



REPORT

8th Workshop of the Inter-Parliamentary Forum on Security Sector Governance (IPF-SSG) in Southeast Asia

Towards an ASEAN Political Security Community: What Role for Parliaments?



in cooperation with the Friedrich-Ebert-Stiftung (FES) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF)

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1. Background

In 2007, the ASEAN Heads of States adopted the Bali Concord II, which envisions the establishment of an ASEAN Community with the aim of reinforcing ASEAN's role as the driving force behind the region's evolving security architecture. The ASEAN Community consists of three pillars, namely the ASEAN Political-Security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC). Drafted by national ministers and officials, the APSC Blueprint sets out the principles, which provide a roadmap and timetable to establish the APSC by 2015. The APSC is the element of the agreement that has drawn the most attention from inside and outside of ASEAN, and a new debate has opened about its implication for the security architecture of the Association as the whole and of its individual members.

The purpose of the APSC is to promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for, promotion and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter. On this basis, ASEAN member states can pursue closer cooperation to shape shared norms and create common mechanisms to achieve ASEAN's goals and objectives in the political and security fields, and to promote a people-oriented ASEAN.

The APSC shall be shaped by the following three key characteristics:

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

In this context, the eighth workshop of the Inter-Parliamentary Forum on Security Sector Governance (IPF-SSG) aimed at exploring the progress made and challenges to the realisation of the APSC. Furthermore, it sought to discuss the relevance of the APSC for security sector governance (SSG) in ASEAN member states, the role of national parliaments in supporting the implementation of the APSC as well as the development of a regional SSG agenda within the APSC framework. At the same time, the workshop also aimed to learn more about the role and activities of the ASEAN Inter-Parliamentary-Assembly (AIPA), particularly in areas relevant to security sector governance. The workshop further provided an opportunity to explore closer collaboration between AIPA and the IPF-SSG, especially in supporting the implementation of the APSC and the development of regional perspectives on issues related to SSG. In this regard, the workshop built on previous fora, which focused on national security issues such as national security policy reviews, defence budgeting and procurement as well as governance and reform of the police.

2. Keynote Speech: Indonesia and the importance of the APSC

In his keynote speech, the Director General for ASEAN Cooperation of Indonesia's Ministry of Foreign Affairs, Mr. Djauhari Oratmangun, stressed the implementation of the APSC Blueprint as a priority for Indonesia's ASEAN Chairmanship in the year 2011. He pointed out that Indonesia has always incorporated ASEAN perspectives into her foreign policy. Having been a keen advocate of stronger ASEAN integration since its foundation, the Indonesian

government sees the creation of the ASEAN Community as an important goal, and therefore the establishment of the APSC is considered a priority. Noting that ASEAN still faces various challenges while working towards the creation of the APSC by 2015, he also observed that member states have different levels of capacity to execute the action plan as set out in the Blueprint.

Mr. Oratmangun emphasized the urgency of fulfilling existing commitments in order to build a strong foundation for the APSC. In her capacity as ASEAN Chair next year, Indonesia will work to enhance the capacity of ASEAN member states to advance existing initiatives in line with the implementation of the Blueprint. The ASEAN Security Outlook, the ASEAN Inter-Governmental Commission on Human Rights, the ASEAN Maritime Forum, and the ASEAN Convention on Counter Terrorism among others were mentioned as significant processes to facilitate the successful realization of the Blueprint.

Some participants from the plenum highlighted the necessity to bring ASEAN closer to the people as there is a widespread perception of ASEAN processes being more state- than people-centred. Governments in most member countries do not adequately inform their parliaments about their policies on ASEAN-related issues. The speaker agreed that stronger interaction between the executive and parliamentarians is of high importance. He reiterated that Indonesia would encourage all national parliaments to monitor the implementation process of the APSC in their respective countries.

3. Plenary Session One: Current Challenges to Implementing the Blueprint of the ASEAN Political-Security Community (APSC)

This plenary session further considered the relevance, goals, and current status of the APSC, as well as whether it provides potential entry points to improving SSG. Three experts representing the ASEAN Secretariat, a university and a think-tank shared their perspectives with the participants.

According to Mr. *Termsak Chalermphanupap*, Director for Political and Security Cooperation of the ASEAN Secretariat, the APSC Blueprint reflects the objectives of individual governments at the national level and all goals stated in the Blueprint must be given equal importance since they all obtained the consent of all ASEAN governments. However to-date, there is no coherent system for qualitative monitoring of the implementation process of the APSC, beyond the updates issued every six months by the ASEAN Secretariat via its status report.

