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Security integration in conflict-affected societies

Considerations for Myanmar

August 2018

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Glossary

Glossary of acronyms and terms

AFP   Philippine Armed Forces
AFSPA   Armed Forces Special Powers Act
ANC   African National Congress
BMATT   British Military Advisory and Training Team
BSF   Border Security Force
CAB   Comprehensive Agreement on the Bangsamoro
CAS   Advisory Council on Security
CPF   Community Police Forums
CSO   civil society organisation
DDR   disarmament, demobilisation and reintegration
EU   European Union
FMoD   Federal Ministry of Defence
FRELIMO Frente de Libertação de Moçambique
JMCC   Joint Military Coordinating Council
KLA   Kosovo Liberation Army
KPC   Kosovo Protection Corps
MILF   Moro Islamic Liberation Front
MK   uMkhonto we Sizwe
MNLF   Moro National Liberation Front
NCA   National Ceasefire Agreement
NGO   non-governmental organisation
NHRC   National Human Rights Commission
PCA   Police Complaints Authority
PLA   People's Liberation Army
PNC   National Civil Police
PNP   Philippine National Police
RCMP   Royal Canadian Mounted Police
RENAMO   Resistência Nacional Moçambicana
SADF   South African Defence Forces
SANDF   South African National Defence Forces
SAPS   South African Police Service
SSD   security sector development
SSR   security sector reform
TNI   Tentara Nasional Indonesia
UK   United Kingdom
UN   United Nations
UNRG   National Guatemalan Revolutionary Unit
US   United States of America

Glossary of ethnic armed organisations, military governments, state-backed ethnic paramilitary actors, and ethnic alliances

ABSDF   All Burma Students Democratic Front
ALP   Arakan Liberation Party
CNF   Chin National Front
DKBA   Democratic Karen Benevolent Army
EAO   Ethnic Armed Organisation
KIO   Kachin Independence Organisation
KNPP   Karenni National Progressive Party
KNU   Karen National Union
LDU   Lahu Democratic Union
MPF   Myanmar Police Force
NLD   National League for Democracy
NMSP   New Mon State Party
PNLO   Pa-O National Liberation Organisation
SSPP   Shan State Progress Party
Tatmadaw Myanmar language for "Armed Forces" used in thie report as the formal name for the national armed forces
TNLA   Ta'ang National Liberation Army
UNFC   United Nationalities Federal Council
USDP   Union Solidarity and Development Party
UWSP   United Wa State Party

Foreword

THIS PAPER IS THE SECOND IN A TWO-PART SERIES on security integration in Myanmar. The first – *Security integration in Myanmar: past experiences and future visions* – contextualised the complex history and current discourse around security reform and governance in the country. Since its publication in July 2017, talks on federalism – and security in particular – have progressed slowly, not least due to the widely divergent interests and positions of the National League for Democracy, the Tatmadaw, and the multiple Ethnic Armed Organisations on security integration.

The absence of a shared vision for security integration quickly raises redlines for both Ethnic Armed Organisations and the Tatmadaw, making progress difficult. As a consequence, in-depth security discussions have been delayed, which has likely contributed to deepening the reluctance of some National Ceasefire Agreement non-signatory Ethnic Armed Organisations to sign up to the process, and of the Tatmadaw to fully invest in it.

This paper draws on the experiences of a number of countries in Africa, Asia, Europe and the Americas to offer technical and political insights on three themes: sustaining security sector negotiations and making them more inclusive; the institutional features of security sectors in federal countries; and the integration of non-state armed groups with national security bodies. It aims to support reflection and promote discussion on how to develop a more inclusive security sector in Myanmar – one that will meet the needs of the country's diverse ethnic and religious communities and help to consolidate long-term peace and stability.

While insights from other countries which have grappled with the challenges of security integration may be helpful in stimulating discussions in Myanmar, the country will need to craft an approach to security reform which responds to its unique circumstances. The overarching lesson from the diverse experiences reflected in this report is that there are no simple models for security integration that can be applied in Myanmar.

Although these are profoundly complex and sensitive issues, we hope it will make a constructive and useful contribution in support of all those actively seeking positive changes in the sector.

Paul Murphy
Executive Director

Map of Myanmar States and Regions

Executive summary

THIS REPORT PROVIDES TECHNICAL AND POLITICAL INSIGHTS on security sector negotiations drawn from different African, Asian, Central American and European countries to inform Myanmar's peace process. It focuses on three themes: sustaining security sector negotiations and making them more inclusive; the key institutional features of security sectors in federal countries; and the integration of non-state armed groups with national security bodies. The report aims to inform deeper reflections on the challenges of developing an inclusive security sector in Myanmar that can help consolidate long-term peace, stability and security. This report is the second in a two-part series on security integration in Myanmar; the first, *Security integration in Myanmar: past experiences and future visions*, focuses solely on Myanmar, contextualising the complex history and current discourse surrounding security integration, including the different visions major stakeholders have for the future: especially the National League for Democracy (NLD), the Tatmadaw (Myanmar's armed forces) and the multiple ethnic armed organisations (EAOs).

Myanmar's first multilateral political dialogue has been underway since 2016, framed by the structures agreed under the Nationwide Ceasefire Agreement (NCA) that commits parties to negotiations that seek to create a more democratic and federal state. But talks have been slow and are not yet fully inclusive. So far, only 10 of the country's more than 20 EAOs have signed the NCA (see Annex 1, page 43). This has helped bring more stability to some areas, though in others armed conflict has been at its most intense since the 1980s.

Meanwhile, the transition from direct military rule – a process which brought the NLD to power in 2016 – remains fragile. While the Tatmadaw no longer leads the day-to-day administration of the country, it has retained significant political, legislative and economic powers as well as wide-ranging security functions and complete autonomy in warfare, making it a central player in peace talks.

Myanmar's current political situation raises important questions about the future structure and governance of the country's security sector. First, how can it be structured within a federal system so that it meets the needs of the country's different ethnic and religious groups? Second, how can EAOs that have signed the NCA integrate into the union's security sector or 'opt out' without compromising the security of their personnel or the people they claim to represent? Third, how can enough time be set aside during ongoing peace talks so that these issues can be satisfactorily addressed for all? This will affect the achievement of a lasting political settlement to Myanmar's armed conflicts and is central to the long-term prospects for stability and development.

The long-term challenge for Myanmar will be to merge the diverse security and justice bodies associated with the government, the Tatmadaw and the EAOs to create a

unified security sector that is seen as legitimate by all parties and is capable of defending the country, maintaining law and order, and protecting the rights of citizens from diverse ethnic and religious backgrounds. Meeting this challenge will require a shared vision of how security will be structured and governed within a democratic and federal system,[1] and will need parties on all sides to commit to change.

Although the concept of 'security reintegration' was mentioned in the 2015 NCA, there is limited agreement on exactly how to use it as a framework for security discussions in Myanmar. When parties use the term 'security reintegration', they are generally referring to some combination of disarmament, demobilisation and reintegration (DDR) and security sector reform (SSR) – two aspects of the conventional international approach to peacebuilding in countries emerging from or in the midst of armed conflict.[2]

However, in practice, the Tatmadaw and the EAOs still have widely divergent under-standings, interests and positions with respect to DDR and SSR. Discussion of these issues quickly raises red lines for both sides. While the Tatmadaw has focused on DDR of EAOs as a priority, the EAOs have insisted on a broader SSR process to achieve a more decentralised and inclusive security system. This has created an impasse, with negotiations periodically stalling. This lack of progress has likely deepened the reluctance of some non-signatory EAOs to sign up to the NCA, and of the Tatmadaw to fully invest in it.

Realistically, it may not be possible as a first step in Myanmar's security integration process for either the EAOs to disarm and demobilise their forces (as the Tatmadaw has called for) or for the Tatmadaw to undertake the fundamental reforms demanded by the EAOs that would reduce their control over the security sector. This highlights the need not just for greater consensus on what DDR and SSR mean in practice, but also for the parties to find a 'middle path' between these two extreme positions. Achieving even a basic consensus on these issues is a prerequisite for the successful agreement of a 'union accord' – which the government aims to achieve through talks before 2020.

Toward a shared understanding of security

Myanmar, like other countries which have sought to end armed conflicts and repair divisions, can benefit from a clear and shared understanding of what security means in its particular context. As adversaries engage in the process of negotiation and confidence building, this can provide an opportunity to re-orient security thinking towards long-term peacetime needs; in other words, to imagine what the role of military, police and other forces will be in a peaceful and united country.

Nevertheless, developing a shared understanding of security will be a slow and difficult process. It will depend on concerted efforts to make current negotiations more inclusive, both of the wide range of conflict parties and of diverse and marginalised voices in society. The inclusion of women in particular is strongly correlated with long-lasting and durable peace agreements, particularly where they relate to political, social and security reforms.

If Myanmar's parties are not able to engage in peace talks on an equal footing, they are unlikely to get consensus on the changes needed to end conflict. Adopting an inclusive concept of security can in turn facilitate efforts to agree on the structure of a future federal security system that is responsive to the needs of everyone. International cases show that agreeing and including even *minimum* provisions relating to SSR in peace settlements can help to lay the groundwork for future discussions on this issue during implementation.

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1   The authors recognise ongoing disputes regarding the official sequencing of the terms 'democratic' and 'federal' when referring to the future political system, and do not imply that one is more important than the other.

2   This was indicated in an addendum to the NCA containing key clarifications and in numerous public statements from officials.

**In search of a federal
security model**

There are four key security benefits associated with federalism that make it an appealing form of government in post-conflict or conflict affected states: a) they promote peace and cooperation between different regions; b) they help to protect ethno-linguistic minority rights; c) they increase opportunities for participation by citizens and minority groups in public decision making; and d) they allow for more variety in the delivery of public services – including public safety and justice – so that they better meet people's needs.

However, there are no simple models for a federal security system that can be applied to Myanmar. Of the 192 United Nations (UN) Member countries, only 27 are federations and each of their security sectors are structured, managed and delivered in different ways. The experiences of countries which have recently adopted federal political systems, such as Somalia (2012) and Nepal (2015), underscore that determining how best to structure security sectors raises difficult political and practical questions that must be carefully addressed according to local circumstances and priorities.

In light of the experiences of other countries, this report examines five sets of issues and dilemmas which are likely to arise in Myanmar as it transitions to a federal system.

■ First, the challenge of balancing 'union' (meaning central) and local military powers to defend national sovereignty while ensuring that states and regions have appropriate legal, political and institutional safeguards to protect against interventions by federal military forces in their internal affairs.

