

SECURITY SECTOR REFORM IN THE NATIONAL AND REGIONAL CONTEXTS

Regional Seminar for Parliaments from South-East Asia and the Asia-Pacific region
hosted by the National Assembly of the Kingdom of Thailand and organized by the
Inter-Parliamentary Union in cooperation with the
Geneva Centre for the Democratic Control of Armed Forces

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Summary and conclusions by the Rapporteur of the Seminar, Senator Khunying Jintana Sookmark of Thailand

We have met here over the past two days at the invitation of the Thai Parliament to discuss security sector reform and the role of parliament therein. We have heard a number of national experiences and benefited from the participation of delegates and observers from Australia, Bangladesh, Cambodia, China, Indonesia, Lao People's Democratic Republic, Nepal, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand and Viet Nam. This report aims to summarize the rich discussion and sharing of valuable experiences by delegates and experts present, fully aware that it cannot do justice to the wealth of insights generated at the seminar.

1. His Excellency, Mr. Suchon Chaleekure, President of the Senate of Thailand and Acting Speaker of the Parliament of Thailand, noted that globalization had generated dangerous new challenges to security at all social levels. That required continuing security sector reform with particular emphasis on enhancing parliamentary and civil society oversight, as well as inter-parliamentary cooperation through dialogue in order to come to a better understanding of security problems. Furthermore, parliament, as the key link between the government sector and the people, had a crucial role to play in determining the mandate of the security services and in scrutinizing their activities, for example, by its influence on the budget, so that the aims of the security establishment are in accordance with society's priorities. Enhancing the knowledge of parliamentarians and civil society to deal with new security challenges was a critical priority. Promoting an international culture of peace could provide enduring solutions to security, and parliaments could contribute by encouraging the media and social networks to work actively towards achieving that goal.

2. The issue of how to transform the security sector to make it more effective and efficient was raised. Mr. Martin Chungong of the Inter-Parliamentary Union emphasized that the security sector and parliament must see security sector reform as a common objective, which would require a change in attitude of both institutions. For parliaments, one problem was the insufficient knowledge and expertise of many parliamentarians to perform their oversight function effectively in an increasingly complex environment. That might present hurdles in monitoring the security sector

budget, scrutinizing security-related legislation and proposing amendments, as well as handling secrecy laws.

3. Mr. Philipp Fluri of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) stressed that effective parliamentary oversight took time to achieve and that several conditions had to be met before it could be established. There needed to be confidence building and goodwill among the actors in the security sector, and empowerment of parliament and civil society, a process which could be accelerated by international assistance – such as from DCAF – in terms of provision of experts for training, and sharing of international best practices in oversight.

4. The seminar sessions on security concerns covered the main topics on the new thinking and need for a comprehensive approach to security and recognition that it is a shared responsibility. Another key topic covered was “Specific instances of parliamentary challenges in South East Asia and Asia Pacific Regions”. The different sessions were chaired by Dr. Wiboon Shamsheun of Thailand, Mr. Simon Morin of Indonesia, Dr. Javiad Laghari of Pakistan, and Mr. Son Chhay of Cambodia.

5. A wide-ranging and comprehensive presentation was made by Dr. Kriangsak Charoenwongsak, one of the keynote speakers, from Thailand, on the new global paradigm that has gained wide acceptance, the shift from a State-centric view of security to a more human-centric view, the latter recognizing that the world is subjected to threats that directly affect humans even when there was no military conflict. Those threats included transnational crime, pandemics, drug trafficking, environmental degradation, natural disasters, certain activities of hedge funds and multinationals, terrorism, violation of intellectual property rights, and illegal migration. Many threats were inter-connected, fed on each other, and required multi-disciplinary understanding and solutions.

A delegate from Pakistan identified a number of other non-traditional threats, namely: internal political instability, failed States, piracy, the widening gap between the rich and poor countries, minority-majority conflicts, and nuclear accidents. Biological warfare and the competition for hydrocarbon resources by the great powers were also mentioned. Thus, the future security agenda is very broad indeed. He also expressed concern that because these are formidable issues to tackle, many being trans-disciplinary in nature, the security sector might not have the sufficient expertise to find effective solutions, and thus urgent action to correct this capacity problem is needed.