Currently, there are a number of challenges to the implementation process of the APSC. Firstly, activities stated in the blueprint are not sufficiently internalized into respective national development plans. Secondly, there are numerous parallel activities, but a lack of effective cross-sectoral coordination and collaboration. A third challenge is the strong dependence on external financing and the lack of dedicated budgets to implement certain strategies more swiftly. A further challenge includes the balancing of national interests and sovereignty versus shared regional commitments and collective responsibility. Last but not least, ASEAN's top-down approach has not generated public interest nor earned general public support across the region as yet. Mr. Chalermphanupap argued for a stronger engagement of parliamentarians in including Blueprint commitments on the agenda of executives. Members of parliament could engage further in ASEAN processes by putting security-related issues on the agenda such as the combat of corruption, promotion of a people-

centred ASEAN through constructive engagement with civil society, maritime security cooperation, conflict prevention, and non-traditional security issues. In Mr. Chalermphanupap's opinion the AIPA could serve as an entry point for parliamentarians to enhance their role in the ASEAN process. He further advocated for stronger working relations between AIPA and ASEAN, whose secretariats are both conveniently located in Jakarta.

The Executive Director of the ASEAN Institute for Strategic and Development Studies in the Philippines, Mr. *Herman Kraft*, asserted that the regional association has been trying to promote normative structures for a long time, although general awareness for this aspiration has only risen recently. He argued that the principles outlined in the APSC Blueprint reflect the normative and institutional commitment of ASEAN and its members to the concept of comprehensive security. The most urgent goal of the Blueprint, in his opinion, is then to increase cooperation among different security stakeholders, such as police, military, security forces, intelligent services and oversight bodies. An entry point for improving SSG could then be the convergence of normative aspects of the APSC Blueprint. Here, the Blueprint could serve as a platform to introduce SSG and security sector reform (SSR) into ASEAN and to promote standards of cooperation in order to minimize human rights violations and the use of force. The Blueprint provides the necessary action plans in this regard and is a guide for relevant actors. As an example, the ASEAN Defence Ministers Meeting (ADMM) took concrete action on this agenda in adopting three concept papers in 2009. The first paper deals with the use of ASEAN military capacities in humanitarian assistance and disaster relief and defines levels of capacity and standards. The second paper considers the possibility of ADMM Plus. The third paper focuses on defence establishments, civil society consultation and cooperation on non-traditional security. The realization of the concept papers is to be observed.

According to the Vice-Dean of the University of Indonesia, Mr. *Edy Prasetyono*, the APSC should enhance political cooperation, security cooperation and establish ASEAN as a political power. Therefore, the APSC Blueprint is a highly relevant document as it reflects the political commitment of all member states and provides a roadmap, yet in building a strong foundation for the APSC, all governments need to set priorities. Their actions should seek to raise awareness and create an ASEAN identity. People's ownership and engagement in regional processes can be fostered through greater involvement of civil society and the lack of opportunities for civil society involvement so far has thus been a source of criticism, which needs to be addressed if ASEAN wants to promote wider public ownership of regional processes. Finally, ASEAN should seriously explore approaches to address the rise of intra-state conflicts that impact inter-state relations. In the speaker's opinion, dialogue between security actors, civil society representatives and academics is necessary to promote mutual understanding and exchange of information. To achieve this universities across ASEAN could establish a regional network to promote programs on peace, human rights and democracy education, while members of parliament could obtain information on relevant ASEAN agreements and discuss them in parliamentary sessions.

Answering a question regarding follow-up and monitoring mechanisms, a panellist acknowledged that impact assessment indicators are very difficult to obtain. The APSC Blueprint is considered as a good document for members of parliament to challenge executives on their commitment. From a critical perspective, the setting of benchmarks and standards is a result of political negotiation, and ASEAN is very well

known for seeking the lowest common denominator in such processes. However, a track-2 review on the status of implementation of the APSC Blueprint next year could chart some benchmarks for assessment. Some pointed out that the different levels of democratic maturity among ASEAN members could be an obstacle for a strong ASEAN Community.

4. Moderated Dialogue: How Relevant is the APSC for Security Sector Governance

In the moderated dialogue, the panellists discussed the relevance of the APSC for security sector governance from national perspectives. All five country-specific sessions showed that security sector governance and the process of security sector reform differ widely by country. The level of parliamentary and civil society involvement also varies. One common feature was the weak awareness of the APSC and its Blueprint in all countries concerned as well as the fact that structural challenges in individual countries hinder effective enforcement of commitments to the APSC at the national level.