■ Second, the advantages and drawbacks of different options for organising policing. Simply decentralising policing powers to state and local levels will not automatically result in enhanced security for populations without ensuring they can manage, oversee and deliver security services.

■ Third, the need to develop mechanisms to increase the accountability of security services to publicly elected parliaments at the state and federal levels, and to make these accountability mechanisms responsive to the country's diverse ethnic and religious groups, as well as to both women's and men's needs.

■ Fourth, understanding that decentralising security powers to states will not always be enough to increase ethnic or gender inclusion in security forces. There will likely be a need for more proactive efforts (such as the use of recruitment quotas) to provide everyone with equal opportunities to influence decisions about the governance and delivery of security services.

■ Fifth, the challenges Myanmar is likely to face in paying for and sustaining security services locally and at the state level amid public financial constraints. This will require pragmatic discussions between federal and state governments about priorities for the development of new security services to ensure the widest possible benefit to communities.

Reflecting the complexity at the heart of Myanmar's conflicts, the report underscores that the challenges of constructing a responsive federal security system will be shaped by the nature of power relations between union-level and local-level (e.g. state, region or self-administered area) institutions. It is often argued (not least by minority rights advocates) that decisions made by local governments will automatically be more responsive to people's needs than those made by federal authorities. This is linked to a common fear (an understandable one in many contexts) that federal governments will be blind to local priorities. But security provision in federal systems has closely inter-linked federal and local dimensions. To be effective, it requires close cooperation between government bodies at all levels.

All federal systems follow the same rationale: functions and services from which all regions of a country would benefit, but which local governments cannot provide on their own (due to cost or the need for national infrastructure) are the responsibility of

the federal government. Matters which are seen to be purely of local concern (such as public safety and law and order) are the responsibility of lower levels of government. But where states or local actors lack the ability to manage, oversee or deliver security services, they may depend on – and benefit from – federal support, infrastructure, or resources.

While the EAOs believe that creating a federal armed force is the best way to check the power of the Tatmadaw, there is virtually no country where the central government has compromised on maintaining full control of military forces.[3] But concern over the concentration of power in a centralised armed force is not unique to Myanmar. In federal countries – as the examples of the United States (US), Germany and India show – different legal and political safeguards have evolved over time which give states varying degrees of protection against intervention in their affairs by federal military forces.

Policing, on the other hand, can be highly decentralised. Looking at the cases of Nigeria, Canada and Germany, among others, this report examines three different ways to structure the police in a federal system: centralised policing, two-tiered decentralised policing and a hybrid model. Each approach was heavily influenced by the local political and institutional context. The case of Nepal underscores that the process of transitioning to a new federal security system in Myanmar is likely to be both technically complex and politically sensitive. This should be kept in mind during future negotiations between the EAOs and the government towards a union peace accord and constitutional reform.

Going down the path of security integration

Myanmar's EAOs may follow different paths to security integration depending on their main political objectives. The process of security integration could include some form of DDR, the re-constituting of EAO forces as formally governed security services under the control of states, the integration of EAOs with union security forces, or combinations of all three. For those choosing integration with the state system, a crucial aspect of negotiations will be the future composition of their security forces, which may include not just their armed wings, but in some cases civilian-led police forces and paramilitary bodies.

The challenges of integrating EAOs with union security forces are particularly notable in Myanmar because there are significantly more parties involved, and because it would have to happen at the same time as the complex transition to federalism. Failed past attempts at security integration have also left some EAOs apprehensive about relinquishing their security autonomy.[4] As a result, Myanmar will likely experience a particularly long 'interim period' when future security arrangements are negotiated and trust and confidence are rebuilt between the parties.

In other countries emerging from armed conflict – including Nepal, Kosovo and Cambodia – transitional security measures that provide a temporary status for armed organisations without requiring them to disband immediately have been used to buy time for security integration and reduce the risk of relapse into conflict. Such measures can facilitate discussions between parties and help them reach agreement on the direction and timeline for security integration. This can also help lay the political groundwork for more substantial, longer-term reforms in the security sector. Unless Myanmar can take tangible steps to show that it is moving from a 'war footing' to a 'peace footing' that better meets the needs of all ethnic and religious groups, the conditions needed for DDR, the integration of EAO forces and SSR may never materialise.

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3 One exception is the Peshmerga, the military forces responsible for the security of the federal region of Iraqi Kurdistan, which the Iraqi army is forbidden by law from entering. See Mario Fumerton and Wladimir van Wilgenburg (2015), 'Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces' (Beirut: Carnegie Middle East Center), 16 December, available at: http://carnegie-mec.org/2015/12/16/kurdistan-s-political-armies-challenge-of-unifying-peshmerga-forces/in5p.

4 The legacy of militia programmes and most recently the Border Guard Force scheme are discussed in the first paper of this series.

The case of South Africa provides insight into the technicalities of security integration, particularly around inclusive design and implementation, the benefits of unit-level integration, and the mobilisation of international partners to support (though not necessarily lead) the process. Meanwhile, lessons from the Philippines show the benefits of taking a flexible approach to DDR and allowing armed groups to retain a certain level of autonomy so they remain engaged in often protracted and fraught processes of change. This can also facilitate efforts to address differences in language, political beliefs, military doctrines and religion that can hinder efforts to integrate former adversaries into a common force.

Implications for Myanmar

The case studies in this report have evolved in political and institutional contexts which are different from Myanmar's. While none of the 'solutions' discussed are directly transferable, they highlight a number of important considerations for Myanmar as it goes down the path of negotiating a more inclusive security sector as a means to building lasting peace.

Importance of an internally-driven approach

Meaningful change and progress in security negotiations will only be possible with serious commitment and political will from within Myanmar. A key element will be the development of an agreed definition of security that all parties can buy into and which reflects national circumstances. The international concepts of DDR and SSR can serve as a useful framework for thinking about the challenges of building an inclusive security sector in Myanmar. However, these concepts do not provide a clear guide for action, nor should they be used as a substitute for negotiations between the Myanmar parties to agree an agenda and a roadmap for change in the security sector.

In countries where SSR has been 'handed down' from external bodies, for instance in the context of some large multi-national peace support operations, the momentum for change has often slowed, with initial gains reversing after international actors have pulled out. Myanmar's locally-driven peace process provides an opportunity for domestic actors to build the institutions, technical capacities and political momentum necessary to achieve a locally owned and more sustainable – albeit long and painstaking – process of change in the security sector.

Timeframe for security integration

The ambitious changes that the NLD and EAOs want to see in Myanmar's security sector are likely to take a generation or more to achieve. An additional set of challenges will arise as Myanmar shifts to a federal political system. In most countries, development of federal security systems has been an *evolutionary* rather than a *revolutionary* process – occurring over an extended period and allowing for adjustments to be made in response to changing circumstances on the ground.

In the absence of a clear agreement on the structure of Myanmar's future federal security system, an incremental approach may be preferable, allowing greater space to get the needed political consensus, institutional capacity and financial resources. Involved parties could benefit from mapping out a phased process of security integration involving goals and actions for key stages both before and after a union accord, with each step of the process accompanied by transitional security arrangements that give EAOs the confidence to stay the course.

Domestic constituencies for change

The creation and nurturing of civilian policy communities that focus on defence and security issues are crucial to the success of security transitions in countries without a

tradition of democratic security sector governance. Such networks can help steer security discussions towards a broader focus on people's needs, build partnerships across the civilian-military divide, hold security actors to account for their actions, and strengthen domestic coalitions for change. Experience from other countries suggests that, over time, as civilians gain expert security knowledge and influence, they can gain the respect of military counterparts and also encourage former adversaries to collaborate more closely in addressing reform challenges. This in turn can help to open up policy debates on defence and security to a wider civilian audience.

The process of reconciling conflicting security visions and interests will nonetheless take time in Myanmar and will involve both successes and setbacks. But without progress through dialogue there cannot be a realistic expectation of improving democratic security sector governance in the country. The stated and written commitments of the government, Tatmadaw and EAOs to a democratic, federal state offer a common basis on which this dialogue should continue.

1

Introduction

THIS REPORT PROVIDES TECHNICAL INPUT from global experiences to move the discussion on security integration in Myanmar forward. The report draws on the experiences of a number of countries in Africa, Asia, Europe, and the Americas, which offer insights into the challenges of integrating non-state armed groups into national security sectors. The aim of this report is to support reflection on how to develop a more inclusive security sector in Myanmar that will meet the needs of the country's diverse ethnic and religious communities and help to consolidate long-term peace and stability. It is the second in a two-part series on security integration in Myanmar; the first focuses on the local context and is entitled *Security integration in Myanmar: past experiences and future visions*.[5]

Slow pace of security negotiations

Myanmar's first multilateral political dialogue has been underway since 2016. It is framed by the peacebuilding vision of the military founded Union Solidarity and Development Party (USDP) that took power in 2011. Following a series of bilateral ceasefires signed with Ethnic Armed Organisations (EAOs) from 2012 onwards, in October 2015 a Nationwide Ceasefire Agreement (NCA) was signed; structured around a threeway discourse between the EAOs, Tatmadaw (Myanmar's armed forces) and government. In March 2016, the National League for Democracy (NLD)-led government took power and stated that peace and reconciliation would be their top priority. Talks have been slow, however, and are not yet fully inclusive. So far, 10 of the country's more than 20 EAOs have signed the NCA (see Annex 1, page 43), which commits parties to establishing a democratic, federal state.[6]

While the NCA and the many bilateral ceasefires signed since the 1980s have shored up stability in some areas,[7] in others, such as Kachin, Shan and Rakhine states, armed conflict has been at its most intense for decades. This has led to widespread displacement of people, with the violence in northern Rakhine state dominating international media coverage on Myanmar. In Shan and Kachin states, the armed conflict has likely deepened the reluctance of some NCA non-signatory EAOs to sign up to the process, and of the Tatmadaw to fully invest in it.

Meanwhile, the transition from direct military rule – set in motion by the 2008 military-drafted constitution and led by President Thein Sein from 2011 until the 2015 elections,

5 Saferworld (2017), 'Security integration in Myanmar: past experiences and future visions', July. https://www.saferworld.org. uk/resources/publications/1132-security-integration-in-myanmar-past-experiences-and-future-visions

6 Technically, one of the signatories, the All Burma Students Democratic Front (ABSDF), is not an ethnically-based organisation. It was established by students from across Myanmar and maintains a predominantly pro-democratic stance rather than an ethno-political one.

