The Armed Forces and Internal Security in Asia: Preventing the Abuse of Power

by Kit Collier

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The lack of interaction between security, development, and human rights policy has helped reproduce a narrow concept of internal security associated with widespread abuse of power in Asia. Governments have increasingly relied on paramilitary repression in lieu of effective political institutionalization, and have sought to evade accountability for their actions. Curtailing the abuse calls for a multistrand approach that conjoins accountable governments and militaries with more closely integrated civil societies, national institutions, and international humanitarian structures capable of enforcing an end to impunity.
State violence in the name of internal security shapes the conditions of existence of millions of Asians and has taken the lives of millions more. Remarkably, however, very little dialogue takes place between professional managers of armed force in Asia, Asian and Western policymakers, and research specialists whose knowledge can help minimize unnecessary human suffering in pursuit of the military mission—surely a worthy goal.

The lack of communication on this subject between researchers and security policymakers can be explained by a number of misleading assumptions on both sides. To begin with, the three fields within the research community that can contribute most to preventing the abuse of power by the armed forces—development studies, security studies, and human rights—have not enjoyed much interaction until recent times.* Although analysts in all three areas focus their attention on many of the same phenomena—including the structure and functions of the military establishment—their respective insights are rarely shared. Development specialists, and social scientists in general, have taken a curiously antiseptic view of governance by largely ignoring the problem of political repression.¹ Clearly there is mistrust between human rights advocates who question the legitimacy of the military mission and security specialists who share military suspicions of

*Peace studies might be considered a fourth such field, but its boundaries are less well defined and may indeed encompass any combination of the other three with varying degrees of emphasis. A singular contribution of peace studies has been precisely to help synthesize these disjointed perspectives with a notable impact on the redefinition of “security.” For a discussion of the evolving conceptualization of security see Alagappa (1998a).
a hidden human rights agenda. Asian militaries have frequently targeted human rights activists as part of the perceived internal security threat.

As well as ignoring human rights issues, traditional security studies has been ill equipped to cope with other practical problems of internal security management in Asia. The basic premise of conventional security analysis—the realist assumption of a unitary, coherent and sovereign state—reflects its Western origins and orientation toward international relations and alliance politics as central to security dynamics. Yet it is internal security that preoccupies most Asian militaries—precisely because their states are not yet unified entities capable of enforcing a monopoly on the legitimate use of coercion within their territories. Of the nine ongoing “major armed conflicts” in Asia listed by the Stockholm International Peace Research Institute (SIPRI) in 1998, all but one “concerned control over the government or territory of one state”—that is, all but one were internal conflicts. The sole exception, the Kashmir dispute between India and Pakistan, arises as much from internal as from international tensions, with “most of the fighting at the interstate level involving artillery exchanges.”

Domestic casualties in this conflict have been far heavier. In addition to these “major” armed conflicts, abuses of power continue in many more “minor” ones that do not meet SIPRI criteria. Concerned primarily with power relations between states, security studies has had little to say about internal conflict, which only becomes of interest to the extent that it affects foreign policy, as in Kashmir. Reflecting similar assumptions about the primacy of the sovereign state in international affairs, humanitarian law has long ignored the problem of internal security abuses, while a distinct body of human rights law was considered applicable only in times of peace. Early efforts to codify rules of civilized behavior in war—the Geneva Convention of 1864 and the Hague Regulations of 1907, for instance—sought to protect soldiers and (to a limited extent) civilians from mistreatment by foreign armies. Hague Regulation 23(g) thus outlawed the destruction of property “belonging to citizens of enemy nations.” Even the In-

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*Sollenberg and Wallensteen (1998: 17). SIPRI defines a major armed conflict as “prolonged combat between the military forces of two or more governments, or of one government and at least one organized armed group, incurring the battle-related deaths of at least 1000 people during the entire conflict and in which the incompatibility concerns government and/or territory.” Civilian deaths are included but “battle-related” is not further defined, leaving the status of human rights abuses unclear.

+Brian Job (1992: 1) estimated “seventy-five or more” such “minor” armed conflicts worldwide in the early 1990s.

†Patrick Morgan (1992) goes so far as to argue the need to secure security studies against the encroachment of internal security issues.
ternational Military Tribunals that tried Axis war criminals at Nuremburg and Tokyo, marking a major step forward in the laws of war, defined war crimes as “murder, ill-treatment or deportation...of the civilian population in occupied territory.” The presumption was that states had no interest in despoiling their own citizens—and even if they did, it was no business of the international community.