Dr. Kriangsak proposed that new ways to tackle these complex problems must start by clearly defining the meaning of human security and by organizing an internationally-linked database to gather information in order to define the various factors affecting it. A quantitative definition of these factors would be highly beneficial for policy planning and implementation. The aim is to establish a composite human security index. An international centre for human security could be set up to conduct such studies, perform ranking assessments, and forecast future trends in human security. Some innovative long-term measures to help solve these non-traditional security problems include: establishing human security courts, requiring human security impact assessments for public- and private-sector policies, and setting up a compensation system for those who are negatively affected by human security policies.

On the question of the above-mentioned international center, participants suggested that such a centre could be created with the help of the IPU and input from parliaments, the academic world and other stakeholders in the security debate. Dr. Wiboon Shamshuen, Senator of Thailand, proposed that a centre for advanced studies on peace and security be established with input from relevant universities in and outside Thailand that specialize in those subjects and that it be funded by the national budget.

Moreover, the possible contribution by the IPU was referred to several times in establishing a specialized committee structure to implement human security concepts, along with efforts to establish the study centre.

Related to the theme of a broad definition of human security via an index as proposed by Dr. Kriangsak, it was suggested that such an index should include a measure of the vulnerability of women and children due to security actions.

6. A discussion ensued on the question of defining security. A Cambodian delegate stressed that the traditional narrow definition of security is inadequate, and needs to take into account the specific circumstances and problems of countries. In the case of Cambodia, to solve its internal security problem, and given its limited resources, it had adopted a broad security policy of engaging disaffected political elements into a democratic framework to encourage peaceful debate instead of using military-dominated security measures which would encourage armed opposition. The idea of bringing political adversaries into the democratic fold also had an international application in that it could draw conflicting countries into a larger international union, which may as a result foster more responsible State behavior.

A Pakistani delegate added that it was very important to define security before determining security policy direction, taking into account the perspectives of the countries in question. He cited the example of Lebanon, where security as defined by one country led to acts that threatened the security of other countries. Similarly, displaced people attempting to return to their homeland might be seen as a security threat by some and as a democratic struggle by others. It was important to involve the people and parliament in national judgment on what constituted a national security threat.

7. The trend towards a broader, more encompassing approach to security could be seen in the establishment in Thailand of a Ministry of Social Development and Human Security and in Indonesia of a law on the protection of women and children from violence in conflict situations. Indonesia was also in the process of establishing a National Security Council with expanded capacities to deal with threats to human security.

8. An example of a possible collaborative approach by parliaments was cited by a Philippines delegate, who called for the IPU to be the seat of international collaboration in drafting effective national legislation on combating terrorism and compiling lessons learnt in combating terrorism in successful countries.

9. Dr. Panithan Wattanayakorn from Chulalongkorn University and Dr. Choombhon Lertrathakarn from the Thai National Security Council made presentations on case studies on how national security is handled in Thailand. The presentations focused on important developments in the Thai context. The first dealt with the broadening of approaches concerning security, relegating the military - traditionally the preeminent actor in national security - to a less dominant position, as seen in the dramatic reduction of the military budget as a percentage of national budget from 20 % to 6.7 % and its share of GDP from 4% to 1.4 %. In part, that reflected new post-cold war national security issues which tended to be more regional and thus perceived to be requiring less national resources, such as border tensions with Myanmar and as well as the troubles in the southern Muslim provinces. The second issue was the trend towards a general reform of ministries, including security agencies, to make them leaner and more efficient following the economic crisis of 1997. Obstacles to security sector reform include lack of cooperation and support from some agencies, and the current political crisis which has slowed down reform. Parliament could play a critical role in stimulating reform, but its capabilities need to be enhanced through training, which would improve its understanding of new concepts in security in the increasingly complex global context.

