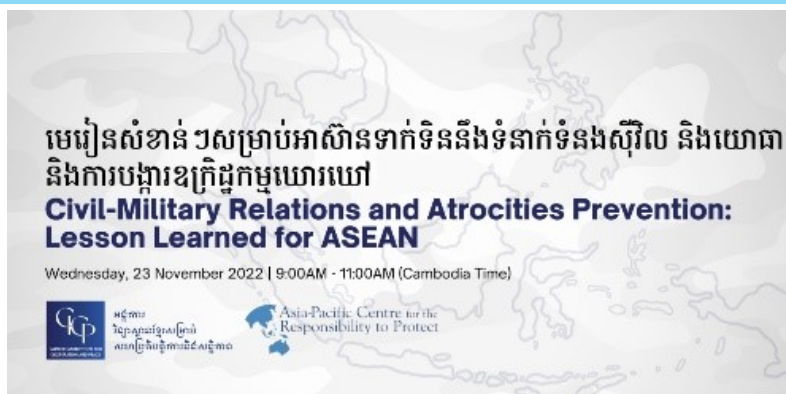


## SPOTLIGHT Cambodia



### Capacity Building Workshop on “Lessons Learned for ASEAN regarding Civil-Military Relations and Atrocities Prevention”

On 23 November 2022, from 9:00am-11:00am (Cambodia Time), the Cambodian Institute for Cooperation and Peace (CICP) organized a capacity building workshop on “Lessons Learned for ASEAN regarding Civil-Military Relations and Atrocities Prevention”. The event was supported by the Asia Pacific Centre for the Responsibility to Protect (APR2P). The dialogue was conducted in a hybrid format. There were about 20 active members of Friends to R2P-Cambodia Network joining the dialogue at CICP Office. There were 90 online attendees joining us online via ZOOM from various countries and regions.

The workshop aimed to examine key lessons that ASEAN can learn from current civil-military relations and atrocities prevention efforts in Southeast Asia by reflecting on on-going ASEAN civil-military relations (CMR) dilemmas and atrocities, especially the Myanmar crisis resulting from the Tatmadaw (Myanmar military) coup of 1 February 2021. The workshop also discussed the implications of the region’s civil-military relations, its lukewarm commitment to R2P (Responsibility to Protect) as well as the role of the military in 21st century state-building efforts. The event focused on the relevance of security

sector reform (SSR) in countries in crises such as those in Myanmar and examined if any positive experiences in place in the region can be promoted in Myanmar and other ASEAN countries.

Dr. Paul Chambers, Special Advisor for International Affairs, Center for ASEAN Community Studies, Naresuan University was invited to discuss the topic above. The talk was moderated by Amb. Pou Sothirak, Executive Director of CICP.

#### Workshop Summary

Amb. Pou Sothirak opened the workshop by welcoming and thanking to Dr. Paul Chambers and all participants joining in-person and online for attending this event. He then expressed his appreciation to APR2P for the valuable support in making this capacity building workshop possible. APR2P has been CICP’s excellent partner supporting CICP since 2013 and together we have undertaken various important activities to promote the norm of the Responsibility to Protect (R2P) in Cambodia and beyond. CICP is particularly pleased that we are able to count on APR2P to conduct this capacity training to enhance the understanding of our members of Friends of R2P – Cambodia in

order to raise awareness of the need to promote R2P and atrocity preventions for the greater good of Southeast Asia region, especially in the case of crisis in Myanmar.

Amb. Pou provided context for the workshop. The workshop seeks to reaffirm ASEAN’s commitment to R2P and SSR. R2P itself is an international norm which strives to guarantee that the international community will never again fail to stop the four mass atrocity crimes of genocide, war crimes, crimes against humanity, and ethnic cleansing. R2P was unanimously adopted in 2005 at the United Nations World Summit. SSR, on the other hand, is a policy-oriented approach which generally seeks to bolster the streamlining, demobilization and downsizing of security forces; improving their efficiency; enhancing professionalism; increasing transparency; reducing corruption; improving the justice sector; monitoring non-state security providers; diminishing human rights abuses; and enacting legislation toward these objectives among other goals. In many ways, SSR is thus a part of the human security agenda. SSR promotes the strengthening of (elected) civilian control over the military based upon the conviction that the aforemen-

tioned objectives are more likely to be accountably implemented under a democracy.