7 Depending on how these are counted, the government has signed as many as 50 ceasefires since the 1980s: some 40 between 1989 and 2010, and seven to 14 new ones under the Thein Sein government.

which brought the NLD to power – remains fragile. The Tatmadaw no longer leads the day-to-day administration of the country, but there is likely to be significant continuity in its self-appointed 'statebuilding' and national security roles.[8] Notably, the Tatmadaw retains a constitutional mandate over security policy, and occupies 25 per cent of parliamentary seats. In addition, the Tatmadaw effectively appoints the ministers for defence, home affairs and border affairs, giving it near complete autonomy in the conduct of warfare, and making it a central player in peace talks.

This situation raises several critical questions about the future structure and governance of Myanmar's security sector. How can the security sector be structured within a federal system so that it meets the needs of the country's ethnic and religious groups? What paths lay open to EAOs that have signed the NCA to integrate into the 'Union' (meaning central) government security sector or 'opt out' without compromising the security of their personnel or the communities they currently govern and represent? How can time and space be created during ongoing peace talks so that the above issues can be satisfactorily worked out for all parties?

How these questions are answered is inextricably linked to achieving a lasting political settlement to Myanmar's armed conflicts, and is central to the long-term prospects for stability and development. Despite their critical importance, talks on federalism – and security, in particular – have progressed slowly. In the absence of a shared vision of security integration, discussion of this issue quickly raises redlines for both EAOs and the Tatmadaw, making progress difficult. As a consequence, in-depth security discussions have been delayed, which has likely deepened the reluctance of some NCA non-signatory EAOs to sign up to the process, and of the Tatmadaw to fully invest in it.

A complex security environment

The slow pace of security negotiations in Myanmar reflects both the distrust that prevails between the parties and the sheer complexity of the country's security environment. Despite decades of direct military rule aimed at consolidating sovereignty and stability, the Myanmar state has never been able to establish control over the entire country. In addition to the widely deployed and infantry-heavy armed forces, the security environment is made up of multiple armed actors linked both to the government and EAOs, which exercise a wide range of military, law enforcement, and justice-related functions. These forces often have overlapping territorial claims and jurisdictions, sometimes in cooperation (where ceasefires are in place, and where they hold) and sometimes in outright military confrontation.

The Tatmadaw is a vast organisation with units stationed in most towns, bases positioned throughout rural areas and direct control of the Myanmar Police Force (MPF), as well as various paramilitary bodies.[9] The EAOs, of which there are more than 20 groups, vary greatly in size, military capability,[10] and the nature of their relations with communities.[11] Some EAOs have well-developed civilian institutions for maintaining law and order, administering justice and delivering social services (health, education, etc.) for the local populations, while others are military organisations first and foremost.

The long-term challenge of security integration confronting Myanmar is to merge these diverse security and justice bodies to create a set of legitimate forces capable of defending the territory from external aggression, enforcing the law, and protecting the rights of citizens from diverse ethnic and religious backgrounds. Meeting this challenge will depend on developing a shared vision of how the future security sector will be

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8   Wilson T (2016), 'Strategic Choices in Myanmar's Transition and Myanmar's National Security Policies', *Asia & the Pacific Policy Studies* 3 (12), January, pp 62–71.

9   Among the most prominent are 23 Border Guard Forces and at least 15 People's Militia Forces, and many smaller village-level militia forces. See Buchanan J (2016), 'Militias in Myanmar', report published by the Asia Foundation: Yangon.

10   The United Wa State Party (UWSP) is the most powerful EAO with an estimated 30,000 troops, while the others range from a few hundred to around 10,000 troops and have less sophisticated military capabilities.

11   Not all of them actually have armed forces or control territory. For example, the Lahu Democratic Union (LDU), the Wa National Organisation (WNO), and the Arakan National Council (ANC) all have few or no troops.

structured and governed within a democratic, federal system,[12] and on significant commitments to transformative change from actors on all sides of the conflict – both of which are currently lacking.

Fragile consensus on security integration

The political dialogue currently underway in Myanmar has raised hopes that agreement can be achieved on future security arrangements. The process by which this would occur was referred to in the 2015 NCA as 'security reintegration', loosely referring to a process of DDR and SSR (for definitions see box below). The concepts of DDR and SSR are external in origin but have been adopted, at least at a rhetorical level, by the Myanmar parties. DDR and SSR represent two aspects of the conventional international approach to consolidating peacebuilding and peacemaking processes in countries emerging from a period of armed conflict.

Definitions of DDR and SSR

DDR stands for disarmament, demobilisation and reintegration. The United Nations (UN) defines DDR as a process of removing weapons from the hands of combatants, taking the combatants out of military structures, and helping them to integrate socially and economically into society.

SSR stands for security sector reform. The UN defines SSR as a process of enhancing effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law.

There is currently a fragile consensus in Myanmar on using the concept of security reintegration as a framework for security discussions. The first paper in this series outlines the widely divergent interests and positions of the NLD government, the Tatmadaw, and the EAOs on the security integration issue, as well as their differing understandings of what DDR and SSR mean and entail in practice.

The Tatmadaw is focused first and foremost on the accelerated modernisation of its operational capabilities.[13] It has rebuffed claims that transformational SSR – in the sense of any fundamental changes to the way in which it is structured or governed – will be necessary to build lasting peace. Tatmadaw leaders have generally been reluctant to discuss the formal security sector in any detail, insisting that EAOs must eventually enter a process of DDR or simply come under the command of the Tatmadaw. To the extent that SSR is relevant to Myanmar, it sees this policy agenda as solely applicable to EAOs.[14]

Contrastingly, the NLD has long argued that the Tatmadaw must relinquish its political role and come under the control of elected civilians as a basis for rebuilding trust with the people. While the NLD has often emphasised the introduction of 'international standards' including human rights norms, as well as the full separation of military and policing powers, it has not actively sought to circumscribe the Tatmadaw's prerogatives or influence since entering government. In addition, the NLD has yet to publicise a position on the question of integrating Myanmar's EAOs with state security forces, despite Aung San Suu Kyi having given loose support to the EAOs' long-held demand for 'federal armed forces' before coming to power.[15]

As for the EAOs, they vary greatly in their positions on SSR. Nonetheless, since the late 2000s, a core bloc of pro-federal EAOs have made holistic reform of the armed forces along federal lines a central demand. In varying proposals, the main provisions for 'federal armed forces' – or what could more accurately be called 'federalised' or

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12 The question of whether the state should be conceived as a "democratic federal state" or a "federal democratic state" has been a topic of notable controversy in recent peace talks. In this paper we use "democratic, federal state", with the comma denoting equal emphasis on both adjectives.

13 The Tatmadaw talks about the creation of a 'standard' army, which refers to improving standards of training among all ranks and enhancing its operational capabilities with modern weapons and technologies.

14 Indicative of this are statements made by the Tatmadaw on a number of occasions referring to SSR as 'security sector reintegration', by which it means that the EAOs need to disarm and integrate into the Union security sector.

15 These proposals have appeared in party documents since the 1990s, including the 2015 election manifesto.

'federated' armed forces – have included instituting civilian command and establishing state-level defence and police forces.[16] Many of the strongest EAOs have stated repeatedly that they will reject any plans to redeploy their capacities solely to serve the central government without significant political and security reforms.

The key implication of these divergent positions on DDR and SSR is that it may not be possible, as a hard and fast first step in the security integration process, for either the EAOs to disarm and demobilise their forces (as the Tatmadaw has called for) or for the Tatmadaw to undertake the fundamental reforms (demanded by the EAOs) that would reduce their control over the security sector.[17] This highlights the need not just for greater consensus on what DDR and SSR mean in practice, but also for the parties to find a 'middle path' between the two extreme positions that they currently occupy.

Limits of international concepts

The track record of DDR and SSR in conflict affected contexts is mixed.[18] The reasons for these shortcomings vary, but regularly stem from the absence of key political, economic and social preconditions for DDR and SSR (as conventionally promoted) needed to succeed, rather than from resource and technical gaps. SSR is a highly prescriptive policy agenda which governments often perceive to be based on Westernised standards that are either not relevant or are unrealistic in their contexts. Where national consensus is lacking, SSR can be a high-risk, politically sensitive undertaking.

Because the ideal conditions are often lacking in countries emerging from or continuing to experience conflict, such as Myanmar, building trust and confidence between parties is a precondition for security integration processes to succeed. Security transitions typically require significant changes in mindsets on all sides of the conflict as parties move from a reliance on 'hard power' to secure their interests to a reliance on 'soft power' grounded in a governance framework. Where excessive pressure is applied on parties to disarm or reform rapidly, this may generate new political dynamics that provide opportunities for groups opposed to DDR and SSR to block their implementation.

In these circumstances, this report argues that it may be helpful to conceive of security integration as a two-speed process that seeks, on the one hand, to develop shorter-term transitional security measures that will give the EAOs confidence to sign the NCA and engage in political dialogue (without disarmament as a precondition) while, on the other, gradually creating conditions for long-term SSR which will enable the EAOs to progressively integrate into the Union security sector. This will require meaningful commitments by all parties to abide by a 'road map' for security integration.

The overarching lesson from the diverse country experiences examined in this report is that there are no simple models of security integration that can be applied in Myanmar. While the country will need to craft an approach that responds to its unique circumstances, insights from other countries which have grappled with the challenges of security integration may be helpful in stimulating discussions in Myanmar.

Overview of this report

The countries examined in this report include a combination of unitary states and federal states that have recently been affected by conflict, as well as several more established and stable federal states whose security systems have evolved over time.[19] Many of these countries have themselves benefitted in recent years from sharing

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16 Other proposals include limits on the size and business activities of all forces; quotas to ensure ethnic equality in recruitment, including of officer cadets; and the establishment of dedicated institutions and training courses on international humanitarian law and other international norms.

17 Among Myanmar's civil society groups, no homogenous position on the question of SSR has emerged.

18 Sedra M (2017), *Security Sector Reform in Conflict-Affected Countries: The Evolution of a Model* (Routledge).

19 The countries examined include Nepal, Nigeria and Somalia (which are federal states), India and South Africa (which are quasi-federal states), Guatemala, Indonesia, Mozambique, the Philippines, Sierra Leone and Zimbabwe (which are unitary states), as well as Canada, Germany, and the United States (which are more established federal states), and the UK.

insights from other countries, which were pivotal in some cases in getting former adversaries to work together in designing new, more inclusive, security sectors.

The concept of SSR as discussed in this report includes not just reform of military, police and intelligence actors, but also other bodies involved in the justice system. This report focuses primarily on security forces, which, due to being armed, are usually the initial focus in security integration processes. Crucially, however, a holistic long-term approach to SSR must encompass all relevant security and justice actors and also take into account linkages with other peacebuilding agendas, such as transitional justice, which aim to address the root causes of conflict, promote reconciliation between parties to conflict and prevent a relapse in violence.[20]

The rest of this report is structured as follows:

- Section 2 examines challenges involved in building national consensus on security, which include promoting an equal voice for all parties, agreeing an inclusive security concept, and incorporating minimum SSR provisions into peace agreements that will bind all parties to a future dialogue on this issue.