10. Also, in the Thai case, external political circumstances and political leadership has impacted on the use of the premier security policy-making body, the Thai National Security Council. Strong-willed governments have applied their own security approaches and have not utilized the expertise of the Council where more democratically-inclined governments have. That had affected the nature of the policy adopted and its consequences. The Thai case showed that military-dominated governments have tended to be somewhat reluctant to utilize available institutions, including parliaments, in national security deliberations. The speaker cited periods of military rule, in which even the National Security Council was effectively by-passed in security policy making, whereas during the periods of civilian rule, for example during the 1974-76 period when the military regime was toppled, the Council and Parliament were consulted more and participated in the new policy of rapprochement with China.

11. Discussion centered on the need, as proposed by an Indonesian delegate, for a regional oversight committee at the South-East or even East Asian level to assist parliamentarians in fact-finding missions before arriving at a position on regional or domestic security issues. That could be helpful in gaining balanced information on transnational threats such as illegal fishing and logging or on domestic troubles such as south Thailand, through tools such as fact-finding missions.

12. Dr. Panithan Wattanayakorn from Thailand raised the point that to engage in security reform, money was needed to develop expertise on how to streamline the security establishment and develop innovative approaches. He cited the case of one country where the military had been allowed to undertake revenue-generating activities to raise such funds, although that would perhaps create its own problems too.

13. Mr. Philipp Fluri stated that the notion that civilians should steer clear of security matters and entrust them to experts had often led to complaints of human rights abuses and corruption by the military and of impunity. Effective civilian oversight was therefore seen as essential. Usually, such oversight began with the establishment of a civilian-led Defence Ministry. It was also important to have a committee in place within parliament to oversee the armed forces with responsibility for deciding, together with military and civilian experts, on national security policy, the budget and the designation of top ranking officers in the military. The Code of Conduct of the Organization for Security and Cooperation in Europe contained a blueprint for civil-military relations. Mr. Fluri suggested that the Asia-Pacific region might also want to develop its own blueprint and offered the assistance of DCAF in helping countries to put such an instrument into practice.

14. A recurring theme in the seminar, raised by participants, was the need to build the capacity of parliaments so they can effectively play their oversight role, and in that regard, the IPU was asked to do more to boost their oversight capacity.

15. Mr. Robert Karniol of Jane's Defence Weekly discussed the role of civil society and the media in the security debate, saying that while all stakeholders in the debate served the public interest, the media was more of a resource than a partner which the authorities should make use of. Therefore, it was crucial that the authorities spoke to the media, being a key channel through which they could explain their policies and justify their expenditures. In its specific role, some of the most important work produced by the press, which often was based more on a moral rather than on a legal imperative, was when it assumed something of an adversarial posture towards the prevailing policy and its implementation. For all stakeholders, specialized knowledge was essential to be effective in the field of security reform. Access to information legislation could be helpful in that regard, but was often absent in many countries.

16. Dr. Jay-Kun Yoo, a member of the National Defence Committee, a member of the National Assembly of the Republic of Korea, and delegate from the Republic of Korea, shared his country's

experience on efforts made to attain transparency and accountability in the defence budget. An Online Defence Supply System, otherwise known as the “D2B” has been created. It was an integrated procurement system which made it possible for all branches of the armed forces to share necessary information on-line, in the interest of saving time and money. As a complement, the Defence Procurement Act was passed, defining the role of the Defence Acquisition Programme Administration and the agency authorized to supervise that administration. The National Assembly’s budgetary process had also been designed to enhance parliament’s financial authority as well as ensure transparency and accountability in the management of budgets. Transparency was further ensured through the deliberations of the National Defence Committee and the Special Committee on Budget and Accounts. The Korean National Assembly was supported in its deliberations by professional experts on financial affairs and had the authority to audit and inspect the Ministry of National Defence to ensure accountability in the defence budget. It also made public through television broadcasts, the Internet and stenographic records, the processes of legislation, budget deliberation and the inspection of government offices. All of that had been done with a view to formulating national financial policies by the people and for the people, with the ultimate goal of “financial democracy”. Dr. Yoo added that in Korea, accountability and transparency were further enhanced through the setting up of one centralized procurement agency, in contrast to eight agencies previously. That initiative had built confidence in the system.