In *Indonesia*, SSG norms are well established, though operational implementation remains low. In Indonesia, the military-“self-reform” is ongoing; and civil society organizations play a pro-active role in advocating SSR. While the APSC Blueprint does not mention SSG explicitly, but it does provide a potential framework for SSG in the form of the norms and values it outlines.

In *Malaysia*, the definition of national security is still interpreted in a very broad sense and at times misused. The ruling elite has centralized power over the security sector, while at the same time the seemingly weak role of parliament hampers a sound exercise of checks and balances in public discourse. Participants questioned the compatibility of the APSC with the Internal Security Act (ISA), which allows the state to detain suspects without trial. However, it was mentioned that this Act is currently under review and only used very rarely as it tends to draw too much criticism to the government.

The newly elected President of the *Philippines* was said to display keen interest in SSR issues. The SSR discourse in the Philippines is closely linked to issues such as justice, corruption, transparency, economic development, and poverty eradication. The voices of civil society are regarded as highly important. However, there are calls for more engagement and networking to champion SSR and the Philippine government will publish the defence white paper shortly, which will outline the long-term security policies of the country. The Philippines still faces major challenges in terms of SSG with military officials often engaged in politics instead of detached professionalism, as well as a mission-oriented rather than a strategic approach to military budgeting. Moreover the security sector in the Philippines is not restricted in a traditional sense to the military and police but also includes political actors, clans, and private armies, as was particularly reflected in the mass killing related to recent elections.

In *Thailand*, the APSC Blueprint is not well known either among academics or within the security sector and ASEAN does not appear to be among the top priorities of all stakeholders. This is illustrated by the fact that some parties requested mediation from the United Nations instead of ASEAN during the recent political crisis. This violence showed that the role and contribution of academics should be increased, e.g. by putting the issue of SSG on the agenda and convincing security

actors of its importance. In order to increase awareness of the APSC and the process of SSR, both the military and civil society should be brought to one table for a comprehensive exchange.

The notion of ASEAN in general and the ASPC in particular is widely ignored in Cambodia, the association's youngest member. Parliamentarians are generally not well informed on the ASPC and the majority of them are unaware of security policy as subject of parliamentary debate and oversight. To many parliamentarians, security still refers only to crime or border conflict.

In the following session participants were given the opportunity to come together in smaller focus groups to discuss central questions relating to implementation of the APSC Blueprint in each national context. In particular participants were asked to reflect on the role of parliaments in achieving the goals set out in the APSC Blueprint and obstacles that hinder this process with regard to SSG. Among the challenges identified across cases, some prominent themes include a lack of understanding about the significance of the APSC Blueprint and the low priority it is assigned in national policy making; a need for wider dialogue on the principles of the APSC and ASEAN and SSG in general; as well as the importance of ensuring the parliament is empowered to provide adequate checks and balances. The session culminated in the formulation of a number of country-specific actions that could be taken to overcome the challenges parliamentarians face in each context (see Annex to this report for a detailed overview of challenges identified and recommendations).

5. Keynote Address: The Role of the ASEAN Inter-Parliamentary Assembly (AIPA)

The ASEAN Inter-Parliamentary Assembly (AIPA) is a regional parliamentary organization originally formed in 1977. Its members include all national parliaments from ASEAN member states except for Myanmar. The vision of AIPA is to promote solidarity, understanding, cooperation and close relations among its core members and partners with official observer status. Moreover, AIPA aims at facilitating the achievement of the goals of ASEAN, and prominently the realization of the ASEAN Community, through exchange and consultation with the ASEAN Secretariat. In terms of organizational structure, AIPA consists of the General Assembly, the Presidency, the Executive Committee, the Committees, the Secretary General and the National Secretariats. The General Assembly is the policy-making body of AIPA and convenes once a year at alternating locations. Resolutions adopted by the General Assembly are disseminated to the national parliaments and governments for possible implementation.