This long-standing prejudice began to weaken with the prosecution of new criminal offenses at Nuremburg: genocide and crimes against humanity. In the wake of the Holocaust, the Nuremburg judges ruled for the first time that the murder, torture, rape, and enslavement of nationals of a defendant’s own state, when part of a widespread or systematic pattern, constitute universally justiciable offenses against international law for which individuals can be held responsible. Out of these ad hoc prosecutions grew the 1948 Genocide Convention and the 1949 Geneva Conventions’ prospective ban on “grave breaches,” which was explicitly extended to civilians by the groundbreaking Fourth Convention and to “armed conflict not of an international character” by Article 3 common to the four conventions.

Common Article 3 binds parties to treat persons taking no active part in the hostilities “humanely,” without adverse distinction founded on such criteria as race, color, or religion. It prohibits at all times violence to life and person, the taking of hostages, outrages upon personal dignity, and sentencing or execution of noncombatants without the judgment of a regularly constituted court (including soldiers who have laid down their arms or otherwise been placed hors de combat). The wounded and sick are to be collected and cared for.

The growing prevalence of noninternational armed conflict in the postwar period contributed to a sense that such conflicts were “poorly covered by the Geneva Conventions” and led to the 1974–1977 Diplomatic Conference for the Reaffirmation and Development of International Law Applicable in Armed Conflicts convened by the International Committee of the Red Cross (ICRC). From this conference emerged two protocols additional to the Geneva Conventions. Protocol I extended more comprehensive protections to wars of “national liberation” against colonial, alien, and racist regimes, which were reclassified as international conflicts. Protocol II, adopted together with Protocol I by the UN General Assembly on 8 June 1977, “develops and supplements” common Article 3 in cases where armed conflict “take[s] place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.”

Asian states have been slower to ratify the two additional protocols than the
Geneva Conventions themselves. Of the thirteen East Asian, Southeast Asian, and South Asian states that have recently experienced major or minor armed conflict, all were parties to the Geneva Conventions relative to prisoners of war and civilians in 1998, but only four were parties to Protocols I and II.* Commentators on the additional protocols have suggested that the reclassification of anticolonial wars as international conflicts led many Third World delegations at the diplomatic conference to lose interest in a high standard of protection for the noninternational conflicts covered by Protocol II. Instead they feared that such high standards might endanger their own “not entirely consolidated regimes” by indirectly supporting internal challenges to “recently won national unity.”+

These fears undoubtedly contributed to the setting of a high threshold for the application of Protocol II. Dissident armed forces must not only be “organized” and “responsibly commanded” (that is, hierarchically accountable) but must also control substantial amounts of territory. The paradoxical effect of such narrow coverage is that states are reluctant to apply Protocol II at all—for these stringent requirements, if met, must inevitably throw into question the sovereignty of the government concerned and may seem to confer international recognition or a form of “quasi-belligerency status” on rebel forces.7 The other side of this coin is that lower-intensity unrest ranging from “internal tensions” upward to “internal disturbances” and “minor” armed conflicts fall entirely outside the purview of the additional protocols,‡ despite widespread mass arrests, disappearances, summary executions, suspension of fundamental legal rights, terrorism, rape, hostage taking, and torture-abuses that continue across Asia.†

*The thirteen countries are Bangladesh, Burma, Cambodia, China, India, Indonesia, Laos, Malaysia, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam. Only Bangladesh, China, and Laos are parties to both protocols; the Philippines is party to Protocol II and signatory to Protocol I; Vietnam is party to Protocol I; Pakistan is a signatory to both. See U.S. State Department (1998: App. C, pp. 1715–1720).

THE SPREAD OF OFFICIAL VIOLENCE

The unfortunate reality, then, is that Asian states have tended to subscribe to elements of the international humanitarian regime in inverse proportion to their actual relevance on the ground. International and anticolonial conflict—increasingly rare as Asia has become fully incorporated into the Westphalian system—enjoy extensive humanitarian protection while internal conflict—which rages on unchecked in many Asian countries—is afforded few such safeguards by virtue of that same system’s emphasis on the sovereignty of states. As external threats have waned and international borders have hardened, often guaranteed by great powers and alliance blocs, Asian armed forces have turned inward to concentrate on the task of state building. Particularly in postcolonial states, “coercion-intensive” patterns of state formation have been associated with a rising tide of civil war, ethnic, religious and socioeconomic dissension, and sometimes horrendous humanitarian emergencies.*

