REFLECTION GROUP MONOPOLY ON THE USE OF FORCE 2.0?

multilateralism human rights trusteeships chapter VII justice legitimacy UN-Charta peacekeeping human rights local governance vs. government non-statutory organized crime private gangs vigilante peace traditional protection rackets corruption terrorism military-industrial-complex insurgency non-state mercenaries warlords rule of law accountability legality paralegal hybrid PMSCs cybersecurity international law responsibility to protect non-interference multipolarity new medievalism sovereignty contractors unconventional extortion peace enforcement rules-based-order

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SUMMARY

- Northeast and Southeast Asia form East Asia where countries are economically interconnected, but regional powers are competitive in geostrategic terms. Although the military has no political role in most countries, in practice it dabbles in politics particularly in Southeast Asia. There is no monopoly for the use of force in practice.
- The delegation of security provision to an external actor in East Asia is highly unlikely now, or in the foreseeable future due to geostrategic realities enhanced by power shifts from the West to the East and major power rivalries, in and outside East Asia that affect the region.
- Reforming the region's security sector must respect context-specific sensitivities, given the distinctive differences between countries located in East Asia.
- Regional cooperation in non-traditional security issues particularly in humanitarian assistance and disaster response, pandemics, and environmental protection has increasingly crowded East Asia's security agenda.

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Mapping Security Provision in Southeast Asia

by Carolina G. Hernandez

The monopoly of the use of force theoretically lodged in the state is more likely than not to be a myth in most contemporary states. This general observation applies to Southeast Asia, a sub-region consisting—for the purposes of this presentation—of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, countries that constitute the Association of Southeast Asian Nations (ASEAN). Security provision is strictly understood to refer only to the statutory security forces (i.e., military, police, intelligence, and paramilitary forces), to non-statutory security forces (e.g., the armed wings of rebel, insurgent, or separatist groups, private armies of political families and clans, or village or neighborhood watch groups), and to for-profit private security providers (e.g., security guards for commercial companies and gated communities/ private homes, bodyguards, or mercenaries such as private military and security companies [PMSCs]).

Of the 10 countries in Southeast Asia, only Singapore might conform to the theoretical state monopoly of the use of force. Its armed forces and police are almost the sole security providers for Singaporeans, except for the use of private security guards for commercial companies, schools, and the like. On the other hand, Brunei's external security is provided by the Royal Brunei Armed Forces (ground, naval, and air commands), and its internal security by the Royal Brunei Police forces. In; in addition, it has a few hundred *Gurkhas* in the reserve force, as well as British and Singaporean troops. The Philippines is the only state in which a domestic communist insurgency has persisted to the present day. Consequently, it has more non-statutory security forces than Malaysia and Thailand which put an end to communist insurgency in the 1970s-1980s. Although Indonesia also did so, it continues to have non-statutory security forces that are organized by its ethnic separatist groups, like in the Philippines. Leninist-style one-party states like Vietnam and Laos have their own military and police forces and, although technically better able to exercise a monopoly over the use of force, they also face the phenomenon that this monopoly is increasingly undermined by other security providers, including armed opposition groups. Recently-returned Hmong from

Thailand face an insecure environment in Laos despite a commitment to fair treatment by the Laotian government. In Myanmar, while the army and the police theoretically enjoy a monopoly of the use of force, the major ethnic groups in the country have their own armed forces within ethnic-controlled territories and the Rohingya population in Arakan State have to rely on self-help for their security. In Cambodia security had not been entirely provided by its military and police forces even under the authoritarian rule of Hun Sen.

Thus, we see in Southeast Asia a mix of security providers co-existing, if not competing, with the security forces of the state. The following illustrative classification provides some tentative samples of the different security providers involved:

1. SECURITY FORCES OF THE STATE

The security forces of the state consist in general of the military, the police, paramilitary forces, and intelligence units. For example, Indonesia has its military, which following democratization was renamed from "Angkatan Bersenjata Republik Indonesia" (Republic of Indonesia Armed Forces/ABRI) to "Tentara Nasional Indonesia" (Indonesian National Army/TNI), and has separated the police (Indonesian National Police or POLRI) from the military. Myanmar's military, the Myanmar Armed Forces, officially known as Tatmadaw, comprises three major services. In the Philippines, the main security forces of the state are the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). A composite group drawn from the AFP's ground, naval, and air forces constitutes the Presidential Security Command (PSC) for the President who is commander-in-Chief of the armed forces. The Philippines also has intelligence services at the national level (National Security Council and National Intelligence Coordinating Agency) and within each of the major services of the AFP (Philippine Army, Philippine Navy, and Philippine Air Force). A civilian Philippine Coast Guard (PCG) also exists, as do armed guards attached to various offices, such as those involved in fire protection and prisons.

2. PRIVATE ARMIES OF POLITICIANS AND CLANS

This is a common phenomenon among politicians in various parts of the Philippines, particularly the Ilocos Region in Northern Luzon. The Moro clans with their own private armed groups in Muslim Mindanao are another example. It was also widely rumored that Indonesian politicians have used private armies for election-related purposes.