One of the aims of this workshop was to introduce AIPA and its activities to the participants of the IPF-SSG in order to explore possible future collaboration between AIPA and the IPF-SSG. In his speech, the Secretary General of AIPA, Mr. Antonio Cuenco, emphasized the promise of new direct dialogue and cooperation at the highest political level between the legislative and executive leaders of ASEAN. In 2009, leaders from both sides signed an agreement, which will enable AIPA to enhance its parliamentary inputs and recommendations in the drafting of ASEAN agreements on political and security matters through regular informal meetings. The enhanced relations with ASEAN will allow AIPA parliamentary members to assist in the implementation of the APSC Blueprint through the adoption of relevant

resolutions and the promulgation of national legislation in conformity with the Blueprint.

According to the Secretary General, regional cooperation on security matters is imperative. Despite different political systems and democratic developments, all ASEAN member states face common security challenges such as poverty, transnational crime, drugs and human trafficking, and terrorism. The Blueprint for the APSC is the culmination of several decades of ASEAN cooperation. The Secretary General called on all parliamentarians to contribute in realizing the action points of the APSC agenda. In this regard, AIPA aims at establishing mechanisms of cooperation and information exchange between ASEAN and AIPA and the national parliaments. AIPA will make legislative proposals, provide expertise, and establish strategic programs for the strengthening of rule of law and legal infrastructure among other issues. Finally, the speaker welcomed the opportunity to engage with the IPF-SSG and encouraged side-meetings with IPF-SSG members during the general assembly of AIPA.

6. Progress since the 7th IPF-SSG on “Police Reform and the Role of Parliament”: A Short Review of Davao

The focus of the 7th workshop of the IPF-SSG in May in Davao¹ was the reform of the police and the associated role of parliament. During group discussions, stakeholders from individual countries explored approaches to improve the role of parliaments in police reform processes and came up with country-specific recommendations. In this session participants from the previous workshop reviewed progress (i.e. ideas, actions or events) in Cambodia, Thailand and the Philippines that resulted from the action plans drafted by the respective country delegations.

In accordance with their action plan, the delegation from *Cambodia* held several public hearings on police reform including participants from civil society organizations, the government human rights commission and the parliament. A meeting between the police department and the parliament was carried out to discuss the necessity of reforming the police law. Currently, the police are still subject to ministerial regulation. A police law shall be drafted in order to provide for better governance, more transparency and to prevent politicization and political interference. A positive development was the setting up of a hotline number for the police to take public complaints. Overall, Cambodia still has a long way to go to achieving reform not only of the police, but the entire judicial system.

Following their action plan in Davao, the delegation from *Thailand* established an advocacy group to campaign on police reform. Members of the group are senior officials from the Ministry of Justice and representatives from the Senate, civil society, academia, and the media. The group leader is a lawyer and former attorney general. So far, the group has convened several times, yet without carrying out any prominent activities. The group plans to review past reforms, identify new objectives and propose draft legislation to parliament.

The delegation from the *Philippines* had a similar idea of forming a multi-sectoral working group, composed of parliamentarians, representatives of the police and civil society. The group aims to review existing laws, involve media and civil

¹ The comprehensive report of the 7th IPF-SSG in Davao can be found at http://www.ipf-ssg-sea.net/7th_WS/Report_7th_Police_final.pdf

society in police reform, strengthen parliamentary oversight and conduct policy research. The newly elected president has appointed a regular participant of the IPF-SSG and core member of the Philippine SSG Study Group as presidential advisor on security issues. Hence, there is hope that the new government will show greater dedication to security sector reform initiatives.

7. The Way Ahead

The aspirations in the APSC Blueprint reflect the normative and institutional commitment of ASEAN and its members to the framework of comprehensive security. These commitments will further the debate on what constitutes security, and how the role of those traditional security institutions will be impacted in the future. In this context, the workshop has explored various challenges and identified entry points for parliamentarians and other non-governmental actors to contribute to the enforcement of the APSC. All member states have ratified the ASEAN Charter and thus the APSC Blueprint. However, the level of public recognition across the region remains low. The diverse political, economic and social contexts in the different member states and the lack of direct implementing power of ASEAN pose a challenge to the implementation of regional SSR according to the normative framework of the APSC Blueprint. The discussions reflected a general view that ASEAN needs to strengthen its capacity to make its members more responsive to the commitments stated in the Blueprint. Parliaments in all member countries need to be more empowered in order to be able to better exercise their oversight function. Furthermore, mechanisms shall be explored for a closer collaboration between the national parliaments and AIPA as well as with other institutions such as AICHR on the topic of SSG. Last but not least, there is an agreement among the participants that the cause of building a strong ASEAN Community can only advance if all relevant stakeholders are committed and involved.

The next IPF-SSG will look at the justice pillar of SSG (venue and date to be announced).