation. In Sri Lanka, the LTTE’s rallying claim was grievances of the ethnic Tamils. Women and children often remain ignored in post-conflict SSR programs. Eighteen percent of the Maoists fighters and thirty per cent of the LTTE were women. Their preferred integration usually is to communities and has to be carefully managed for long periods till ‘stigmas of the past’ are lost. Civil society, which campaigned for peace even with life-threats, should now contribute to capacity building, policy and oversight of SSG.

Even though the fighting was ending, both Nepal and Sri Lanka parties refused to reduce political bodyguards and vigilantes. In Nepal, political parties have encouraged youth to engage in violence. Militaries in transition assume political roles including occupation of civilian offices. Democratic oversight should discourage such practices that contribute to the militarization of political parties and the politicization of the military forces. Both countries still experience violence as a result of small arms proliferation. Crime thrives on socially embedded violence and will attract the needy in the absence of post-conflict poverty alleviation and development programs. Over 265,000 people were internally displaced in Sri Lanka, and the rehabilitation and social integration of ex-LTTE fighters has been progressing. Herein lay evidence that momentum of SSR programs is driven by clear political direction, though its success depends on continued engagement and supervision. Regional cooperation in South Asia could resolve existing refugee concerns throughout the region, bringing relief to affected communities. Such decisions will discourage crime related to trafficking and forced occupation of land and property of internally displaced people and refugees.

Both of the armies from Sri Lanka and Nepal rapidly transformed from peacetime roles in capacity and size to assume internal security concerns. The military’s transition from peacetime to war can be problematic especially when fighting an un-uniformed enemy, making mistakes inevitable. National truth and reconciliation programs at the end of war can provide the opportunity for honour and dignity by having leaders with authority address past mistakes. The army of Nepal has grown to 93,000 and the Sri Lankan military around 230,000. In the absence of war, the military needed to adapt to new roles and take on new shapes and sizes that were affordable to taxpayers. The police force of both countries, which were the early targets of violence, now have the opportunity to train themselves and win public confidence, an effort they have been visibly making in Nepal. The paramilitary Armed Police Force (APF) and Special Task Force (STF) also have to identify their new roles and should be allowed to perform their duties without political interference. Nepal seeks a ‘public-private-partnership model’ in the new constitution. During the height of the conflicts, the private sector of both countries contributed to the survival of their economies and now they have to demonstrate their ownership to stabilize the nation. Conflict and state failures divide communities and social structures, inviting misery and hopelessness. Post-conflict transition and recovery provides various stakeholders an opportunity for reconciliation and nation building within the framework of SSG. After all, responsible governance is not rated by the number of lives that have been destroyed but on hopes fulfilled and livelihoods that are newly created.
Sri Lanka

S. I. Keethaponcalan

The pressure brought in by secondary security sector actors on the core actors determines the nature of Sri Lankan Security Sector Governance (SSG). If the pressure is high from the parochial secondary actors, governance would become negative. Positive governance results from pressures from reformist secondary actors. This thesis was proved true in Sri Lanka.

Due to the high intensity violence that emanated from the ethnically oriented internal civil war between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) and the consequences of the war, the ethnic conflict has been over-studied and several critical subjects of research value have been neglected. One of the neglected areas is the security sector in Sri Lanka. Lack of information in the public sphere, hesitation of people involved in the military and security affairs to share their views in public, especially with researchers, and the very security threats and risks involved in studying the security sector may have deterred substantial analysis of this vital sphere. Now the war has been concluded successfully and since Sri Lanka currently is seeking to transform itself from the prevailing post-war scenario into a peaceful society, the security sector could play a vital role in the intended transformation. In order to make use of the security sector for peacebuilding, a better understanding of the Sri Lankan security sector, the challenges it faced in the past, the current status, and their possibility to reform is imperative.

The fundamental responsibility of securing and protecting the state and the population in Sri Lanka has been conferred on the following institutions: (1) the executive, (2) legislature, (3) the armed forces, and (4) human rights protection mechanisms.