17. Mr. Alan Ferguson, Chairman of the Australian Joint Committee on Foreign Affairs, Defence and Trade, presented the Australian experience on the relationship between civil liberties and security. Parliamentary democracies had had a good record of providing safety and stability through the safety valve of open debate on contentious issues, compromise in response to criticism and the constant monitoring of government policy and practice, which were available in a free society and a vigorous parliament. In the Australian context, there was strict parliamentary oversight of military expenditures and in times of increasing security threats, in particular terrorism, the onus on its oversight committees had become particularly important in maintaining the core values of openness, fairness and integrity in government. The government had passed counter terrorism and border security legislation and increased the resources for and the size of intelligence agencies as well as the defence and police forces. The Joint Standing Committee on Foreign Affairs, Defence and Trade, and the Joint Parliamentary Committee on Intelligence and Security exercised strict oversight in that regard and provided a forum of debate, including when concerns existed that some legal provisions had unduly curtailed civil liberties, by organizing public hearings and minority group representations.

18. The growing problem of transnational crime was addressed by Mr. Philipp Fluri, who said that there had been changes in the way transnational crime occurred. In contrast to conventional crimes of the past, present day transnational crime took on the form of corporate businesses, with investment and re-investment, illegal activities alongside legitimate enterprises and sometimes even disguised as humanitarian work. Organized crime found a safe haven in situations of inadequate control and countries where public order had broken down. Parliamentarians could address that issue by initially harnessing political will and drawing public opinion against transnational crime. Obtaining objective information about the relationship between organized crime within the country and transnational crime was essential in order for laws to be drafted to deal with that problem. Mr. Fluri further suggested that the capacity of the police force needed to be enhanced to tackle the many law enforcement problems and, in that effort, parliament could offer its assistance by assuming its oversight and guidance functions for activities such as training and information exchange.

A Philippines delegate also proposed that parliamentarians establish bilateral or multilateral oversight committees to oversee and assist in combating transnational crime. Mr. Fluri noted that in addition to law enforcement agency cooperation at the multilateral level, which was already in place, such parliamentary committees or working groups could be established to provide additional support to matters in which parliaments have expertise.

It was also noted that there was a growing trend towards an unholy alliance between drug-traffickers and terrorists, or "narco-terrorism" and the security sector must design measures to fight that problem.

19. Mr. Thomas Quiggin, Senior Fellow, Centre of Excellence for National Security, Institute of Defence and Strategic Studies in Singapore, said that contemporary terrorist groups operated beyond the confines of their organization and national boundaries. They used the Internet and open source information to recruit and radicalize warriors and as a channel to finance their operations. The mainstreaming of intelligence and organizational fluidity are important factors contributing to the success of anti-terrorism efforts. Mr. Quiggin commented that militarization of the situation would not provide a solution since terrorism was a methodology of the weak and therefore resorted to non-conventional means in their struggle.

One Indonesian delegate emphasized that parliaments should make efforts to ensure that security forces did not engage in the counter-productive policy of extra-judicial killings in their operations against terrorists. Military force was ineffective against terrorism because the real fight was that of winning the hearts and minds of people, both of terrorists and those harbouring them. Participants also called for the identification of the root causes of terrorism, the factors that encouraged people to become terrorists — which usually included suffering, oppression, and injustice - and for offering alternatives for them to become part of mainstream society. Another aspect of this non-military approach to security was for parliaments to encourage public dialogue between radical and moderate factions of religious movements, so-called "interfaith dialogues", as a way of empowering moderate factions and tempering the ideological rigidity of the radicals.

Mr. Quiggly added, on the point of root causes, that if one examined the writings of Osa Bin Laden and others, they mentioned the themes of oppression and corruption of their governments, first and foremost, and then the "far enemy", governments with whom they were allied and condoned such acts. While superpowers and great powers did contribute to the problem by fuelling the fire of international terrorism, the source remained local and needed to be addressed first.