Contrary to the expectations of mainstream development theorists, whose models of modernization systematically overlook the centrality of coercion in European state formation, official violence shows no signs of fading into the background of Asian life. The level of internal violence and the civilian death toll have indeed continued to grow since 1945. Less than 16 percent of all battle deaths worldwide between 1948 and 1958 are estimated to have occurred in civil wars; during the next decade the figure was close to 60 percent; in the 1970s, almost 90 percent.8 In the 1960s civilians already accounted for almost two-thirds of recorded war deaths; by the 1980s three-quarters were civilian; in the 1990s the figure appears to be well in excess of three-quarters.9 These statistics are prima facie evidence of widespread abuse. War is increasingly waged against civilians rather than combatants, and the distinction between war and genocide is becoming blurred. Most of these deaths have been in developing countries, and there is “no other part of the earth which has experienced greater suffering from organized violence” than Asia.10 SIPRI calls Asia “the region that has had the highest number of major armed conflicts every year in the period 1989–97,” equaled only by Africa in 1991.11

*“Coercion-intensive” state formation is distinguished by Charles Tilly from other paths to statehood that rely more heavily on capital. But as Tilly (1990: 199) points out: “Departing colonial powers left little accumulated capital behind them.” Instead they bequeathed to their successor states “military forces drawn from and modeled on the repressive forces they had previously established to maintain their own administrations.”
Bolstered by an international states system and Cold War alliances that vouchsafed the inviolability of their borders and provided generous “security assistance,” Asian governments massively expanded their internal coercive capacity in the first decades after independence. By the time Protocol II was adopted by the UN General Assembly in 1977, a strong tendency was discernible in new nations for the military to exert more influence in the political realm, “either as an active partner in a civilian-military coalition or as a military government.”

In Thailand, Pakistan, South Korea, Laos, Burma, South Vietnam, Indonesia, Cambodia, and Bangladesh, military men seized direct control over the reins of power in a wave of coups d’état between 1947 and 1975. In Taiwan, Singapore, Malaysia, the Philippines, India, and Sri Lanka, forms of emergency rule or martial law were enforced under civilian auspices that suspended normal civil and political rights and gave state coercive agencies enhanced powers to arrest, interrogate, and detain citizens with minimal interference or judicial oversight.

Asian governments’ increasing “capacity to rule” and Asian militaries’ prominent role in national government were founded upon dramatic growth in the size of police and paramilitary forces, which allowed state power to penetrate down to the local level. Military sociologist Morris Janowitz attributed increasing “regime consolidation” in developing nations in the 1970s to this new balance between persuasion and coercion—in particular “the greater size and effectiveness of paramilitary forces that increase the ability of political regimes to maintain their power.” The expansion of paramilitary coercion between 1965 and 1975 was indeed remarkable, exceeding the growth of most main-force military establishments. Even more remarkable, this growth has continued unabated in most Asian states in the two decades since Janowitz drew attention to the trend (Table 1). Between 1974–1975 and 1996, the level of internal “paramilitarization,” as measured by the ratio between paramilitary forces and population, rose 29 percent in Thailand, 42 percent in Burma, 63 percent in China, 64 percent in Pakistan, 71 percent in India, and 81 percent in Sri Lanka, where there is now one government militiaman for every 165 citizens.* When regular armed forces used internally are factored in, of course, the overall level of militarization in Asia is even higher. Rather than bringing “increased effectiveness” to Asian government, however, continuing militarization in the 1980s and 1990s points to “a lack of state legitimacy” according to SIPRI, which regards the link between armed conflict and a weak state as a striking feature of conflict in Asia.14

*Ratios calculated from Table 1.
The Armed Forces and Internal Security in Asia: Preventing the Abuse of Power

Why have intensifying state coercion and paramilitary expansion become forces for instability and illegitimacy rather than continued regime consolidation? Where military institutions have been designed primarily along conventional lines to meet an external threat, their deployment internally often makes for an unwieldy instrument that can rend the very social fabric they are charged to defend. At the same time, the professional integrity of the armed forces, and their external defense capability, may be undermined with profound consequences for national security and political development. While conventionally modeled armed forces—clearly distinguishable from civil society—are usually ill suited to deal with the social and political subtleties of internal conflict, paramilitary coercion can be equally problematic precisely because of the intricate entanglement of unconventional forces in the social conflicts they are deployed to resolve. As Janowitz recognized, paramilitary forces “provide a base for political patronage and reward,” the other side of which may be predatory rent seeking, extortion, and abuse. Rather than extending the reach of the state’s monopoly of coercion in the service of the rule of law, internal security forces, all too often, act on behalf of private, partisan, or sectoral interests, weakening state legitimacy and aggravating social conflict—especially when the military is one of the few cohesive national organizations symbolizing the unity and legitimacy of the state itself.