Since independence, Sri Lanka adopted a Westminster style cabinet system where the Prime Minister was required by the Constitution itself to hold the Defence Ministry along with the External affairs responsibilities. The United National Party government that was elected to power by an overwhelming majority in 1977, launching an executive presidential system, introduced a new (second republican) constitution. It is the President who shapes and controls all security policy decisions and direction. In 1978, Sri Lanka adopted a combination of presidential and parliamentary systems for its new political framework. Parliament is still a significant portion of the SSG in Sri Lanka as almost all security sector bodies have been legitimized by the legislations enacted by Parliament. As an institution elected directly by the people, the legislature, theoretically, is considered sovereign and expected to be independent. Parliaments of the 1978 Constitution, however, almost always played a secondary role to the President, allowing him or her to dictate terms. Another key component of the SSG in Sri Lanka is her armed forces. A ceremonial force grew from mere thousands to approximately 200,000 men and women in the early 2000. Today Sri Lankan armed forces comprise of a fully developed Army, a sophisticated Navy and a reasonably well-equipped Air Force in addition to a police force. The armed forces also include several affiliated bodies such as intelligence agencies and possibly secret operations units like the Long Reconnaissance Units. In terms of human rights protection mechanisms, Sri Lanka has three major institutions: (1) the judiciary, (2) the Human Rights Commissions (HRC), and (3) the Ombudsman.

Major pressures on the state stemmed from parochial secondary security sector actors although reformist actors were also in operation. Pressure from parochial actors emanated from three different fronts: (1) the Janatha Vimukthi Peramuna (JVP) insurrection, (2) the
Tamil insurgency and the separatists war, and (3) the Indian military intervention. As the pressure increased, the quality of the SSG deteriorated. For instance, the armed forces expanded dramatically, became less representative, homogenous, entailed weak civilian control, accused of serious human rights violations and grew beyond the total jurisdiction of civilian law, and the politically ambitious. Parliament enacted two important legislatures, which had enormous impact on the SSG: (1) the Emergency Regulations, and (2) the Prevention of Terrorism Act. The legal system and the judiciary, although independent and vibrant on book, have come under severe criticism for corruption, politicization, and inefficiency. Analysts are increasingly calling the system dysfunctional and see it as a reason for Sri Lanka attaining the status of a ‘failed state.’ The other two human rights protection mechanisms, the Office of the Ombudsman, and the HRC have transformed into utter disappointment as they have become completely useless and dysfunctional.

The combined effect of the policies and actions of the core security sector actors in Sri Lanka led to the emergence of a negative SSG, which was a result of the pressures brought in by parochial secondary security sector actors. The pressures however were being removed systematically and efficiently. With the assistance of friendly states, the Sri Lankan government unleashed it’s under prepared and semi-built armed forces against the JVP in 1971 and brought under control the rebellion and the hard-core members of the movement were sentenced with various jail terms. The security threat and pressure from the regional superpower, India, was also removed through collaboration between the LTTE and the Sri Lankan government headed by President Premadasa. He was elected to power in 1989 and without wasting too much time demanded the withdrawal of the Indian Peacekeeping Force. In May 2009, the LTTE leadership including its chief, Velupillai Prapakaran, was killed and more than 10,000 cadres surrendered to the armed forces. The comprehensive defeat of the LTTE to a great extent has removed the pressure from parochial secondary actors on the state.

Pressure also derived from reformist secondary sector actors, especially from donors and the local civil society organizations that were vibrant and involved heavily in peacebuilding and good governance issues. However, pressure from reformist actors, in relation to parochial actors, was extremely weak and hardly had the capacity to alter security policies and attitudes.