SSR connects with R2P since both promote human welfare: SSR seeks to undermine any legal impunity enjoyed by security officials who have abused R2P protections—protections which must be enforced by the international community. Within ASEAN, SSR connects with R2P most notably in the case of Myanmar because in Myanmar, SSR has been especially deficient, military atrocities have been particularly rife, and ASEAN's dedication to R2P regarding Myanmar has been generally weak. Are there any lessons-learned from ASEAN SSR experiences which might bring Myanmar back from military abuses of R2P? This workshop focuses upon this question.

#### Summary Dr. Paul Chambers presentation

Dr. Paul Chambers took the floor to present his lecture. Before diving deeply on his views on key lessons that ASEAN can learn from current civil-military relations and atrocities prevention, he introduced the participants some concepts such as embedded democracy, civilian control over the military, R2P, Security Sector Reform (SSR)/Security Sector Governance (SSG).

Democracy does not solely mean a regime with occasional general elections. According to Merkel (2004), the partial regimes of embedded democracy have five key factors such as electoral regime, political participation, civil rights, horizontal accountability, and effective power to govern. Therefore, civilian control over the military is essential in an embedded democracy as it is closely linked to horizontal accountability and effective power to govern.

Civil control over the military can be understood as that condition of the civil-military power relationship in which civilians possess decision-making authority over all relevant political issues. A framework of analysis suggests that decision making areas of civil-military relations have five key factors such as elite recruitment, public policy, internal security, external defense and military organization. This means to assess the extent of civilian control can exert on these five key factors.

Embedded democracy and civil control over the military are closely linked. Lack of civilian control over the military



can erode key elements of an embedded democracy such as the electoral regime, political rights, civil rights and horizontal accountability.

Military challenges to civilian decision-making power can take two analytically different shapes namely, formally institutionalized prerogatives and informal contestation. Institutionalized prerogatives describe formal rights by which the military is able “to exercise effective control over its internal governance, to play a role within extra-military areas within the state apparatus, or even to structure relationships between the state and political or society. Contestation, by contrast, encompasses informal military interventions or other illegitimate behavior by which the military challenges civilian decision-making power.

Responsibility to Protect is a political norm that suggests state sovereignty carries with it the obligation of the state to protect its own people, and if the state is unwilling or unable to do so, the responsibility shifts to the international community to use diplomatic, humanitarian and other means to protect them. At the UN World Summit in 2005, Heads of State and Government affirmed their responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and accepted a collective responsibility to encourage and help each other to uphold this commitment. They also declared their preparedness to take timely and decisive action, in accordance with the United Nations Charter and in cooperation with relevant regional organizations, when national authorities manifestly fail to protect their populations.

After introducing all these relevant concepts, Dr. Chambers argues that where there is inefficient civilian control over the military, the military will be insulated from accountability and transpar-

ency especially in how it treats civilian populations. Evidence of military abuse can be found in ASEAN, particularly in Myanmar. A key example is how Myanmar handled the Rohingya issue.

In 2018 the UN Human Rights Council-mandated Fact-Finding Mission (FFM) on Myanmar concluded that senior members of the military, including General Min Aung Hlaing, should be prosecuted for genocide against the Rohingya ethnic group, as well as for crimes against humanity and war crimes in Kachin, Rakhine and Shan states. In 2019 the FFM also asserted that Myanmar “continues to harbor genocidal intent” toward the Rohingya.