3. ARMED COMMUNIST INSURGENT FORCES

The Philippine armed communist insurgency, the only remaining communist insurgency in a Southeast Asian country and in existence for over four decades, has split into two factions, the so-called "rejectionist" and "reaffirmist" factions. The rejectionists had their own armed forces at one time, but since the peace agreements forged with the Estrada government they have largely laid down their arms. The reaffirmists, on the other hand, use the New People's Army (NPA) to fight the government. Although the NPA engages in more armed clashes with the official security forces than any other armed opposition group worldwide, the casualties inflicted by NPA attacks are fewer and the damage caused to property less than those perpetrated by the armed wings of ethnic separatist groups (specifically those with links to extremists/terrorist groups outside and inside the countries in question).

4. ARMED ETHNIC SEPARATIST/ INSURGENT FORCES

Four countries in Southeast Asia continue to face armed ethnic insurgency. In Indonesia, ethnic separatists include the Free Papua Movement (OPM), the Free Aceh Movement (GAM), and the Runda Kumpulan Kecil (RKK). In Myanmar, although there are ethnic militias operating in areas under their control, these ethnic militias should not be regarded as separatist groups in the same sense as those operating in southern Philippines and southern Thailand. They are insurgent groups drawn from, among others, the Karens (Karen National Union in Eastern Myanmar), the Shans (Northeast Myanmar), and other ethnic groups located in Southeastern Myanmar and in Arakan State. In contemporary Philippines, Muslim secessionist forces are splintered between the Moro National Liberation Front (MNLF), its Nur Misuari faction, the Moro Islamic Liberation Front (MILF) under Al-Hajj Murad Ebrahim and Mohagher Iqbal, which negotiated a peace agreement with the government of Benigno S. Aquino III, the splinter wing under Commander Ameril Umbra Kato's Bangsamoro Islamic Freedom Fighters (BIFF), the Abu Sayyaf Group (ASG), among others. Suspected of maintaining links with Malaysia, the MILF is said to have its own Bangsamoro Firearms Industry (BFI) that manufactures assault rifles, rocket propelled grenades, sniper barrels, and machine guns for use in its fight against government forces as well as for illicit arms sales. Armed ethnic conflict in Southern Thailand involves the provinces of Pattani, Yali, Narathiwat, Songkhla, and Satun.

5. ARMED JIHADIST/EXTREMIST/ TERRORIST GROUPS

These include the Jema'ah Islamiya (JI), Khilafa Islamiya (KI), and the Jemaah Ansharut Tauhid (JAT) of Poso, Central Sulawesi. Associated with the NPA and operating in Mindanao are the Moro Army Committee (MAC) and the Moro Resistance and Liberation Organization (MRLO). There are also emerging extremist armed movements formed out of the so-called ›lost commands‹ of the MILF, BIFF, rouge factions of the MNLF, remnants of the AKG, armed fanatics of the Awliya Group of Freedom Fighters, and the KI that is rumored to be the present form of the JI in Mindanao. The Awliya Group claims to be the protector of the Bangsamoro people and endorses the use of suicide bombers.

6. PRIVATE MILITARY AND SECURITY COMPANIES (PMSCS)

PMSCs appear to be on the rise in Southeast Asia due to many factors including rising prosperity and the increasing importance of the oceans to industry. Piracy in the Malacca and Singapore Straits as well as the effects of 9/11 led to the employment of PMSCs to combat these threats (in cooperation with Singapore and Malaysia), for example. Increasing perceptions of vulnerability to robberies and petty crimes on the part of industrial and business firms, banks, hotels, embassies, homes, and schools have facilitated the rise of private security guards (known as blue guards in the Philippines). They are manned by retired police and military personnel and owned and/or run by retired state security officers, often with links to international PMSCs.

7. NEIGHBORHOOD OR VILLAGE WATCHMEN OR GUARDS

To improve the provision of security at the village level, the smallest political unit in the Philippines – the barangay – has set up village-level guards who serve as watchmen within the village on a 24/7 basis.

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REFLECTION GROUP MONOPOLY ON THE USE OF FORCE

The Reflection Group »Monopoly on the use of force 2.0?« is a global dialogue initiative to raise awareness and discuss policy options for the concept of the monopoly for the use of force. Far from being a merely academic concern, this concept, at least theoretically and legally remains at the heart of the current international security order. However it is faced with a variety of grave challenges and hardly seems to reflect realities on the ground in various regions around the globe anymore. For more information about the work of the reflection group and its members please visit: http://www.fes.de/de/reflection-group-monopoly-on-the-use-of-force-20/

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The Think Pieces serve a dual purpose: On the one hand they provide points of reference for the deliberations of the reflection group and feed into the final report of the group in 2016. On the other hand they are made available publicly to provide interested scholars, politicians and practitioners with an insight into the different positions and debates of the group and provide food for thought for related discussions and initiatives worldwide. In this sense, they reflect how the group and selected additional experts »think« about the topic and hopefully stimulate further engagement with it.

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