- Section 3 unpacks five sets of issues that arise in the design of federal security systems, including safeguarding against the abuse of federal military powers, organising policing, creating new accountability mechanisms, making the security sector more inclusive, and paying for security reforms.

- Section 4 examines options for integrating former adversaries into state forces, looking first at ways to buy time and space when conditions are not conducive to proceed, and then at two in-depth case studies of security integration (South Africa and the Philippines), including some of the dilemmas involved in international support for security integration processes.

- The final section offers some concluding thoughts on these issues.

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20 For additional information on the challenges of justice reform in Myanmar, see McCartan B and Jolliffe K (2016), 'Ethnic Armed Actors and Justice Provision in Myanmar', Asia Foundation, https://asiafoundation.org/2017/01/11/understanding-justice-myanmars-ethnic-armed-actors/, and on transitional justice see: What is Transitional Justice?, https://www.ictj.org/about/transitional-justice

2

Towards a shared understanding of security

COUNTRIES SEEKING TO END ARMED CONFLICTS and repair divisions can benefit from a clear and shared understanding of what security means in their particular context. As adversaries engage in the process of negotiation and confidence-building, this can be an opportunity to re-orient security thinking towards long-term peacetime needs; in other words, to imagine what the role of military, police and other forces will be in a peaceful country.

In Myanmar's case, it will be particularly important to reconcile differences on perceptions of DDR and SSR. This will be difficult as the stakes are high for all parties concerned. The current narrow focus on the sequencing of DDR and SSR has led to delays in discussions about a number of bigger issues which will have a long-term impact on Myanmar's security and stability. These issues include how security should be structured within a federal system, how to ensure the needs of all ethnic groups are adequately met, the different options available for EAOs to either integrate into or opt out of the security sector, and the Tatmadaw's future political, economic and security roles.

These bigger issues will understandably take a long time to resolve and some will unavoidably be best deferred until there is increased trust between the parties. But it will nonetheless be important to answer in advance key procedural questions relating to when these issues will be addressed in the political dialogue, which security concept will frame the discussions, and how to ensure that all parties (including groups that have traditionally been marginalised, such as women) have a voice. Greater clarity on these procedural issues may facilitate the current dialogue and efforts to get additional EAOs to sign the NCA.

Drawing on other countries' experiences, this section first examines the importance of promoting an equal voice for all parties in security negotiations. It then examines why adopting an inclusive security concept can facilitate efforts to build a security sector that is more responsive to the needs of all groups in society. Third, it considers how including even *minimum* SSR provisions in a peace settlement can help to lay the groundwork for future discussions on SSR during the implementation phase.

a. Promoting an equal voice for all parties

Inclusivity is crucial to success in peace negotiations. If parties are not able to engage in peace talks on an equal footing in the first place they are unlikely to achieve consensus on the changes necessary to end conflict. In the security sector, it is crucial that a common vision is developed by all parties that need to commit to change. Unequal proceedings may in turn lead to the failure of peace negotiations, which is ultimately not in the interest of any of the parties seeking to resolve a conflict, including the 'stronger' party. Although it is often assumed that a much less powerful party will simply have to go along with their stronger adversary in the end, the nature of modern warfare is such that asymmetrical conflicts can persist for decades, with seemingly weaker actors often demonstrating significant staying power and resilience.

Power imbalances between parties

Experience from other contexts suggests that negotiation processes often embed deep asymmetries[21] that reflect power differences between involved parties. For instance, a state is usually in a more powerful military and political position than a non-state group. The result may be that certain parties – typically non-state or rebel groups – are not able to effectively voice their concerns, or that these concerns are simply ignored by the stronger party. This often results in agreements that are weighted in favour of the state, and ceasefire obligations that are imbalanced.[22]

Asymmetry between parties can arise for a number for reasons. First, because states have sovereignty under international law, which includes the right to provide security within their territory. From the outset, this means that governments may demand commitments that will not be reciprocated. Thus, non-state groups may face pressure to agree to a ceasefire, if not disarm, as a prerequisite for further talks.[23]

Second, non-state armed groups are often inadequately equipped to handle the technical demands involved with negotiations (for instance, regarding how security integration will be structured and implemented). This is simply because states often have more resources at their disposal, including better access to technical expertise. This can result in pressure on non-state armed groups to sign up to agreements that they have not been able to adequately assess and influence.

Third, governments typically organise and set the parameters for peace talks, which includes determining the venue, content and pace of talks. This can disadvantage non-state armed groups in various ways. Where external support is being provided for peace talks, governments – to their own benefit – may also hold sway over how international resources are used. This can enable them to drag out talks for a longer period if they feel that this will give them a political advantage.

Peace talks tend to be less sustainable in a context of asymmetry. If non-state armed groups feel that their interests have not been taken on board, then negotiations are more likely to stall, or implementation of a peace agreement to fail. This can deter other groups who have yet to sign a deal from engaging in negotiations. It is therefore in the interest of non-state armed groups to plan for asymmetry and to consider what strategic measures they can take to leverage increased bargaining power.

Myanmar's EAOs have had to confront numerous problems that stem from an imbalance in power between them and the Tatmadaw. In response, they have sought to increase their bargaining power by building military and political coalitions among themselves – such as the creation of the United Nationalities Federal Council (UNFC)

21 Philipson L (2005), 'Engaging Armed Groups: The Challenge of Asymmetries', *Accord* Issue 16, available at: http://www.c-r.org/accord/engaging-armed-groups/engaging-armed-groups-challenge-asymmetries.
22 Public International Law and Policy Group (2013), *The Ceasefire Drafter's Handbook: An Introduction and Template for Negotiators, Mediators, and Stakeholders*, May.
23 *Ibid*.

and the Northern Alliance – and securing international support.[24] Furthermore, unlike peace processes conducted elsewhere under the auspices of the UN or regional organisations, Myanmar's has been relatively independent, in the sense that there has been no formal external third-party role. This has limited efforts to reduce the asymmetry between the parties.

The issue of asymmetry has hampered security negotiations in other countries, including Guatemala, whose peace process involved a wide range of actors, including the UN and civil society organisations (CSOs). Despite some early successes agreeing a broad definition of security (see the next section), when it came to actually drafting the security provisions, the rebel National Guatemalan Revolutionary Unit (UNRG) was at a disadvantage because of its relatively weak organisational capacity and lack of expertise.[25] Key clauses in the peace agreement were left loose and imprecise, allowing the government and the military to exploit them to their own advantage during implementation.[26]

Similarly, in South Africa, during the negotiations that preceded the historic transition from the white apartheid regime to a democratic one, the former guerrilla forces who backed the African National Congress (ANC)[27] found themselves at a disadvantage when negotiations on defence transformation became very technical.[28] Representatives of the pre-existing national armed forces, the South African Defence Forces (SADF), often dominated the discussion given their ability to justify their position with practical considerations deriving from better knowledge of the existing armed forces structures and capacities.[29]

But in South Africa's case, this technical advantage enjoyed by former members of the apartheid defence establishment was offset by the incorporation of a widened security discourse emphasising human security in the political and organisational transformation process in the security sector. Members of the ANC's political and military wings who had been in exile during the anti-apartheid struggle, along with local research-oriented groups, played a vital role in shaping policy debates and the new democratically governed security sector.[30]

Power imbalances within parties

There are also power imbalances within parties, including both governments and opposing political movements or armed groups, which can adversely affect how security issues are addressed in negotiations. This occurs, for instance, where negotiations are led by political and security elites who are often military and, for that reason, men as well. At a general level, the exclusion of civilians from talks on security issues has been quite common due to a belief that they lack the experience or knowledge required to negotiate on security matters. This is a problem more generally in the SSR field, where security is often equated with military issues.

Experience from peace processes underscores that, to the extent possible, it is important to encourage participation by a broad range of stakeholders. Steps to remedy this problem usually fall short, however, in bringing in key groups including civil society actors, particularly women. The factors behind the exclusion of these groups are

24 EAO engagement with CSOs in the areas they control has increased pressure on the parties to reach peace, but civil society networks remain relatively undeveloped in Myanmar compared to other countries. See, swisspeace (2014), 'Civil Society Contributions to Myanmar's Peace Process', *Catalyzing Reflection* 3/2014, http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Catalyzing_Reflections_3_2014.pdf.

25 Leon Escribano C R and Gonzalez Chavez M P (2008), *Security Sector Reform Provisions in Peace Agreements: Central America Case Study: El Salvador and Guatemala*, (unpublished manuscript).

26 Allison M E (2015), 'The Guatemalan National Revolutionary Unit: The Long Collapse', available at http://www.tandfonline.com/doi/full/10.1080/13510347.2016.1159557?src=recsys.

27 These military forces were called Umkhonto we Sizwe, known as MK.

28 Lala A (2008), '*SSR Provisions in Peace Agreements: South Africa Case Study*'.

29 Williams R (2006), *South African Guerrilla Armies: The Impact of Guerrilla Armies on the Creation of South Africa's Armed Forces*, Monograph 127 (Pretoria: ISS), pp 37–50.

30 Cawthra G (2003), 'Security Transformation in Post-Apartheid South Africa', in Cawthra G and Luckham R (Eds.) (2003), *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*, (London: Zed Books), pp 31–56.

complex, reflecting cultural, socio-economic and political dynamics within societies, and they require a range of measures to be addressed.[31] The key issue is that warring parties tend to be led by men, and peace talks often prioritise bringing together the actors who have been fighting.

The exclusion of women is particularly problematic. It is now well understood that the inclusion of women and youth can shorten peace processes, and makes peace settlements more likely to hold for longer.[32] Women are often excluded from significant roles in peace negotiations – precisely because they often put pressure on military and political elites to hasten the end to conflict – on the grounds that they lack sufficient qualifications to participate in discussions on security, thus reinforcing traditional gendered notions of 'security'.[33] This was the case in Liberia and Sierra Leone, for instance, despite the fact that women's groups were instrumental through the pressure they applied in bringing armed groups to the negotiating table in the first place.[34]

In addition, experience shows that women, youth and other marginalised groups are often as vulnerable after 'peace' settlements are signed as they were before. This is because implementation of agreements often fails to improve security for vulnerable groups. While sexual violence in conflict is receiving increasing attention, certain kinds of violence, for instance domestic violence, which persist following the end of wars can become overlooked or 'normalised' because they are not formally covered by a peace process and fall outside the public view.[35] In order to ensure that the interests of groups in society are addressed equally in peace talks, it is necessary to include groups who might otherwise be excluded so they can better articulate their security needs.