Mr. Quiggly expressed concern that currently, terrorism had become a very cheap practice. It was estimated that the 11 September operation had cost under one million dollars, while the London bombings had cost less than £ 10,000. Technology was getting better and cheaper so financing was less likely to be a problem for future terrorists. Much of the fund-raising for recent terrorist acts had been done locally via low-level crime activities such as car theft, fraud, and bank and credit card theft. There was a body of evidence to suggest that there was a decentralized network of like-minded terrorists loosely operating in tandem, with perhaps guidance from a center. That posed a great challenge for the security sector and for parliaments.

Mr. Ferguson emphasized the importance of sharing intelligence internationally among the national intelligence agencies to better cope with transnational threats, but raised the problem of reliability and accuracy of intelligence and subsequent analysis shared by counterpart agencies. A methodology for guaranteeing reliability was needed.

20. Mr. Amitav Acharya, Professor and Deputy Director of the Institute of Defence and Strategic Studies in Singapore voiced his concern that the security architecture of Asia was outdated and ill-suited to deal with the most pressing security needs of the region. A new kind of threat was emerging where dangers were transnational while there was a mismatch of systems to cope with that developing trend. Conventional tools for addressing those concerns such as traditional State alliances had not been designed to address present-day security demands. Parliamentarians could help respond to the new security environment, by becoming involved in the establishment of regional institutions to cope with such dangers, legislating enabling laws, and aligning international human rights norms and standards on the conduct of security forces with their own domestic laws.

One delegate from China proposed that the United Nations Charter be applied to the handling of all conflicts, that peaceful means be used to resolve conflicts, that a new security concept based on mutual trust, consultation and cooperation be established, that coordinated social and economic development be undertaken, and that dialogue and cooperation on non-conventional security issues such as terrorism be established.

Another participant added that any new security architecture risked overlooking one problem faced in many countries where terrorism thrived. the problem of “structural violence” by government and State. Until the system is revamped, disaffected elements such as religious minorities and indigenous communities inter alia will continue to stand against the State.

20. Dr. Helmayoun Alizadeh, Regional Representative of the Office of the United Nations High Commissioner for Human Rights for South-East Asia, articulated his organization’s approach to the critical question of human rights, often abused during security operations, thus generating a cycle of retaliation and subsequent suppression. While it was true that States had a duty to protect their nationals and other individuals against terrorist attacks and to bring perpetrators to justice - a responsibility which rested primarily with the police, security and army personnel, security forces should not commit human rights violations, for fear of stoking the flames of hatred and generating wider support for terrorists. Such violations could occur in cases where those suspected of supporting terrorists were arrested, detainees were interrogated, and demonstrations took place. The human rights of those persons must also be respected, both as a matter of principle and also as a way of gaining the respect and confidence of the populace in the security forces, which will make the work of the latter more effective.

Thus, police, security and army personnel must have knowledge of the current state of their human rights approach before engaging in education and development. In addition, monitoring mechanisms should be set up within the ministries of defence, the interior and security that can follow up on reported cases of human rights violations .

The UNHCR had a significant role to play in security sector reform in the area of human rights training for police, security and army personnel. The United Nations system had a training infrastructure of security forces personnel in place and available to States and other security stakeholders, including parliamentarians. For the latter, training could be provided in the areas of conformity between international human rights principles and democratic legislation, and national legal instruments and procedures on the protection of human rights. For the security forces, provision of information on international human rights standards relevant to the work of the police, security and army personnel, reinforcement of security forces’ respect for and faith in human dignity and fundamental human rights, inter alia, are but a few areas of capacity-building offered.

21. Dr. Surin Pitsuawan, former Thai member of parliament and former Thai foreign minister, said that the current global environment demanded a transformation in the role of the security forces and a change in the nature of parliamentary oversight. Globalization, with its attendant rapid international interaction, communication and transportation had resulted in a more interconnected and interdependent world. Security threats, regardless of their origin, had become common threats, as the recent SARS pandemic had demonstrated. Conflicts in any given part of the world had an impact everywhere, in a context of a globalizing, integrating and, more importantly, democratizing world. In addition, security forces and parliaments had to work under new and emerging global value imperatives of heightened respect for human rights and dignity and a new concept of human security. Parliaments were therefore entrusted with the additional task of not just overseeing security sector budgets , but also of ensuring that those new value dimensions were mainstreamed into the security sector mindset and operations, to become in tune with a world that was moving more towards the idea of enhancement and protection of human security rather than merely of State security.

