Country Briefing Note:

The Regional Dimension of Security Sector Reform and

Peace Processes in Southeast Asia

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in Southeast Asia: What Role for Parliaments?

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Introduction

This Briefing Note is prepared in the context of the discussion on Security Sector Reform and Peace Processes in Southeast Asia: What Role for Parliaments? The paper will provide a background on recent and ongoing peace processes in Southeast Asia, examine the relationships between these peace processes and Security Sector Reform (SSR), look at the role of parliamentarians and offer some recommendations.

On 28 April 2014, the United Nations Security Council (UNSC) adopted Resolution 2151 (2014) following a debate in the UNSC on SSR. This is considered a landmark in the UNSC's deliberations on SSR which began in 2007 and perhaps even in the still brief history of the concept and practice of SSR. It reflects the growing consensus that there is obviously a close relationship between SSR, peace processes and post-conflict peacebuilding. This first stand-alone resolution on the issue reaffirms the critical role of SSR in post-conflict environments "… in the consolidation of peace and stability, promoting poverty reduction, rule of law and good governance, extending legitimate State authority, and preventing countries from relapsing into conflict… ". The UNSC also recognised the need for national ownership of SSR processes and resolved to continue to include and prioritise SSR aspects in the mandates of UN peacekeeping operations and special political missions.

Background on Peace Processes in Southeast Asia

The countries of Southeast Asia have generally been able to develop and prosper in a climate of regional peace and stability, largely offered by the increasing maturity of the Association of Southeast Asian Nations (ASEAN). As a regional organisation, ASEAN has succeeded in creating a regional architecture that is acknowledged and subscribed to even by the major powers. Yet, Southeast Asia has recently not been spared from internal armed conflicts occurring in individual countries, in particular in Indonesia, the Philippines, Myanmar, Thailand and Timor Leste.

While the conflict in Timor Leste has been resolved through UN intervention and supervision, some valuable lessons on SSR could be learned from it, including the manner in which the United Nations Transitional Administration in East Timor (UNTAET) handled the state building process and implemented SSR in the newly independent country. Some mistakes were obviously made, especially in dealing with former combatants. This partly resulted in the crisis of 2006 which necessitated the appeal for international military assistance from a number of countries to help restore order in Timor Leste.

In Indonesia, the conflict between the government and the Free Aceh Movement (GAM) ended in August 2005. A successful demobilization, disarmament and reintegration (DDR) process was carried out right at the beginning with support from a joint ASEAN and European Union (EU) monitoring team. Governance structures were quickly established and appropriate legislations were passed by the Indonesian Parliament, including the all-

important Law on the Governing of Aceh (LOGA). Moreover, elections were held and clear roles for the military and police were established. The success in Aceh has also been complemented by SSR efforts at the national level through reform and clearer definition of the roles of the Indonesian armed forces and police within the state structure. Nevertheless, it has been suggested that the SSR process could stall due to possible resistance from some quarters that felt that there was just too much pressure on the security sector to reform itself (Greenlees, 2011).

In the Philippines, the agreement achieved between the government and the Moro Islamic Liberation Front (MILF) has brought about a promise for peace and development in the Bangsamoro areas. The Comprehensive Agreement on the Bangsamoro (CAB) was signed in Manila on 28 March 2014. It marks the culmination of the series of negotiations between the Government of the Philippines (GPH) and MILF, which began in 1997 under the facilitation of Malaysia with support from various other countries and international bodies. The CAB contains annexures and addenda which provide the details of the implementation of transitional arrangements and modalities, of revenue generation and wealth sharing, of power sharing and of normalisation. The process of normalisation would cover security, including elements relating to SSR, socio-economic development and transitional justice. Both sides have committed themselves to ensuring that the process of putting the CAB into effect would be completed by 2016. President Aquino has forwarded the draft Bangsamoro Basic Law to Congress, which would establish the Bangsamoro as a political entity. On 6 November 2014, at the Philippines Development Forum on the Bangsamoro, the President said that the work to ensure the success of the peace process runs parallel with ongoing efforts to eliminate systems that are prone to abuse and to uplift people in the Bangsamoro region even before the Basic Law is passed. Lawmakers are currently busy consulting and holding public hearings on the draft Basic Law.

In Myanmar, the government is engaged in ceasefire negotiations with the major armed ethnic groups in the country as part of a peace process that begun under President Thein Sein in 2011. The objective is to achieve a nationwide ceasefire agreed by all the major armed groups. The process is an important component of the reforms undertaken by the government, which include constitutional amendments and economic liberalisation. The latest round of talks was held in September 2014, with both sides expressing the hope that a breakthrough would be achieved before the elections in 2015. The peace process should lead to an agreement on broader political issues, such as power sharing and the treatment of minorities, and could pave the way for serious SSR efforts in Myanmar.

The peace talks between the government and separatist groups in Southern Thailand, which were facilitated by Malaysia, have practically stalled following the military coup in Thailand. In August 2014, Prime Minister Prayudh Chan-ocha stated that his government would be prepared to embark on fresh talks with a new government negotiator talking to more insurgent groups, with the official backing of Malaysia. In any event, the peace process in

Thailand is still very much at the early stages and exploratory in nature. Malaysia continues to stand ready to assist in future talks.