Certainly, the case of South Africa has illustrated very well that the central role played by women was key in getting a more inclusive concept of security onto the negotiation agenda. Their influence in developing and articulating a new security paradigm was evident on three levels: as academics and activists, as members of the ANC and its armed wing, and as voices from the grassroots. In the decade following the democratic transition, women's roles were central in initiatives related to security integration and wider SSR, including the Defence Review and speaking out against corruption in defence procurement.[36]

The exclusion of women, youth and civil society groups has been a persistent problem in Myanmar as well, on both the government and EAO sides, due to traditional mind-sets and attitudes which say that 'peace is politics and it is a man's task'.[37] To remedy this problem, it is important to address all aspects of the peace architecture, including both formal and informal negotiation processes as well as mechanisms for monitoring and verifying ceasefires and other transitional security arrangements.

31 Philipson L (2005), 'Engaging Armed Groups: The Challenge of Asymmetries', *Accord*, Issue 16, available at: http://www.c-r.org/accord/engaging-armed-groups/engaging-armed-groups-challenge-asymmetries.

32 Inclusive Ceasefires: Women, Gender and a Sustainable End to Violence, https://www.inclusivesecurity.org/publication/ inclusive-ceasefires-women-gender-sustainable-end-violence/. For additional information, see: https://wilpf.org/report-release-feminism-at-the-frontline-addressing-womens-multidimensional-insecurity-in-yemen-and-libya/.

33 Khen S O and Haung Nyoi M Y (2014), 'Looking at the Current Peace Process in Myanmar through a Gender Lens', *Catalyzing Reflection* 1/2014 (Swiss Peace), January, http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/ Catalyzing_Reflections_1_2014.pdf.

34 Sandy J (2008), *Lessons from Liberia and Sierra Leone, Security Sector Reform Provisions in Peace Agreements* (unpublished manuscript).

35 This was the case in South Africa: https://rapecrisis.org.za/rape-in-south-africa/.

36 Anderlini S N (2004), *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women* (Women Waging Peace Policy Commission).

37 Khen S I and Haung Nyoi My Y (2014), 'Looking at the Current Peace Process in Myanmar through a Gender Lens', *Catalyzing Reflection* 1/2014 (Swiss Peace), January, http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/ Catalyzing_Reflections_1_2014.pdf.

b. Benefits of an inclusive security concept

Inclusivity is also vital in the development of a central security concept to drive discussions around the sector.[38] Indeed, the term 'security' means different things to different people (including for men and for women) and there are often disagreements about who or what the sector should be designed to 'secure'. Perceptions of security determine what kinds of security provisions appear (or not) in a peace agreement, and *whose* interests the security sector serves. An inclusive security concept focuses talks on how to organise, manage and operate the security sector so that it provides safety and security for all groups and is better oriented to preventing conflict between them.[39]

Deciding on which security concepts to employ is nevertheless often a key point of contention in security negotiation processes. While widely accepted internationally,[40] the concept of SSR is relatively new to many countries, including Myanmar, and may clash with existing security concepts and ways of managing security. This may lead parties to either resist the concept or try to adapt it to their needs. The difficulty of achieving consensus on what SSR means reflects in part the ambiguous nature of the concept. In spite of the clear normative underpinnings of SSR, it covers a wide range of objectives, approaches and activities. This makes it easy for parties with different interests and agendas (including international actors) in relation to security to define it in such a way that suits their purposes.

> **Inclusive security**
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> In line with the notion of 'Human Security', protection of individuals is now often viewed as crucial to national security. The security conditions required for people's well-being are not limited to traditional matters like national defence and law and order, but also incorporate broader social, political and economic issues that ensure a life free from risk and concern. The idea of making security more 'inclusive' has to do with seeing it as a public policy issue rather than simply a military matter. This means involving groups traditionally excluded from security decision-making (including civilians, ethnic minorities, women, and youth) so that policy better reflects the diverse needs of society. Broadening the concept of security in this way can help countries to move away from a reliance on force to meet security needs and to develop more integrated policy responses to security problems that cut across all areas of public action. This is particularly important in cases where violence against women or certain ethnic or religious groups has been a deliberate security strategy.

Thus, some groups may see SSR as primarily about improving the transparency and accountability of the security sector, while others see it as about improving the operational effectiveness of security forces. These two aims are complementary, though a narrow focus on one or the other can give rise to different (and potentially contradictory) guidelines for 'reform'. Depending on what one's priority is, this may involve bringing security forces under closer civil democratic control or providing more equipment and operational training to security forces. Hence, SSR – like all concepts – needs to be grounded in the context in question and agreed between the parties that use the term.

Globally, much of the pressure for integrating SSR into peace negotiations has been exerted by groups that have been the most affected by violence and insecurity. This includes rebel organisations, CSOs and women's organisations. This was the case in a number of West African countries, including Sierra Leone and Liberia, which experienced destructive cycles of armed conflict during the 1980s and 1990s. Pressure from these groups was critical in transforming the security provisions of earlier peace agreements – which focused on ensuring the security of 'warlords' (who did not enjoy

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38 Hutchful E (2009), 'Security Sector Reform Provisions in Peace Agreements', *African Security Sector Network*.

39 For an overview of the importance of "listening to and giving precedence to the people and groups who are excluded from current framings of security and development", see Luckham R (2018) (forthcoming); 'From Disarmament and Development to Inclusive Peace and Security: Insights from Four Decades of IDS Analysis and Research', *IDS Bulletin*.

40 The concept of SSR emerged 20 years ago in Europe and has been embraced by most donor countries and multilateral international organisations, including the EU and the UN. Most of these actors advocate for a holistic approach, consistent with the notion of human security. In essence, this means that rather than looking at the different dimensions of security (personal, military, economic, social, etc.) separately, they need to be addressed in an integrated manner.

broad public support) – to one that emphasised 'public security' and rights-based concepts of security in later agreements.[41]

Both countries went on to undertake major SSR programmes, though the pace, scale and approach adopted in each country varied significantly. The case of Sierra Leone, which had three separate peace agreements, demonstrates the pitfalls of failing to develop a shared concept of security and over-emphasising DDR early on. The focus of initial agreements was on DDR because the principle security challenge was seen as a military one – namely to disarm the warring parties – rather than to rebuild a security sector that would meet the needs of the public. This narrow focus facilitated the interests of warring parties by allowing them to dictate the terms of peace agreements. This was to the detriment of civil society groups advocating for public security and a broader focus on strengthening democratic security sector governance. This military focus contributed to the failure of the first two peace agreements in Sierra Leone.[42]

This highlights the fact that, when negotiations occur without consensus on the under-pinning notion of security, there is a risk that parties who have a stake in the outcome of negotiations will be excluded because they may not be deemed relevant. There is also a risk of a disconnect between a government's security reform agenda and the factors that gave rise to and sustained conflict in the first place. This can arise if the principle security challenge is simply seen as to disband opposition armed parties, rather than address more fundamental problems in the way that the security sector operates which gave rise to armed opposition originially.

Having a broad and detailed vision for how security matters will be handled by the government following a peace settlement makes it easier to include the range of political, social and economic factors that typically impact upon the security of parties in negotiations. In Guatemala, for instance, the regional context facilitated the inclusion of a new concept of 'integral security' in the 1996 peace accord.[43] Civil society and community involvement in the negotiations was instrumental in ensuring that SSR provisions were included in negotiations. Women had a particularly high level of influence through strong coalition-building in the women's sector and effective advocacy strategies to ensure the inclusion of numerous provisions in the final agreement.[44]

> **Guatemala's concept of 'integral security'**
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> The Agreement on 'Strengthening of the Civil Power and the role of the Army in a Democratic Society' specified the following:
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> *"Security is a broad concept. It is not limited to protection against external armed threats, which is the responsibility of the army, or protection against threats to the public order and internal security, which is the responsibility of the National Civil Police … a firm and lasting peace must be based on respect for human rights and for the multi-ethnic, multicultural and multilingual character of the Guatemalan nation; … the security of the citizens and the state cannot be dissociated from the citizens' full exercise of their political, economic, social and cultural rights and duties."*

This security concept laid a basis not just for ending the violence, but for the transform-ation of the security and defence systems in Guatemala, including their doctrine and missions. The Guatemalan security model had previously been heavily militarised, with weak civilian and legislative oversight. The proposed changes included the creation of the new National Civil Police (PNC), the restructuring of the National Intelligence System, the establishment of an Advisory Council on Security (CAS) – made up of civil society representatives selected by the president, with the objective to maintain an 'integral security view' in public policies – and the formulation of a

41 Hutchful E (2009), 'Security Sector Reform Provisions in Peace Agreements', *African Security Sector Network*, p 14.

42 Addo P (2008), *Security Sector Reform Provisions in West African Peace Agreements* (unpublished manuscript).

43 AFPC, Art. 18 and 19, in Leon Escribano C R and Gonzalez Chavez M P (2008), *Security Sector Reform Provisions in Peace Agreements: Central America Case Study: El Salvador and Guatemala*, (unpublished manuscript).

44 Graduate Institute of Geneva, 'Case Study Series: Women in Peace and Transition Processes: Guatemala (1994–1999)', http://www.inclusivepeace.org/sites/default/files/IPTI-Case-Study-Women-Guatemala-1994-1999.pdf.

judicial framework to guarantee the transformation process. Nonetheless, the actual process of reform proved slow and difficult (as discussed further below), not least because high levels of violence and crime have persisted, which have affected women in particular.[45]

C. Integrating SSR into peace agreements and processes of security integration

Security integration has been addressed in many different ways in peace agreements. Until 15 years ago few peace agreements made any explicit reference to SSR, with the focus generally on DDR. Since then, SSR has increasingly become a central provision of peace agreements. Experience from other countries underscores that it matters greatly both *whether* and *how* SSR is integrated into negotiation processes and subsequent ceasefire agreements or peace settlements.[46] Peace negotiations can establish a legal and political foundation for SSR and tie the main parties to the conflict to its future implementation.