Parliaments, as civilian representatives of the people, can help reform the mindset, value system, and attitudes of the security forces, to ensure that they uphold the principle of protecting human rights and dignity in their operations, which will lead to greater effectiveness in the long run. That could be done by overseeing and ensuring that the curriculum and training of the police and armed forces academies include such topics, and that they become aware of international humanitarian views, instruments, and regimes that are now becoming universal.

Dr. Surin also said that the current global conflict landscape was increasingly moving towards “wars within States” and perhaps away from “wars between States”. Given our interdependent world and our increasing adherence to global civil values, nations have recently involved themselves in many overseas conflict situations, for example, in peace-keeping missions, mainly to restore peace, protect human rights and other civil values. The aim is to perform a responsible international civic duty. Thus, the above-mentioned training will equip the security forces to perform their overseas security assignments in compliance with international human rights standards and regulations and other civil values.

22. Participants discussed the practical question of how the international community of parliaments could take the initiative of enhancing the capacity of the security sector, parliament, and other stakeholders in society so that they could operate successfully under those new global imperatives. There was a consensus on Dr. Wiboon Shamsuen’s idea of establishing a study centre on security and peace in the various countries in the region, and perhaps also at the regional and global levels, offering research, education and training programmes for key actors. He proposed that the research topics and curricula could be jointly developed by the countries participating in the centre’ network. Activities would support the concept of human security. For example, education could focus on democracy-building, human rights, education to develop core values such as love of human beings, selfless service, and interreligious dialogue. Research and seminar topics could focus on the plethora of security threats both current and emerging as identified at the seminar, and on determining the root causes that go beyond what is typically articulated in the traditional national security paradigm.

One delegate from Nepal suggested that in view of the fact that past security operations in many conflict situations had taken such a heavy toll on innocent civilians, it would be useful to accumulate knowledge and analysis on past mistakes made by security forces, in the interest of reforming future conduct. Another delegate from Nepal said that it was necessary to generate more discussion on how parliaments could solve the problem of human rights education among the security forces. It could be easier for parliaments to assist in developing such education in a democratic polity but very difficult in an authoritarian system. That issue of harm caused to innocent civilians, in particularly to women and children, was a recurring cause for concern among seminar participants.

One delegate from Pakistan suggested that one way to cope with security threats was to broaden the agenda for reform by mainstreaming a constitutional approach to be pursued by parliaments. In other words, look deeper into the factors behind insecurity and eradicate them. That could be done by including constitutional provisions that guarantee certain rights which are fundamental to the solving of security problems, the result being that those enshrined rights would then form the legal basis of a State-sanctioned human security policy. Rights guaranteed in the constitution should include the right to education, health, employment, housing, and clothing. The justification was that if those rights were not seriously upheld, the poor and illiterate would remain a fertile breeding ground for recruiting terrorists.

23. Regarding the new security environment, one delegate from Indonesia said that currently, there were two kinds of human rights violations: violations committed by the State against the people or communities; and violations of communities attacking other communities. Thus, security reform must deal with those two situations, and efforts must include developing a sort of code of

social conduct to help protect groups, in particular minorities, in the event that security sector reform was not forthcoming.

One participant reiterated the idea of educating not just security personnel and parliamentarians but also citizens in general if nations were to cope with both exceptional threats and conventional ones, and if societies were to participate in effective oversight. The Cambodian delegate explained that in Cambodia, human rights education had been mainstreamed into the curriculum of primary and secondary schools, in light of the country's horrific experience. Dr. Surin suggested the education of human rights lawyers as one imperative. Education of the younger generation aimed at their overall empowerment - intellectual and moral - so that they themselves could in future be defenders of their own security, is another imperative. Thus, participants subscribed to the view that the security sector reform agenda must include reform to develop a strong and lasting society, to enable it to cope with situations where security sector reform was inadequate.