In deploying armed force against internal threats to their security, Asian governments often equate internal threats with external threats by identifying them as outside society and “against” society. In this way, internal violence on

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**Table 1.** Strength of Regular Armed Forces and Paramilitaries in Asia: 1966–1996 (000s)

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<tbody>
<tr>
<td>Bangladesh</td>
<td></td>
<td></td>
<td>26.5</td>
<td>29</td>
<td>117.5</td>
<td>49.7</td>
</tr>
<tr>
<td>Burma</td>
<td>149</td>
<td>25</td>
<td>149</td>
<td>35</td>
<td>321</td>
<td>85.3</td>
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<tr>
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<td>32</td>
<td>60</td>
<td>187.2</td>
<td>150</td>
<td>87.7</td>
<td>220</td>
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<td>China</td>
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<td>250</td>
<td>2,900</td>
<td>300</td>
<td>2,935</td>
<td>1,200</td>
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<td>100</td>
<td>956</td>
<td>200</td>
<td>1,145</td>
<td>1,088</td>
</tr>
<tr>
<td>Indonesia</td>
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<td>270</td>
<td>120</td>
<td>299.2</td>
<td>186</td>
</tr>
<tr>
<td>Pakistan</td>
<td>260</td>
<td>3.7</td>
<td>392</td>
<td>40</td>
<td>587</td>
<td>248</td>
</tr>
<tr>
<td>Philippines</td>
<td>28.5</td>
<td>15.5</td>
<td>42</td>
<td>84</td>
<td>107.5</td>
<td>42.5</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>8.8</td>
<td>12.8</td>
<td>13.6</td>
<td>16.3</td>
<td>115</td>
<td>110.2</td>
</tr>
<tr>
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<td>134</td>
<td>33</td>
<td>180</td>
<td>63</td>
<td>254</td>
<td>139.5</td>
</tr>
</tbody>
</table>

Sources: Janowitz (1977: Table 1) and IISS (1997).
the scale of warfare against a foreign enemy is justified. In conflicts over territory, usually with ethnic or religious roots, racist appeals are made to externalize and dehumanize the enemy, thereby facilitating brutality; in conflicts over government, demonization of communists or other opponents deprives them of equal citizenship and similarly externalizes the threat. In many cases, however, internal opposition is more a symptom of insecurity than a cause in itself and is deeply rooted in society. Those who join opposition movements often seek the security that the state has failed to provide: participation represents an attempt at individual or community self-help in a setting of social anarchy. By addressing the symptom rather than the cause, by contributing to the anarchy, counterinsurgency policy may aggravate the problem of insecurity, driving more victims of state abuse into the arms of the opposition. This internal security dilemma escalates further when states and opposition movements cease to distinguish between armed combatants and civilian populations and treat peaceful dissent—or even passive membership of a targeted community—as an act of internal warfare.

The inability of internal security forces in Asia to address causes rather than symptoms, as well as their tendency to inflame rather than dampen domestic conflict, stems at the most fundamental level from the narrow notion of security discussed at the outset. This problem may be said to transcend regime types and the distinct categories of internal conflict. Divorced from development and human rights considerations, focused exclusively on the state as both referent and agent of security, and relying overwhelmingly on a “hardware” approach to security, narrowly conceived security policy reflects a basic “failure to develop more effective patterns of political and social control.”

A more effective approach must begin by addressing the “software” issues identified by Edward Azar and Chung-in Moon: issues of “legitimacy, integration and policy capacity,” in short, of institution building.*

While few Asian states approach the model of the “failed state” found elsewhere in the Third World, most are “weak states” in the sense that they are not yet internally pacified: the state cannot enforce its monopoly on coercion, central to what defines it as a state.† Fully pacified “modern” states, by contrast, are characterized by a high degree of state administrative and coercive penetration of

*Azar and Moon (1988: 77–101). Azar and Moon define hardware as physical capabilities (such as military and economic power) and policy infrastructure (such as strategic doctrine, force structure, intelligence, weapons choice, and the like). Software, by contrast, “involves the political context and policy capacity through which national values are defined, threats and vulnerabilities are perceived and assessed, resources are allocated, and policies are screened, selected and implemented.”
society, which establishes a clear boundary between internal and external arenas and an equally clear distinction between the roles of the armed forces and the police. As the state extends the scope of its administrative reach, the intensity of its coercive sanctions diminishes: resort to violence becomes increasingly unnecessary. Where the boundary between internal policing and external defense is not clear, however, there is likely to be a serious problem of proportionality in the use of state violence. In institutional terms, police and paramilitary forces may be subordinated to (or made an extension of) the regular armed forces and share similar training, doctrine, equipment, and weapons systems—which inflict disproportionate damage when deployed in internal conflicts. The most striking instances of such disproportion involve the use of armed force against unarmed urban populations, notably in Manila in January 1987, Rangoon in September 1988, Beijing in June 1989, and Bangkok in May 1992. Less visible to the outside world, but far more commonplace, is the protracted rural violence accompanying the efforts of weak states to enforce coercive control in their hinterlands, where the distinction between war making, law enforcement, and gangsterism may be next to nonexistent.