SSR can include varying combinations of DDR, military integration, police reform, justice reform, intelligence reform, and diverse interventions to strengthen civil oversight and governance of the security sector. However, the focus on SSR in peace negotiations is most often on the first three, reflecting the primacy of short-term initiatives to restore security and peace in the aftermath of armed conflicts, even at possible risk to long-term political stability. The limited emphasis on military integration in many contexts[47] as well as the failure to adequately recognise and enhance the linkages between SSR and other peacebuilding activities such as transitional justice, is testament to this.[48]

> **Transitional justice and SSR: mutually-reinforcing**
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> Transitional justice refers to the way that divided societies address past, large-scale human rights violations in an effort to prevent reoccurrence, enhance reconciliation, and provide a measure of accountability. The failure to deal with the legacies of conflict can leave grievances unaddressed and pose a risk to long-term peace. Where there has not been progress on reconciliation, this can also hamper efforts at security integration. In the absence of meaningful trust and dialogue between members of formerly-opposed armed groups, for instance, it will be more difficult to create a new unified security sector that is oriented to protecting the rights and interests of all ethnic, religious and political groups in society.
>
> SSR initiatives that can advance transitional justice aims may include reforming constitutions, laws and security codes; strengthening the governance and management of security structures; and giving members of security forces the skills and knowledge required to implement new laws, norms and values. The ultimate objective, which is a long-term one, is to bring about a shift in the mindsets that contributed to past behaviours and human rights violations.

The importance of transitional justice is confirmed by lessons from other contexts, including: Guatemala, Nepal, Northern Ireland, Rwanda and South Africa, where societies have adopted different approaches, with varying degrees of success, to deal with the legacies of conflict[49]. It is not constructive to generalise about whether and how to include SSR in peace agreements. This must necessarily be context-driven, and reflect the aims of the parties. Nonetheless, it is possible to identify a number of potential benefits of including SSR in peace agreements, and of doing so in a thorough manner.[50]

45 *Ibid*.

46 Hutchful E (2009) 'Security Sector Reform Provisions in Peace Agreements', *African Security Sector Network*, report commissioned by the GFN-SSR (UK Government).

47 Licklider R, 'So what?' in Licklider R (Ed.) (2014), *New Armies from Old: Merging Competing Military Forces after Civil Wars* (Georgetown University Press).

48 For more information on the meaning, aims and methods of promoting transitional justice see: 'What is Transitional Justice?', https://www.ictj.org/about/transitional-justice. On the linkages between SSR and transitional justice, see http://gsdrc.org/document-library/transitional-justice-and-security-sector-reform-enabling-sustainable-peace/.

49 See, for instance, Sharma, M (2016), 'Transitional Justice in Nepal: Low Priority, Partial Peace', in 'Two Steps Forward, One Step Back: The Nepal Peace Process', *Accord*, Issue 26, Conciliation Resources; Aldana, R., 'A Reflection on Transitional Justice in Guatemala 15 Years After the Peace Agreements' (2012), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1927583.

50 Hutchful E (2009) 'Security Sector Reform Provisions in Peace Agreements', African Security Sector Network, p 14.

The benefits include:

■ First, enhancing the legitimacy and sustainability of peace transitions in general, and subsequent reforms within the security sector. Including specific reference to SSR in a peace agreement can increase 'buy-in' by all parties and help to attenuate an asymmetrical relationship. This is the case, both for parties that are militarily stronger and might resist reform, by formally committing them to address this issue during implementation of a peace agreement, and for weaker parties by providing them with reassurance that this issue remains on the table for further discussion.

■ Second, inclusion of SSR in a peace agreement can increase the chances that there will be adequate strategic planning and consultation around future reforms, including clarity on the resources required and how reforms will be sequenced and coordinated. The risk otherwise is that governments will embark on a cosmetic restructuring process, which is intended to provide a semblance of 'reform' and keep opposition parties happy but does not engage with underlying problems.

■ Third, inclusion of SSR – while no guarantee – can have the effect of opening the door to a wider range of formerly excluded parties to engage in the debate on security, including in particular women and civil society groups. In the longer term, this can make peace settlements more just and reduce relapses into violence.

Implementation of SSR provisions

It is not sufficient just to include security provisions in peace agreements; conditions need to be created to translate them into actual reform. Guatemala illustrates that, in countries with a long history of conflict and a dominant military, transformation of security institutions is likely to be a slow and difficult process. Its peace settlement included extensive SSR provisions and there was significant progress early on in implementing reforms. But the deeper changes and capacity enhancements required to build new civilian security institutions were delayed. The new national police force, for instance, was ill-equipped to respond to the wave of criminal violence (targeting women in particular)[51] that swept Guatemala following the signing of the peace accord.[52]

Furthermore, the virtual absence of former guerrillas in the post-war security sector has reduced the impulse for security reforms, but also made it more difficult to monitor the security forces. Guatemala's military was deeply embedded in the economic, political and social fabric which – combined with the lack of sustained political pressure from both political elites and the public for reform – has enabled it to weather the initial pressure for change.[53] This highlights the importance of sustained long-term support, as well as new local sources of funding for civil society and other groups whose engagement was fundamental in facilitating the initial change, which helped end the war.[54]

At the same time, even where SSR is not included in the initial peace agreement, it can still be brought in later. Mozambique's 1992 Rome Agreement focused narrowly on the challenge of military integration and made no mention of the police. Because both parties were war-weary, the process integrating the opposing FRELIMO (Frente de Libertação de Moçambique [government]) and RENAMO (Resistência Nacional Moçambicana [rebel]) military forces into a new national army – preceded by DDR of some forces – went relatively rapidly and smoothly. The broader challenge of

51 In the post-war period, Guatemala had the third-highest murder rate of women in the world. See 'Case Study Series: Women in Peace and Transition Processes: Guatemala (1994–1999)', Graduate Institute of Geneva, May 2017, http://www.inclusivepeace.org/sites/default/files/IPTI-Case-Study-Women-Guatemala-1994-1999.pdf.

52 AFPC, Art. 18 and 19, in Leon Escribano C R and Gonzalez Chavez M P (2008), *Security Sector Reform Provisions in Peace Agreements: Central America Case Study: El Salvador and Guatemala*, (unpublished manuscript).

53 *Ibid*.

54 International support for civil society dropped sharply after Guatemala's peace accord was signed. This is a challenge experienced in other countries, highlighting the need for longer-term support for local 'pro-reform' actors. In Indonesia, international funding for SSR was critical in getting this issue on the reform agenda, but dropped sharply following passage of the 2004 Defence Act, which marked the military's withdrawal from a formal political role. Rizal Sukma, 'The Military and Democratic Reform in Indonesia', in Blair D (Ed.) (2013), 'Military Engagement: Influencing Armed Forces Worldwide to Support Democratic Transitions', *Regional and Country Studies* **2**, (Washington, D.C.: Brookings Institution Press).

establishing a functioning public security system across the country, which necessitated a more extensive process of police reform, became the primary focus of post-war SSR efforts.[55]

In the long term, if there is not adequate discussion about SSR between parties and agreement on the key objectives and principles that should guide the process, this can lead to an unravelling of the entire peace process and a rapid relapse into armed conflict. This was Sierra Leone and Liberia's experience – each country endured successive rounds of peace talks and agreements before the violence came to an end. Initial reforms were not able to reverse dysfunctional patterns of governance within the security and justice sectors. Strengthening long-term faith in state governance by all parties has been vital to resolving their conflicts and healing divisions.

Because successful implementation of SSR agreements depends on creating the right political conditions, the design of reform programmes may need to happen in an incremental manner, following a peace agreement, when tensions have been reduced and parties can adopt a longer-term perspective. The main objective during peace talks should therefore *not* necessarily be to nail down in detail every possible SSR provision that is required. In some situations, this may actually be counterproductive – either because parties may lack the resources and technical capacity required to implement the detailed commitments they have signed up to, or because the proposed changes are so politically sensitive for one party or another that resistance to implementing them will emerge.

South Africa's case highlights the need to simplify where possible, by striking an appropriate balance between including detail on the reforms required and clarity on the steps necessary to take the process forward. Inclusion of SSR (though this term did not exist at the time) in the South African peace talks had positive repercussions because it gave reassurance that power was effectively going to be shared and that the oppressive security institutions of the white minority regime would be dismantled and replaced with new institutions. However, a decision was made not to include detailed provisions in the National Peace Agreement on how SSR would occur because of the risk that they would not be fully implementable, which risked discrediting the entire SSR process.[56]

Instead, the Agreement incorporated a long-term vision for security transformation and a number of broad principles to guide the process. The details were subsequently worked out by specialised commissions which represented the parties and other interest groups, including a strong women's lobby during the transition. This enabled the parties to 'buy' sufficient time to reach agreement on priorities and formulate a framework for SSR after the 1994 elections, without therefore being overburdened with political and public pressures for implementation in the initial stages of the peace process.[57]

In Myanmar, where parties remain divided on key issues, what may be most important is to negotiate a framework for mutual confidence-building, communication between the parties, and joint decision-making mechanisms to ensure long-term engagement. Within such a framework, a 'road map' can be defined through political dialogue to guide future work on SSR, which will require a long-term incremental approach. Specifying some of these initial steps in general terms may help to secure parties' commitment to more detailed discussion in future talks. This can include issues that help to improve the immediate security environment (for instance, reviewing how its counter-insurgency operations are conducted),[58] as well as the crucial issue of how EAOs will be integrated into the future federal security system.

55 Lala, A (2008), *Mozambique Case Study: Security Sector Reform Provisions in Peace Agreements* (unpublished manuscript).
56 *Ibid*.
57 Lala, A (2008) *South African Case Study: Security Sector Reform Provisions in Peace Agreements* (unpublished manuscript).
58 The Tatmadaw's military doctrine explicitly condones human rights abuses, such as burning down villages and 'draining swamps'. In practice, these include high levels of sexual violence by soldiers, which appear to be sanctioned. See, for example, HRW (2017), 'World Report 2017: Burma: Events of 2016', https://www.hrw.org/world-report/2017/country-chapters/burma.

3

Structuring security within a federal system

THERE ARE FOUR KEY SECURITY BENEFITS generally associated with federal political systems that make it an appealing form of government in countries trying to end armed conflict: a) they promote peace and cooperative behaviour between different regions; b) they help to protect ethno-linguistic minority rights; c) they increase opportunities for participation by citizens or minority groups in public decision making; and d) they allow for more variation in the delivery of public services, including public safety and justice, so that they better meet people's needs.[59]

Despite the security benefits of federal political systems there remains a risk that if excessive power resides with the central government, particularly one with a history of confronting minority groups, this can threaten the security of these groups. How Myanmar's federal security system is structured, therefore, and whether there are in-built mechanisms to check the power of the Union government (and the Tatmadaw), may be critical in determining whether the EAOs perceive it as in their interest to be part of a federal system in the long term rather than pursuing autonomy.