The majority of Myanmar's Rohingya population were forced to flee the country after the military launched “clearance operations” in Rakhine State in August 2017, bringing the total number of Rohingya refugees in Bangladesh to over 900,000 people. The estimated 600,000 Rohingya who remain in Rakhine State face severe violations of their universal human rights.

Another example to show lack civilian control over the military in Myanmar is how the military was able to camouflage its control of the civilians from 2011-2021. During this period, despite some political and economic reforms as well as power-sharing with the civilians were in place in Myanmar, the military still retained significant power. Some key reasons to explain this such as:

- The military is arguably the most powerful political institution in Myanmar and it has the monopoly on force.
- Though the NLD won a landslide electoral victory in 2015, the size of which surprised the military, the military permitted the NLD to take office.

- The 2008 constitution provides immunity to former/current soldiers for any misdeeds in office.
- Though military control over the economy has declined, the military still has vast economic influence in Myanmar such as Union of Myanmar Economic Holdings and Myanmar Economic Cooperation.
- Despite the 2015 election, many positions in the government and civil service are still dominated by active or retired soldiers.
- Military influence in telecommunications: examples: Thazin Radio and Myawady TV as well as random censorship.

This power dynamics was not sustainable between the military and the civilian. The writing was on the wall. On 1 February 2021 Myanmar's military – the Tatmadaw – led by Commander-in-Chief General Min Aung Hlaing, overthrew the country's civilian-led government and established a military junta.

According to the Assistance Association for Political Prisoners, more than 2,200 people have been killed by the security forces since February 2021 and over 12,000 people remain detained for resisting the coup. At least 110 people have been sentenced to death by military tribunals. In July 2022 the military executed four men in the first executions in the country since 1988. The military has charged members of the National Unity Government (NUG) – a coalition of democratic opponents formed in opposition to military rule – with high treason. The Tatmadaw has targeted civilian areas with airstrikes, scorched earth campaigns and other attacks.

In response to the Myanmar crisis, ASEAN has tried to do something. The regional bloc adopted the Five-Point Consensus on 24 April 2021 including:

- There shall be immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint.
- Constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people.
- A special envoy of the ASEAN Chair shall facilitate mediation of the dialogue process, with the assis-

tance of the Secretary General of ASEAN.

- ASEAN shall provide humanitarian assistance through the AHA Centre.
- The special envoy and delegation shall visit Myanmar to meet with all parties concerned.

The Myanmar junta reactions to the ASEAN Five-Point Consensus were as follows:

- much more state violence against civilians
- rejection of dialogue
- refusing access to detained, elected Myanmar leaders
- any humanitarian assistance can be controlled by the junta
- ASEAN is meeting only with the junta (not the rightful government-which is NUG (National Unity Government))

The junta has said as follows:

- ASEAN's plan was not in line with the bloc's charter, which pledges to respect the sovereignty of member nations
- Treaty of Amity and Cooperation (non-interference in the affairs of other ASEAN members)

In 2022, ASEAN Chair Cambodia's PM Hun Sen attempted to make headway regarding the consensus but faced some key obstacles as follows:

- After visiting Myanmar, Hun Sen admitted that Myanmar's military regime has made no progress in resolving the situation in the country and said it is unlikely to do so during the remainder of Cambodia's year as chair.
- "I'm in a situation where I'm damned if I do and damned if I don't, so just let it be," he said. "If they don't want to do it, we don't need to worry. How can the cart move forward when the oxen are in front of it?"
- Hun Sen noted that there are "only 10 more months and 14 days left and my duty [as ASEAN chair] will be finished" and suggested that "the next chair of ASEAN take care of the issue" because of its difficulty. In 2023, the ASEAN Chair is Indonesia.

In November 2022, ASEAN Summits decided on the implementation of the Five-Point Consensus as follows:

- Myanmar remains an integral part of ASEAN
- Myanmar's representation at ASEAN meetings was to remain non-political
- It is incumbent on the Myanmar armed forces to comply with its commitment to ASEAN leaders
- ASEAN Coordinating Center for Humanitarian Assistance (AHA Center) should have autonomy in delivering humanitarian assistance

One can conclude that Myanmar has become a failed state beset by civil wars & a military junta unable to control the country. Dr. Chambers asserted that realistically, for Myanmar's crisis to be resolved under R2P, there needs to be Security Sector Reform (SSR), though SSR in Myanmar is quite unrealistic because the military wants to stay in power at all costs.