Although these cases of repressive overkill span a range of regime types—from fragile democracies to civil-military coalitions, military dictatorships, and communist party-states—the scale of the violence, the wanton disregard for life and limb, is clearly related to the level of governmental accountability. A military massacre in the post-Marcos Philippines, as at Mendiola, may take lives in the dozens; scores, perhaps hundreds, died in Bangkok between 17 and 20 May 1992; untold hundreds, even thousands, of unarmed demonstrators were shot down, bludgeoned to death, or crushed under tank treads in Rangoon and Tiananmen Square. Within the narrow security paradigm common to Asian states, it is the governments least accountable to their populations that base their internal security policy on the narrowest referent of all: “the state” effectively signifying only the ruling clique or even an individual ruler. As Muthiah Alagappa puts it, the tendency to “conflate their own security with that of the state” is especially pronounced among authoritarian and communist governments, with “survival of the incumbent government...often articulated as vital

*Joel Migdal’s concept of the weak state was applied to security studies by Barry Buzan, elaborated by Mohammed Ayoob in an effort to subsume development under security studies, and critiqued by Muthiah Alagappa as inappropriate in Asia, where external threats remain salient. As employed here in an internal context, the term is best understood in opposition to Anthony Giddens’ notion of the “modern” state. See Giddens (1987); Migdal (1988); Buzan (1991); Ayoob (1995); and Alagappa (1998b: 647–649).
for the survival of the nation-state and for the people’s well-being.”  

Claiming to act in defense of the state, unaccountable regimes resort to the most extreme measures against their own populations.*

If the ultimate causes of the abuse of power lie outside the armed forces in the lack of accountability of governments, so too must the ultimate solutions lie beyond the military. But it may also be the case that the armed forces lack accountability to the government—either because the military itself dominates the state, or because the state is too weak or divided to control the military, or because the state abdicates its responsibility to control the use of force. The latter two problems may often be related. In new democracies undergoing transition from military rule, the armed forces may retain special prerogatives or immunities, formal or informal, that limit the power of civilian authorities to address past abuses or prevent future ones. Elements within the new regime or outside the country may be in active collaboration with militarist forces in perpetuating such conditions. And in weak states that have failed to centralize coercion, repressive functions may be effectively subcontracted to local politicians, landowners, or warlords, building on long-standing patterns of political-economic appanage. For governments this policy has the threefold advantage of co-opting the most powerful forces in society as allies of the state, reducing central security expenditures, and dissociating the state from the worst abuses of private armies whose lines of command and control are deliberately obscured. But the costs of the disorder they sow far outweigh these advantages.

Patterns of Privatized Violence

These patterns are clearly visible in the Philippines, where a powerful oligarchy has been able to resist pressures toward democratization by relying on the armed forces of the state and privatized but state-sanctioned coercion to repress dissent linked to widespread abuses of power. Despite democratization from February 1986, the armed forces managed to limit the extent of reform because of the unrelenting threat of a coup d’état. Even though this threat emanated from the armed

*In doing so, governments often misrepresent their actions through fictitious images of evenly matched “warfare” against civilians. William Callahan describes a widely viewed videotape of the Bangkok violence in which “the whole ‘battle scene’ is laid out in its full magnitude, with over 100,000 protesters and tens of thousands of police/military personnel lined up against each other”—thus “equalizing…the images of violence which were actually far from equal: while the soldiers had guns, the demonstrators were unarmed.” Note here the fusion of “police/military.” See Callahan (1998: 20–21).
forces themselves, the military presented itself as guardian of the democratic regime, whose own civilian defense minister was implicated in the plotting. Eventually seven coup attempts were defeated before the Aquino regime, its early promises of reform all but forgotten, was allowed to complete its term in 1992. None other than former armed forces chief General Fidel Ramos then succeeded to the presidency.\(^{18}\)

Many of the most significant reform measures abandoned or diluted by the Aquino regime, of course, related directly to the armed forces and the improvement of their appalling human rights record. The paramilitary Civilian Home Defense Forces (CHDF), much enlarged during the period of martial law under Marcos, were at the forefront of the most serious human rights violations, leading to widespread demands for their disbandment. Aquino obliged with a new constitution that included specific language dissolving the CHDF and an executive order calling for the dissolution of “all paramilitary units, including the CHDF” within three months. In a telling demonstration of the real balance between formal civilian and informal military power, however, the order was returned to the president by the armed forces, unacted upon, for “revisions.”\(^{19}\)

Shortly thereafter, the CHDF was replaced by the virtually indistinguishable Citizens’ Armed Forces Geographical Units (CAFGU), many of whose members were simply recruited straight from the CHDF. The CAFGU provides an official umbrella and access to weapons for a wide range of irregular forces, including vigilantes and cultists who sometimes draw their pay from private businesses.