A fragile consensus on federalism

While the EAOs and the Tatmadaw have agreed in principle to a federal system, the parties diverge in their views of how such a system would be structured – not least on the kinds of powers states and regions will need to have, the scope they will enjoy to adopt different forms of government, and how to make the central state more representative of Myanmar's ethnic diversity. Decisions on these issues need to take into account security concerns or there is a risk that the constitutional and legislative frameworks which emerge may not be sensitive to the security needs of Myanmar's diverse ethnic groups.

The 2008 Constitution provides for a governmental structure that exhibits some key features associated with federal systems but that retains significant centralisation of power in practice. The vast majority of power is constituted in the Union government based in Naypyidaw, yet certain functions are devolved to 14 states and regions and six self-administered areas. Each state and region has a locally-elected legislature and a centrally-appointed executive, neither of which has many constitutional powers. Additionally, the upper house has an equal number of representatives from each state and region. The Tatmadaw also commands 23 Border Guard Forces and various militia

forces, which have no official relation to state or region governments, but are sometimes permitted notable autonomy in practice.

On this basis, the Tatmadaw would argue that Myanmar already has a federal political system, though it is a federal system under which states are extremely weak.[60] The crucial missing element is the right of states and regions to self-govern, which includes choosing their own form of government and, to some extent, security structures. None of the states have their own constitutions yet,[61] though recent negotiations have come close to establishing a basis for this.

The future structure of Myanmar's security sector will therefore be heavily influenced by whether a 'soft' or 'hard' vision of federalism prevails. Those who believe that the central state can be ethnically neutral advocate a 'soft' form of federalism.[62] This would entail enhancing the powers of state governments and legislatures without, however, calling into question the dominance of the central government. The EAOs, for their part, advocate a 'hard' federalism, which would entail a more radical constitutional change involving the creation of ethnically-designated states that share sovereignty side-by-side with the federal government. Neither would be supreme over the other, though each would have different responsibilities.

In search of a federal security model

There are no simple models for a federal security system that can be applied to Myanmar. Of the 192 UN Member countries, only 27 are federations. Among these federal states, security services are structured, managed and delivered in very different ways. Some only adopted federal systems very recently, such as Somalia (2012) and Nepal (2015), and are still determining how best to structure their security systems. Their recent experiences underscore that this is a complex, long-term undertaking, one which raises difficult political dilemmas that must be carefully addressed according to local circumstances and priorities.[63]

The basic decisions involved in structuring security within a federal system – for instance, whether security powers should be kept with the central government or decentralised to regional or local levels – are far from straightforward. As in other sectors, there is often an assumption that, within federal systems, security decisions made by state or local governments will be more responsive to people's needs than those made by federal-level authorities. This is linked to a common fear (which is fully understandable in many contexts) that federal governments will be insensitive to local security priorities.

However, simply decentralising security powers to states without ensuring adequate capacities to manage, oversee and deliver security forces will not automatically improve a population's safety. Furthermore, there may also be risks in decentralising security functions in multi-ethnic contexts – for instance, local security forces may become politicised and certain states may be enabled to ignore national policing mandates and standards. This can undermine both the quality of service delivery and the viability of inter-state coordination between security forces when cross-border challenges arise.

Furthermore, in practice there are also often overlapping mandates between federal and lower-level security agencies. This can complicate the provision of public security in various ways, particularly if intergovernmental security coordination mechanisms are weak. In addition, where there is a discrepancy in wealth between states, poorer states may be less able to provide adequate policing services. Hence, in certain cases it

60 Williams D C and Williams S H (2017), 'What's Good and Bad about the 2008 Constitution of the Republic of the Union of Myanmar', Center for Constitutional Democracy, Indiana University, September 20.

61 Extensive work has already been done on preparing draft constitutions for a number of states.

62 Taylor R (2017), 'Myanmar's Military and the Dilemmas of Federalism', ISEAS Yusuf Ishak Institute *Perspective* Issue No. 7, February.

63 Payne I and Basnyat B (2017) 'Nepal's Federalism Is in Jeopardy', *The Diplomat*, https://thediplomat.com/2017/07/nepals-federalism-is-in-jeopardy/, July 28.

may be in states' interest for the federal government to play a more active role in security provision, provided that states retain a say on how these services are delivered.

The question of federal armed forces

The EAO concept of federal armed forces is in line with a 'harder' vision of federalism,[64] referring not simply to armed forces at the federal (i.e., Union) level of government, as already exists, but to armed forces that are federated in their internal structure and designed heavily around a federal structure of government. The key element is to make the Union-level armed forces more ethnically representative and accountable to state-level governments and to establish state-level security bodies to serve as a check on Union power. EAOs for the most part still envisage close cooperation with the Union-level armed forces, not least because they have an interest in having a say over how the wider Union security sector is governed. But in its most extreme form, creation of a federal armed force would give the eight ethnic states separate armed forces that would be loyal first and foremost to their respective states.

While the Tatmadaw has flatly rejected the idea of federal armed forces, there may be more scope for discussion about how forces would be controlled at the state level, and whether states can convert existing militia forces into semi-autonomous forces of some kind. How these particular issues are resolved will have huge security implications for Myanmar's ethnic communities and for the stability of the peace deal.

This section considers some of these issues and dilemmas in light of the experiences of other countries. Five sets of issues are examined:

- Balancing Union and local military powers
- Options for organising policing
- Applying external accountability mechanisms
- Making the security sector more inclusive
- Paying for security in a federal system

a. Balancing Union and local military powers

Federal systems are designed to enhance security by balancing the rule of federal-level governments with the rule of local-level governments. The division of powers between the two levels is usually enshrined in the constitution. All federal systems follow the same rationale: particular services from which all regions of a country would benefit, but which none of these regions can provide on their own (due to cost or the need for national infrastructure), are the responsibility of the federal-level government. Matters that are seen to be purely of local concern (such as public safety and law and order) are the responsibility of lower levels of government.[65]

Those areas that are generally seen as the responsibility of federal-level governments include national defence (including border security and immigration), trade and foreign policy. Because of the high cost of having a national defence force, for instance, and the need for this force to defend the entire territory of a country, a centralised defence structure is generally seen as the most effective way to provide this service. This is as much a political as an operational imperative, due to a concern that decentralising military functions would compromise the overall security of a state.

While the EAOs believe that creating a federal armed force is the best way to check the power of the Tatmadaw, there is virtually no country where the central government

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64 Taylor R (2017), 'Myanmar's Military and the Dilemmas of Federalism', ISEAS Yusuf Ishak Institute *Perspective* Issue No. 7, February.

65 Leuprecht C (2012) 'Public Safety in Federal Systems: A Primer', *L'Europe en Formation: 1* (*No. 363*), pp 417–434.

has compromised on maintaining full control over military forces.[66] That said, concern about the over-concentration of power in a centralised armed force is not unique to Myanmar. In federal states specifically, as the examples of the United States, Germany and India show, different safeguards have been developed which afford varying degrees of control by states over federal military forces, including protecting them from military intervention in their affairs.

The United States' unique model stems from its early history when colonial and state militias served as a balance against the standing federal army, which many Americans feared would threaten states' rights. Under the US Constitution reserve components of the federal armed forces (the National Guard) are subordinated to the various state governments, except when they are called into federal service. In addition, states may have their own organised militia (State guards) which are fully under the command of state governments, even if they perform military functions. These forces can be used to assist in disaster relief or to preserve law and order in times of crisis.

The state guards in the US system serve as a theoretical check on federal power, though this is no longer their primary function. In practice state guards are much smaller in size and military capability than the National Guard force, which can be federalised at any point under the law. Nevertheless, the US Constitution, along with other laws, regulations and policies, limits the use of federal military personnel in domestic support operations – that is to say, from interfering in state affairs – except in very particular circumstances which relate to civil disturbances or protecting federal property.

India is a quasi-federal state with power divided between the central government, 29 states and six 'union territories'. Like Myanmar, India is an ethnically diverse society that faces a complex range of internal and external security challenges. The Indian Constitution distinguishes clearly between military responsibilities, which are assigned to the national armed forces, and law and order responsibilities, which are divided between the central government and the state and union territory governments.[67] The latter have their own autonomous police forces for day-to-day law and order, but also have the right to raise paramilitary forces to enable them to respond more robustly to security challenges, particularly those of a counter-insurgency nature.

While the military's official role is to defend the nation from external threats, there are a number of legally mandated ways in which it can become involved in domestic issues. Formerly, it was the prerogative of state governments to call for central help during states of emergency. In 1972 this power was extended to the central government through the controversial Armed Forces Special Powers Act (AFSPA), which allows the armed forces to intervene domestically when an area has been deemed 'disturbed' due to unrest stemming from militancy or insurgency. The use of this act has led to widespread human rights abuses committed by military personnel against civilians[68] resulting in efforts to create stronger checks on the armed forces.[69]

Germany's security structure consists of a centralised armed force and decentralised police forces. The federal constitution allows states to maintain some level of control over the military by providing for parliamentary control and civilian oversight through the Federal Ministry of Defence (FMoD). The FMoD has separate civilian and military structures. The civilian *Executive Group* is made up of the Federal Minister of Defence as well as parliamentary and permanent state secretaries from the 16 states.[70] On the

66   One exception is the Peshmerga, which are the military forces responsible for the security of the federal region of Iraqi Kurdistan, which the Iraqi army is forbidden by Iraqi law from entering. See, Mario Fumerton and Wladimir van Wilgenburg (2015), 'Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces' (Beirut: Carnegie Middle East Center), 16 December, available at: http://carnegie-mec.org/2015/12/16/kurdistan-s-political-armies-challenge-of-unifying-peshmerga-forces/in5p.

67   The Constitution of India, 2015. http://lawmin.nic.in/olwing/coi/coi-english/coi-4March2016.pdf.

68   For different perspectives on the AFSPA, see 17:3 (August 2009) of *Contemporary South Asia*, a special edition titled 'Fifty-year Disturbance: The Armed Forces Special Powers Act and Exceptionalism in a South Asian Periphery', available at: http://www.tandfonline.com/toc/ccsa20/17/3.

69   The government has resisted repeated requests (both domestic and international) to repeal the act, though in a landmark 2016 ruling, the Supreme Court of India ended the immunity of the armed forces from prosecution under AFSPA.

70   GlobalSecurity.org (2016) *Federal Ministry of Defense*, http://www.globalsecurity.org/military/world/europe/de-bmvg.htm.

military side is the *Bundeswehr*, which consists of five chiefs of staff who collectively report to the *Bundeswehr* Chief of Staff who in turn is accountable to the Federal Minister of Defence. In this way, while the military remains a centralised and traditionally hierarchical institution, it is subject to the oversight and authority of a civilian who represents all 16 states.