SSR and Peace Processes in Southeast Asia

In general, the situation in Southeast Asia is quite different from those in other regions experiencing internal conflict. None of the Southeast Asian states are failing or failed states. There are democratic or other governance structures in place when the recent or ongoing conflicts occur and peace is negotiated, except in the case of Timor Leste where new state structures had to be created. Thus, arrangements for SSR would be relatively easier to put into place if they are carefully worked out by taking into account the local political, economic, social and cultural environment and conditions.

For purposes of discussion on the linkage between SSR and peace processes in Southeast Asia in the context of this Workshop, it would be appropriate to focus on the Philippines because a) the peace process has resulted in the signing of a comprehensive peace agreement, b) the process of implementing the provisions of the agreement and related documents are already in motion, and c) both sides have committed to completing the process by signing an Exit Agreement in 2016.

The Annexure on Normalisation is most relevant and crucial to SSR in the context of this particular peace process. In brief, it provides for the following:

1) Three components: security, economic development and transitional justice;
2) A process for the affected communities to return to a peaceful life and pursue sustainable livelihoods through rehabilitation, reconstruction and development of the Bangsamoro;
3) Arrangements for MILF members to lay down their arms and begin the transition to civilian life under the supervision of an Independent Decommissioning Body (IDB); policing functions and activities; redeployment of AFP from or within the conflict areas; and the disbandment of private armed groups; and
4) Redress of unresolved legitimate grievances through the transitional justice mechanisms.

There is provision for a Joint (GPH-MILF) Normalisation Committee to coordinate the normalisation processes and for various joint teams to be formed to deal with the specific steps and measures required.

As in most conflict areas around the world, the Southern Philippine region is not free from the problem of the existence of splinter units and private armed groups. Disbanding them and getting their members to accept and respect the CAB is a major challenge for both GPH and MILF. A bigger challenge would be to get everyone concerned to buy into the agreement and not to work against it.

The agreements achieved under the CAB, being as detailed as they can be, could certainly be used as templates for other similar situations. The other annexures are equally crucial to the successful implementation of the CAB. The Annexure on Power Sharing is also useful for purposes of building upon SSR initiatives that relate to non-police and military functions.

This peace process has obviously taken into account the need to include elements of SSR to be written into the agreement. This could pave the way for broader SSR initiatives, both at the level of the Bangsamoro entity and the country as a whole, with due consideration given to the larger and higher demands of the national security interests of the state.

Leadership, both on the part of the President and the MILF Chairman, has been a crucial factor in the final achievement of the CAB. Trust and confidence between the two sides and between them and the facilitator, stemming from the leadership shown by the principals, are also important factors. That trust had to be patiently built over an extended period. These factors are still required in the current implementation stage: leadership by the President to push through the required legislation, funding and programmes, as well as leadership by the Chairman to get every Bangsamoro faction or group to accept the agreement. Broad support from the international community is also important for the sustainability of the peace process.

Role of Parliamentarians

Parliamentarians have played and would continue to play a role in peace processes in Southeast Asia, albeit in a somewhat limited manner. More often, they are called upon to endorse the agreement achieved after the peace process is successfully concluded. This could partly be explained by the role that parliaments have in the oversight of security issues and functions which are still very much in the hands and under the control of the executive branch of government, unlike in most Western democracies where parliaments have a greater say in such matters and are given adequate resources, including research capabilities and support.

More can indeed be done, and the current exercise in the Philippines where legislators are actively involved in the debate on the draft Bangsamoro Basic Law is a case in point. Parliamentarians can engage in consultations to understand the needs and concerns of their constituents who are directly or indirectly affected by the peace process, including women, children and other vulnerable groups. Parliamentarians can play important oversight and monitoring roles. They can speak up on issues that give rise to conflict, such as in the case of the situation of the Rohingyas in Myanmar.

Parliamentarians can work with their governments and others, including civil society, to help formulate peace proposals and to ensure that SSR elements are embedded in them. They could show more interest by participating in academic or Track Two conferences, seminars and workshops on the related issues.

Parliamentarians can develop knowledge and expertise on peace processes to the extent that they may themselves be called upon to be part of peace negotiations. Those who have sufficient knowledge and expertise on the issues could voluntarily offer these to their own governments or to their parliamentary colleagues whose country is grappling with internal conflict.

Better networking among parliamentarians could help in bringing about greater understanding, better appreciation and deeper concern for issues related to security, conflict resolution, peacekeeping and peacebuilding. The ASEAN Inter-Parliamentary Assembly (AIPO) could be a useful vehicle for this.

Conclusion

UNSC Resolution 2151(2014) may have clarified some of the issues on the agenda of the continuing discourse on SSR among governments, scholars and analysts. But, it will definitely not provide all the answers and solutions. A recent work by Erwin van Veen and Megan Price offers some further insights into the problems associated with the concept and practice of SSR, as well as recommendations for a way forward. (van Veen and Price, 2014).

As reflected in the recent UNSC debate on SSR, clearly there is a need for a close relationship to be established between peace processes and SSR if post-conflict peacebuilding is to succeed, with all local actors and stakeholders being directly and actively involved, including legislators. However, as demonstrated by numerous examples of internal conflict situations, the peacebuilding record has been mixed. People should realise that change should occur from within the country concerned among those who should be responsible for its success or failure, while outsiders could provide the necessary support but should not pretend that they can fix state failure. (Mills, 2014, p.1).

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