The dangers presented by such a fusion of state power and private interest are vividly illustrated by the violent repression of unionized workers on a Philippine banana plantation—by no means unusual against the backdrop of the country’s internal armed conflicts, in which more than 55,000 have died and 1.5 million been displaced since 1973.\(^{20}\) The plantation owners, who supply a major multinational fruit company, employ land guards who may simultaneously be members of the CAFGU Special Active Auxiliary, a branch of the militia force authorized “principally for the defense of business establishments.” Developing out of the common (but previously informal) practice of local commanders who sought private sponsorship for their units from businessmen in their area of operations, the special CAFGU blurs “the distinction between what should have been a government militia and...a so-called private army.” While the private employer provides the soldiers’ pay, clothing, equipment, and other support, their weapons and ammunition are supplied by the military, and they exercise the full “legal powers” of government forces.\(^{21}\)

When the workforce on this plantation went on strike in October 1988 fol-
lowing months of intensified paramilitary harassment and the extrajudicial execution of several union board members, special CAFGUs were deployed alongside private security forces and company-paid armed vigilantes to break the union. In compulsory “seminars” conducted by the vigilantes, support for the strike was linked with membership of the insurgent New People’s Army (NPA)—and thus constituted grounds for execution. Having largely erased the distinction between public and private coercion, civilian and combatant, and labor relations and counterinsurgency, any remaining restraints were lifted when army scout rangers subjected two hamlets on the plantation to 105-millimeter artillery fire. Residents of these hamlets, considered “hard-core NPA” for refusing to abandon the strike and join the vigilante movement, were forced to evacuate their homes and joined tens of thousands of other “internally displaced” refugees in the Philippines—victims, not of war, but of ruthless business practices licensed by the state.²²

The special CAFGUs in the Philippines represent a paramilitary formation loyal to but semiautonomous of the state, in Scobell and Hammitt’s terms, while the vigilantes and private security guards appear closer to their semiloyal/autonomous ideal type.²³ What is most significant about this case is the intermixing of diverse private, irregular, and main-force units—a mixing that lends official weight to their actions on the ground yet simultaneously allows the state to distance itself from their consequences. Often lacking any standard uniform or insignia, typically clad in slippers, singlets, and basketball shorts, militiamen are recognizable only by their open possession of firearms; vigilantes may be indistinguishable from CAFGUs, and their identity may shift depending on the demands of the occasion. The rise of the vigilante movement was portrayed by government officials as a spontaneous manifestation of democratic and anticommunist “people power” and a legitimate exercise of the people’s right to self-defense. Unarmed civilians such as Peter Alderite, a union leader who was hacked to death with machetes in front of the plantation compound, apparently have no such right of self-defense, which would be considered “resisting arrest.” The key role of military and civilian officials in arming and organizing these “autonomous” vigilante groups is extensively documented, yet they remain unaccountable for their crimes. Both military and plantation officials denied responsibility for the murder of Alderite: to the army, it was a matter for company management; the company termed it a military operation. The increasing reliance of Indonesian authorities on “volunteers” and “civil militias” demonstrates a similar pattern—one that is especially disturbing given the country’s prior experience of army-led communal mass killings and possible military involvement in provoking riots.²⁴
Like the Philippine military under Aquino, Indonesia’s armed forces project themselves as defenders of order even while representing a major threat to it. The destruction of East Timor by pro-Indonesian militias in the aftermath of its historic independence vote, and Indonesia’s denial of responsibility for the rampage, depended on the use of paramilitary proxies. As with the Philippine vigilantes, their outrages are portrayed as spontaneous and beyond state control.

**Clarity and Accountability**

The lack of conceptual clarity over what is civil and what is military or police coercion, Scobell and Hammitt point out, hampers our ability to understand these groups. This is more than an academic issue. It arises out of deliberate efforts to obscure lines of command and control and evade accountability. The blurring of crucial distinctions—between policing and defense, the state and the people, military and civil, civilian and combatant, public policy and private enterprise, war making and profit taking—lies at the heart of abuses of power. Conceptual demystification is therefore a prerequisite for informed, effective and humane policymaking. The task of conceptual clarification begins by bringing the insights of traditionally divorced perspectives to bear on their common problems. The integration of development, human rights, and security perspectives brings more appropriate security referents into focus: improved governance, founded on accountability, breaks down the contradiction between the security of the state and the security of the people. With redefined referents come more appropriate policy goals and the tools to realize them.