He then introduced the concept of SSR and SSG. According to Geneva Centre for Security Sector Governance (DCAF), SSR is the political and technical process of improving state and human security by applying the principles of good governance to the security sector.

SSG means:

- core security actors (e.g. armed forces, police, gendarmerie, border guards, customs and immigration, and intelligence and security services); security management and oversight bodies (e.g. ministries of defence and internal affairs, financial management bodies and public complaints commissions);
- justice and law enforcement institutions (e.g. the judiciary, prisons, prosecution services, traditional justice systems); and
- non-statutory security forces (e.g. private security companies, guerrilla armies and private militia).

SSR itself undergirds human security. Security is fundamental to people's livelihoods, to reducing poverty and to enhancing freedom from fear, freedom from want, and freedom to live in dignity. In terms of Sustainable Development Goals, it relates to personal and state safety, access to social services

and political processes. It is a core government responsibility, necessary for economic and social development. SSR is also vital for the protection of human rights.

SSR is a process. SSR often refers to a process to reform or rebuild a state's security sector. It is a response, to an often-dysfunctional security sector situation. It is grounded in principles of peace, order and democracy. In some cases, the security sector can itself be a source of widespread insecurity due to discriminatory and abusive policies or practices. SSR processes therefore seek to enhance the delivery of effective and efficient security and justice services, by security sector institutions that are accountable to the state and its people, and operate within a framework of transparent, democratic governance, respecting human rights under the rule of law.

Aid Donors should have the following responsibilities to promote SSR:

- Long-term development or democratization
- programmes could not succeed, it was argued in the 1990s, without the provision of stable security by legitimate and democratically accountable security forces. According to this perspective, Western aid donors therefore have a responsibility to promote good governance in the security sector in order to assist broader.
- development programmes sponsored by a range of non-governmental organisations (NGOs), individual states and international institutions such as the World Bank.

SSR promotes accountability and transparency. There has been a growing awareness in the development and aid communities that not only do 'repressive or corrupt security structures . . . undermine the stability crucial to maximising the benefits of aid programmes' but also that positive reform of the security sector can provide a catalyst for wider 'good governance' and democratisation programmes.

Donors should promote SSR based on the following basic principles:

- People-centred, locally owned and based on democratic norms and human rights principles and

the rule of law, seeking to provide freedom from fear and measurable reductions in armed violence and crime.

- Seen as a framework to structure thinking about how to address diverse security challenges facing states and their populations, through more integrated development and security policies and through greater civilian involvement and oversight.
- Founded on activities with multi-sectoral strategies, based upon a broad assessment of the range of security and justice needs of the people and the state.

Dr. Chambers also raised challenges of SSR. They include:

- The main challenge facing donors is the lack of a coherent strategy to support SSR, a strategy that encompasses the different resources available from across government.
- The second main challenge facing donor governments is the lack of capacity available to support SSR. Bilateral and multilateral actors depend on serving police, military, prison and judiciary officers to implement their programmes. While serving officers have technical expertise in their sectors, more guidance is needed to enable these officers to have a better understanding of: (i) the political and contextual nature of security reforms; and (ii) the need to ensure reform linkages across the system.
- Another significant challenge is facilitating local ownership. There is often limited capacity within partner governments to assess, design and implement reform processes. In new and emerging democracies, there is often no civilian office and little civilian capacity to lead national strategic policy-making, planning or budgetary processes. As a result, policy making on security issues may be led by uniformed organisations whose capacity is also often very limited, which can lead to security being perceived as state-centric rather than a people-centred issue. Investing to support the development of such capacity and providing training in skills such as strategic analysis, policy formulation,

strategic planning, organisational design, change management, evaluation and budgeting are important priorities must be prioritized.