The sudden removal of pressure did not automatically shift the prevailing negative SSG into a positive one as threats and threat perceptions still continue to dominate the thinking of core actors. A sustained and coordinated program is needed to shift the negative SSG towards a positive one. This process could be cumbersome and slow. The program should entail several elements. Primary among them is a security sector reform process. However, the concept of SSR has been understood in Sri Lanka as essentially a western idea and a process aimed at weakening the security forces and at least partly due to this mentality, the only one reform initiative introduced during the last peace process failed. As indicated already, the Sri Lankan armed forces are over-sized and spend too much. It is therefore imperative to right size the armed forces and gradually reduce the defence expenditures to suit the real needs. The annual budget should balance defence expenditures with other schemes necessary for social development. Since the current composition of the armed forces is not ethnically representative, new recruitment schemes, if undertaken, should focus on minority communities. Depoliticizing the judiciary and encouraging an independent judicial culture is essential. Strengthening the HRC and the Office of the Ombudsman would certainly reinforce the human aspect of the security culture.
Nepal

Shiva Har Dahal

Nepal, a new member in the club of republic nations in the world, is in the process of transforming to democratic politics. Political actors are negotiating the principles of future state structures and democratic system of governance inside the elected Constituent Assembly, which abolished the monarchy by its first sitting in May 2008. The nation is waiting for a new constitution through the Constituent Assembly with the hope that the new constitution would legitimize the peace agreements, ensure people’s desires for peace and democracy through constitutional provisions as well as design a framework for transfer of power from centre to the grass-root level. Writing the constitution is a process of power transfer and the Constituent Assembly is an avenue where political actors are negotiating their interests based on the principles enshrined in the peace agreements signed by the Government of Nepal with the Communist Party of Nepal (Maoist) and ethnic identity movements. However, the contentious issues outside the Constituent Assembly have blocked the process of writing the new constitution.

At the moment, the process of redesigning security sectors such as governance and the process of power sharing that was vaguely defined in the interim constitution are dominating the political discourse at the moment. Peace agreements have identified, in principle, the need for redesigning security governance and have provisions for ‘democratization of the Nepal Army’, ‘integration and rehabilitation’ of the People’s Liberation Army (PLA), the armed wing of the Maoist, and ‘inclusive structures of security agencies’, but the process of implementation has remained as agendas for further negotiation, which has yet to happen. Meanwhile, the key political actors have consistently positioned themselves stating that they would not allow the new constitution to be promulgated from the Constituent Assembly unless the security agendas have been addressed in advance. In addition, the question of power sharing through the formation of consensus government has become a prime factor blocking the process of peacebuilding and constitution writing. The agenda of consensus government is primarily asserted by the United Communist Party of Nepal (UCPN) and the Maoist, the largest party in the Constituent Assembly that remains opposed.

The negotiation process over the agendas of civilian control and oversight over security forces and the future of the PLA has remained in standstill given the perception of threat among politicians and from neighbours such as India. Therefore, the agenda of designing a framework for democratic governance over the security institutions, which has a combined number over 200,000, has become complex and complicated. The number includes the PLA, but does not include the non-state security actors that are operating in the mid-hills and plain lands of the country and who claim that they are fighting for the security of their identity. Although the United Nations Mission in Nepal (UNMIN) has assisted the task of monitoring the arms and armies for the last few years, the task of control and the oversight of the security forces has become even more challenging, as the legal mechanisms are too weak. The security system developed by the parties in conflict and reinforced during the time of violent conflicts has continued. Security expenditures are increasing every year despite a recent analysis by the University of Oxford that stated that 65% of the population is now living under the poverty line.

The country is facing multi-dimensional problems in the process of writing the new constitution, building peace, and negotiating the framework for the democratic governance over the security sector. In order to break the deadlock in negotiation, this paper recommends the development of a national security policy with the consensus of national political actors and the consent of Nepal’s neighbours. Such a policy would have defined internal and external security threats, facilitated the
task of negotiating the future of the PLA, designed a framework for democratic control of the Nepal Army, and would have been followed by amendments to enact security laws. Nevertheless, justice to the victims of armed conflict is an entry point to begin the process of reforming security sectors and is an integral part of peacebuilding. Significance of security sector governance in conflict management has been contextualized amidst negotiation over future state structures and the system of governance. Analysis of the contents and the processes reflected in this paper are drawn under the presumptions that the country is in the negotiation phase and is attempting to complete the transition to democratic politics. The discussion in this paper implies that the concepts of security, democratic governance of the security sector, human security and national security policy, are new in the political discourse of the country.
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