A good example of such policy synergy is the British government’s new approach to foreign aid and international development. Announced in the November 1997 White Paper, this new strategy reflects ideas that have emerged over the years from the academic and development aid communities. Taking due note that “the nature of warfare has changed with a greater preponderance of intra-state conflict” and that “civilians are now ten times more likely than soldiers” to be victims of these conflicts—fundamentally hampering development—the White Paper establishes an integrated framework within which development and security goals become mutually reinforcing.* Although development policy

*United Kingdom, DFID (1997: sec. 3.48). The White Paper is analyzed in Burnell (1998). While it might be argued that the integration of development and security policy is not new—witness such “hearts and minds” approaches as KESBAN in Malaysia and Order 66/2523 in Thailand—security sector reform is distinctive in that it serves the larger goal of development, rather than development serving narrowly conceived security goals.
has “in the past tended to shy away from the issue of security sector reform,” in the words of the British secretary of state, “we want increasingly to integrate a security sector reform perspective into our country programs and into the thinking of other donors and multilateral development institutions” as a first priority in putting theory into practice. The goal is to “ensure that security sectors are subject to proper civilian authority and contribute to, rather than hinder, development.” Having made the conceptual leap of connecting development and security, the Department for International Development (DFID) is now pressing for closer collaboration with the Ministry of Defense and Foreign Office within Whitehall and, moreover, for improved partnerships between governments, the United Nations, and regional and sub-regional organizations. Other states would be well advised to look closely at the DFID’s initiatives.

As we have seen, accountability is the key to controlling the abuse of power: not only military accountability to civilian authority but also accountability of state authorities to the population at large. The consolidation of civilian control is empirically associated with democratization and, like democratization, is a never-ending task. The two are analytically distinct, however, and opinion is divided on whether civilian control is even a necessary condition for democracy. David Mares contends that civilian dominance does not assure consolidation of democracy, but neither does its absence preclude consolidation; Robert Dahl, by contrast, takes civilian control to be an essential precondition for polyarchy; Terry Karl explicitly incorporates civilian control in defining democracy. Is the consolidation of civilian control an end in itself, or is it a means to the end of democratization? To further problematize the issue, democratization does not guarantee good governance, civil liberties, or an end to abuse of power—the ultimate objectives of consolidated civilian control. The objectives in view will necessarily color policy recommendations for the consolidation of civilian control, but these can be cast in terms of “minimum” and “maximum” programs for consolidation.

POLICY RECOMMENDATIONS

The key to the consolidation of civilian control and democracy—and hence accountability—is institution building. If civilian control is to be stable, durable, and “objective” (Huntington’s term), strong institutions are required in both the civilian and the military spheres of responsibility. The goal is not however, to maximize civilian power indiscriminately at the expense of legitimate military institutional autonomy. “Subjective” civilian control of this kind creates an
antagonistic, zero-sum relationship that can lead to resentment in the military and an authoritarian backlash, particularly in transitional situations. Strong, balanced institutions in both spheres, by contrast, can become mutually reinforcing. The real issue, then, is to redefine the legitimate prerogatives of each sphere and to reshape institutions in accordance with appropriate jurisdictional boundaries.

The ability of transitional regimes to consolidate civilian control will vary with circumstances—above all the civil-military balance of power emerging from transition; the degree of division or consensus among the armed forces, political elites, and society at large; military attitudes toward intervention; and the strength of pro-militarist civilian constituencies inclined to invite it. While there is a wide range of institutional arrangements that might fit local conditions, civilian control is most likely to become consolidated over the long term where the process of democratization goes beyond minimal electoral criteria to include broad-based, ongoing, institutionalized, popular participation. A vigorous civil society is an indispensable check on elective exercises that may remain hostage to extreme social inequalities or even the military itself. Short of the maximum program of social democratization, a number of measures can be recommended as elements of a minimum program. Again these would need to take account of local conditions but on the civilian side could include:

- Institutionalizing ultimate civilian authority over key national security decision-making processes, including mission definition, procurement, appointments, and promotions.
- Developing civilian expertise on military matters within the bureaucracy and legislative branch in order to ensure competent oversight and minimize unnecessary friction.
- Developing parallel civilian intelligence capabilities if the executive is too reliant on military intelligence.
- Training and appointing capable civilian replacements as a priority measure where administrative underdevelopment has led to the secondment of military personnel to civilian bureaucratic functions. Foreign aid in the form of grants, loans, or scholarships may be appropriate.