ASEAN has sought to engage with SSR. Key reasons include:

- To make militaries/police more efficient/streamlined
- In some cases, to heighten civilian control
- To train in human rights/delivery of security "goods"
- To remove malfeasance from militaries/police
- To make militaries/police more affordable
- In some cases, to enhance democratic control over military/police.

In fact, SSR efforts used to be underway in Myanmar (e.g. human rights trainings). But Myanmar is now off the radar of SSR. The Tatmadaw is not interested in Security Sector Reform. The Tatmadaw seems more interested in Security Sector Deform. Myanmar is not working with either the UN or ASEAN to achieve SSR and has no apparent interest in R2P. Myanmar still has key patrons such as Russia and China.

But the big question for Myanmar in 2022 is: How does the international community press Myanmar's armed forces/police to accept Security Sector Reform and civilian control so that R2P can become embedded, resulting in enhanced human security, human rights, and a cessation of atrocities?

Possible answers to this question are:

- The Tatmadaw must find its interest to accept SSR.
- A moderate faction must come to dominate the Tatmadaw.
- The international community must be united in using the tactics of carrots and sticks in pressuring the Tatmadaw toward SSR.

Dr. Chambers suggested that one step in the direction of R2P in Myanmar would be calls for the creation of a humanitarian corridor along the Thai-Myanmar border. But how realistic would such a corridor be? It is at least worth trying.

On that note, Dr. Chambers concluded his focus on Myanmar. He provided



examples about another ASEAN country where the military is particularly strong now. That country is Thailand. Multiple Coups by a Powerful Military that has blocked democratization. The latest coup in 2014 commences a “ruler-type” khakistocracy. R2P has also not fared well in Thailand. Thailand’s military has a history of human rights violations, legal impunity, and social injustice that continue until nowadays.

Thailand’s post-2019 political regime represents the continuation of monarchy-military dominance through apparent electoral governance. But military clout is currently challenged by a proactive king, factionalism, and diminishing popularity.

Linking to Myanmar, Dr. Chambers said Thailand and Myanmar, where a lack of adequate civilian control and security sector reform, have prevented the strengthening of R2P because neither country can rein in its militaries. Nevertheless, Myanmar is currently far worse than Thailand. He stopped there and prepared to receive questions from the participants.

The floor was then open for discussions. Key questions from the participants with Dr. Chambers’ answers included the following.

- *How bad the situation on the ground in Myanmar?*

The situation on the ground was very bad. There have been killings, air strikes, and mass imprisonments. No signs of dialogues are in place.

- *How to operationalize the ASEAN Five-Point Consensus?*

ASEAN needs to start engaging with NUG. The regional bloc also has to do more works to convince China in order to persuade the Myanmar junta to change its attitude to return to the negotiating table.

- *Why weren’t there engagements between ASEAN and NUG?*

The issue deep down lies on the modus operandi of ASEAN including consensus and non-interference. Some ASEAN member states are not comfortable moving too fast in engaging with NUG as they see the junta as the one with effective control of Myanmar. But the junta has belittled ASEAN. ASEAN has to change its attitude with the junta. ASEAN should convince other external partners such as China, Russia and India to start working with NUG.

- *How to make SSR interesting to the Myanmar military?*

It should be noted that before the coup in 2021, there were steps taken by the Myanmar military to implement SSR however limited. But after the coup, the junta seems interested in security sector reform to cling to power.

- *Are there any signs of revival of democracy in Thailand?*

No, not at the moment if we talk about the embedded democracy. The civilian cannot rein in the military power in Thailand. Also, there are no external powers can affect Thailand’s internal trajectory. Changes must start internally from Thailand.

Amb. Pou expressed his appreciation to APR2P for the support for this capacity-building workshop. He thanked to Dr. Chambers and participants for their valuable contributions in making this event fruitful.