With respect to the military:

- Restricting the application of military judicial procedures to clearly defined internal military matters.
- Creating truth and reconciliation or human rights commissions to investigate past crimes and recommend remedial measures where there is a sig-
nificant pattern of military impunity.
- Incorporating a strong emphasis on civilian supremacy and civic education in military socialization and training patterns.
- Ensuring a clearly defined chain of command and taking steps to prevent the development—particularly during socialization and training—of informal allegiance networks (factions) that may override it.
- Regularizing the military budget to ensure transparency and accountability; minimizing sources of income independent of the budget process while ensuring adequate funding.
- Prohibiting the use of irregular forces that are not under the chain of command, are privately financed, or do not wear standardized uniforms and insignia.

And with respect to foreign aid donors:
- Maintaining a suitable balance between infusions of military and economic and political aid. Excessive foreign military aid—disproportionate to the size of the host economy—can vastly exaggerate the role and influence of the armed forces in developing nations.

Conjoined with accountable governments and militaries, the present body of humanitarian and human rights law is the starting point in preventing abuse of power. A multistranded approach that links states, militaries, intergovernmental organizations (IGOs), and regional and local nongovernmental organizations (NGOs) is the only way to operationalize this body of law effectively. As can be seen from Table 2, Asian states subscribe to the major international instruments in varying degrees: the Fourth Geneva Convention receives universal endorsement; the International Covenant on Civil and Political Rights (ICCPR), Protocol II, and the Convention Against Torture (CAT), much less so. Encouraging ratification of these instruments should be a central policy goal, for they set standards to which states can be held accountable. Mere dissemination is no panacea, however. Equally important are the mechanisms for applying these standards, which are presently very weak.

The basic weakness is that current enforcement mechanisms are too reliant on states that are reluctant to prosecute. These international mechanisms depend on the consent of states, which must first admit the existence of an Article 3 or Protocol II conflict on their territory before their provisions may be applied. This state-based system of implementation, however, is slowly evolving to encompass a range of UN-based elements, including the domestic and international NGOs
that are well placed to document and publicize abuses. These NGOs also interact with national institutions such as human rights commissions and exert increasing leverage by virtue of their international standing with the UN. In the process, they strengthen the fabric of Asian civil societies—bolstering transparency and accountability and ameliorating the conditions of institutional vacuum in weak states that generate internal conflict in the first place. Foreign aid and development policy should support such organizations “able to play a watchdog function over the performance of the security sector.”

The long-term objective is to achieve a tighter integration of NGOs, national institutions, and international bodies such as the International Criminal Court (established in July 1998). A regional intergovernmental structure is needed, as well, for Asia is the only region to lack such a human rights body.

Weak implementation is further related to the excessive complexity of current standards, which have developed in a haphazard fashion, creating a legal jigsaw puzzle with many missing pieces. Fine legal distinctions between different kinds of conflict invite the evasion of standards. As the distinction between peace and war has become increasingly murky, there is an urgent need for greater convergence between human rights and humanitarian law and their simplification as clear rules of engagement understandable by soldiers in the field. Enhanced military training programs in human rights and the laws of war should identify these

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Table 2. Status of Key Human Rights Instruments in Asia

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aChina signed the ICCPR on 5 October 1998.

as standards of professional conduct that are in the military's own best interest. They should be backed up with appropriate checks and balances, sanctions and incentives, including:

- Recruits should be thoroughly screened for indications of prior criminal activity or proclivity toward unjustified violence.
- Human rights training should be prioritized, thorough, straightforward, repeated at regular intervals, and a prerequisite for promotion and deployment in situations of tension, disturbance, or conflict.
- Instruction should involve team teaching by qualified human rights experts and experienced combat personnel to reinforce its practical importance.
- Promotion should be contingent on human rights clearances from independent bodies such as human rights commissions and judge advocate general’s offices.
- Provisions should be made for external appeal to an independent ombudsman in cases where military personnel feel compelled to disobey orders for humanitarian reasons. If their cases are upheld, they should receive due recognition.

There must also, of course, be a price to pay for violators. Civilian supremacy, democratic accountability, and closer integration of Asian civil societies, national institutions, and international structures are the key elements in making military power accountable to justice. Ultimately, only an end to impunity will bring a halt to the abuse of power by internal security forces.

ENDNOTES

5 Myren (1990: 350).
7 Quimpo [n.d.: 12].
8 Figures cited by Tilly (1990: Table 7.1, p. 201).
12 Janowitz (1977: 3).
13 Janowitz (1977: 4–9 and 17).
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