These three examples illustrate that there is little variation in the basic, centralised model for organising defence forces in the United States, India and Germany. However, different kinds of safeguards have evolved in these three countries (though in a less robust format in India) to protect against interventions by federal military forces in the internal affairs of member states. But perhaps the factor which more than anything else serves to protect states is the external orientation of the army in all three countries. As a result of this, the army sees its primary role as defending the country and citizens from external threats, and is organised accordingly.

Though the Tatmadaw sees external defence as its primary responsibility, for important historical reasons, it has, in practice, been internally oriented, and retains for itself a special role in statebuilding. This posture is premised on the desire to prevent the 'non-disintegration' of the Union (the greatest threat to which it sees as the EAOs rather than any of Myanmar's neighbours) and to promote a modern and developed state. In these circumstances, therefore, there are understandable reasons why the EAOs may feel that – in the short term at least – retaining robust security capabilities at the state level is absolutely necessary to protect their and their communities' interests.

b. Options for organising policing

Policing comprises a wide range of activities intended to maintain law and order, protect the public and prevent or investigate criminal activities. Broadly speaking, policing functions include both police forces and the bodies within the executive administration that are responsible for managing them (i.e., ministries, commissions and police commands). There are often differences of opinion in federal countries about the extent to which policing powers should be decentralised to lower levels. Each of the three basic approaches has advantages and drawbacks.[71]

Centralisation of policing

One approach – which is only in a few cases used by federal states – is to have a national police force working under a centralised police command, with responsibility for ensuring law and order across the entire territory. In this model, there may be police commands at lower levels of government, including state and local, but they report to the national-level command rather than to regional or local governments. This is the case in Nigeria, for instance.

Nigerian society is hugely diverse, comprising close to 300 different ethnic groups and two major religions. In addition, it faces a complex range of internal security challenges. As a result, there has been a long-running debate in the country about police reform and decentralisation which goes back to independence in 1960 and which calls into question the country's current one-size-fits-all policing approach. But there has been political resistance to changing this approach, not least due to concerns about local police coming under the influence of local politicians.[72]

The Nigerian Police Force has highly centralised and hierarchical command, decision-making and accountability structures. This means that state and local governments have no direct control over what the police do on a day-to-day basis. While this has protected against state governments deploying the police for political purposes, one

71 Leuprecht C (2012), 'Public Safety in Federal Systems: A Primer', *L'Europe en Formation: 1* (*No. 363*), pp 417–434.
72 Owen O (2014), 'The Nigeria Police Force: Predicaments and Possibilities', *NRN Working Paper 15* (University of Cambridge), July.

of the negative consequences of this is that the police are often less responsive to state- and local-level needs.[73]

Two-tier policing (decentralised)

A second way of organising public safety is to have multiple federal and local police forces working at the same time, but with a clear division of labour, as in both India's and Canada's cases. This approach uses a federal force whose primary responsibility is to enforce federal law across the entire territory, and regional-level forces that enforce the law at the regional level. In practice, strong safeguards are required to ensure that federal forces respect the divides between federal and regional jurisdictions.

Constitutionally, the sovereignty over provision of policing services in Canada is shared between the provincial and federal governments.[74] In addition to decentralised police forces, Canada also has a federal police force, the Royal Canadian Mounted Police (RCMP), which spans federal, provincial and municipal jurisdictions and focuses on federal crimes and other national security issues, including terrorism. In addition, most Canadian cities – as in many other federal and non-federal countries, have city-based (municipal) police forces.

This asymmetric, decentralised approach to public safety[75] provides provinces with considerable autonomy in how they meet their diverse needs, while federal bureaucratic coordination helps to maintain national policing standards. The law makes special provisions for policing which give the provinces the flexibility to either establish their own regional police forces or to rely on national forces by, in effect, contracting the RCMP to fulfil policing functions.

Policing in Canada is based on the principle of subsidiarity,[76] which results in a public safety system that ensures local control and flexibility to meet diverse needs while ensuring that the central government can provide assistance or emergency relief during times of disaster. While there is a practical division of policing responsibilities between the federal, provincial and city levels, some overlap does occur. Canada has a central organisation called Public Safety Canada, which coordinates relevant actors at all levels of the government.

India is similar to Canada in that it has decentralised policing functions to the state level. This includes both regular police forces and paramilitary forces, both of which come under the authority of state-level Ministries of Home Affairs.[77] In ordinary circumstances, India's 28 states and seven union territories have substantial police powers, which are provided for in the constitution.[78] In practice, this distribution of powers means that state governments have the responsibility to establish and maintain police forces and to supervise them. They also develop the rules and regulations required to govern police forces, and the police manuals that contain these rules.

The constitution also grants the federal government powers to play a coordinating role in police matters and to establish relevant central police agencies. These agencies include a national police training academy; the Central Bureau of Investigation, which investigates crimes that might involve public officials or have ramifications for several states; and the Indian Border Security Force (BSF), which is responsible for policing India's land borders during peacetime and preventing trans-border crimes.

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73 *Ibid*.
74 Hataley T and Leuprecht C (2014), 'Asymmetric Decentralization of the Administration of Public Safety in the Canadian Federal Political System', *Canadian Public Administration* **57** (4), December, pp 507–526.
75 *Ibid*.
76 This principle holds that policing issues should be addressed at the most immediate (or local) level that favours efficient resolution.
77 The India Police Act 1861 is the central statute governing the police in India. Most states either adopt this central law or have statutes that are modelled on it.
78 The distribution of powers between the powers of the union and the states and union territories is specified in 'lists' of competence in the constitution, which apply to the different levels: *central* (where parliament has exclusive competence to make laws); *state* (where state legislatures have exclusive power); and the *Concurrent List* (where both parliament and state legislatures have powers – though primacy is given to union laws over state laws).

But where India differs from Canada is that the central government has retained certain police powers which enable it in times of crisis to assert control over security forces at the state level, by taking over state police powers. Specifically, the constitution authorises the federal government to deploy "any armed force in any state in aid of the civil power". In particular, where there is a breakdown in the constitutional machinery the federal government can take over all state government functions.[79]

A hybrid model

In the German system, which offers a third model, the constitution assigns policing roles both to the federal police and the state police forces. This model differs from that of Canada and India, however, in that legislative policing functions (including the enactment of laws which govern policing) are concentrated at the federal level, while administrative policing powers which enable the delivery of policing services lie with the 16 states.[80] This ensures that state police forces enjoy significant operational autonomy and flexibility to organise themselves in different ways according to the needs of states.

State police forces are nonetheless responsible for supporting the federal police forces when necessary and cooperating with the police forces of other states. While state police forces are responsible for general law enforcement within the state – including dealing with organised crime and trafficking in illegal goods, weapons, and narcotics – the federal police are responsible for securing Germany's borders, coasts, airports, railways, and federal buildings, and addressing terrorism. The Federal Ministry of Interior is responsible for facilitating coordination between the state and federal police forces.

Implications for Myanmar

One key insight for Myanmar is that even where policing powers have been devolved, there is generally still a role for federal-level governments. This role may involve funding, regulation and training or other support for the delivery of local security services, which can be particularly advantageous in countries such as Myanmar, where there may be a large disparity in the wealth of states. Another issue has to do with the role of the federal government in enforcing standards of security provision (particularly as it relates to excluded groups such as ethnic minorities or women) to ensure compliance with certain human rights standards that might be at odds with security or justice practices within states that are based on traditional/customary practice. The exact nature of this federal role is determined in part by how much power the constitution grants the federal-level government to make and administer public safety legislation.

> **Police decentralisation in Nepal**
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> Nepal, which has recently moved from a unitary to a federal political system, illustrates some of the challenges of decentralising policing to provincial and local levels in line with the new 2015 Constitution. The constitution provides some general guidance on what the legal and organisational basis of the new federal police structure will be and confirms that the police will be governed by federal law. The constitution does not, however, provide clear guidance on *how* the new police forces should operate or relate to each other and the executive administration both at provincial and federal levels. These issues have been subject to difficult negotiations between the police, the bureaucracy and political parties, each of which have different interests at stake with regard to the degree of decentralisation which actually takes place.

A second relevant insight, which Canada illustrates well, is that there may be variations between different regions within a country in how public safety is organised. The states and regions that make up the future federalised Union of Myanmar are likely to have quite different needs and capacities in the area of security provision. A key question

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79 Roché, S (2011), *Federalism and Police Systems* (Geneva: DCAF).
80 The full text of the 'Basic Law for the Federal Republic of Germany' is available at: http://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#GGengl_000P87a.

will be whether to apply a uniform approach to all these states when devolving security functions, or whether provisions should be made for some provinces to cater for their special needs differently.

Nepal's situation underscores that the process of transitioning to a new federal security system in Myanmar is likely to be both technically complex and politically sensitive. This should be borne in mind during future negotiations between the EAOs and the government towards a Union peace accord and potential constitutional reform. To the extent that clear provisions specifying the design and process for creating a new federal security system can be included, this may go some way to smoothing implementation. Yet, given the likely sensitivity of these issues, this may not be realistic.

C. Applying external accountability mechanisms

In its broadest sense, being 'accountable' means that security forces not only account for their actions, but also take direction from an external oversight body. Common external oversight mechanisms include standing committees of parliament, the judiciary, human rights groups, the media and non-governmental organisations (NGOs) of various types. Accountability can also be promoted through internal mechanisms (i.e., the adoption of appropriate doctrines and norms by a security force). But it is primarily through external mechanisms that security sector actors can be held to account for their actions.

The kinds of external accountability mechanisms used vary from country to country. In most unitary states where some form of external accountability mechanism already exists, these tend to be located at the central level. In the context of new federal security systems, particularly those where security services are being decentralised and democratised at the same time (as in Nepal and Somalia), new structures and processes may be required to ensure effective accountability to publicly elected parliaments at the state level and to communities, and to make these accountability mechanisms responsive to different ethnicities, religious groups and gender needs.

India offers a number of examples of mechanisms of external police accountability. As already noted above, India is a quasi-federal nation – while it is within the right of state governments to make laws to regulate the police in their own state, the central government is also involved in the regulation of police forces.

There have been several recent developments to strengthen police accountability in India. The principle external mechanism has been the judiciary, under which the police can be held liable under the law for any misconduct. Through the courts a number of significant judgements have been passed in recent years prescribing safeguards or guidelines to regulate police conduct at the state level during arrest, interrogation or other stages of investigation, or to insulate the Central Bureau of Investigation from outside interference so it can function efficiently and impartially.[81]

In 2006, a Supreme Court judgement resulted in the creation of the Police Complaints Authority (PCA) at both state and district levels to receive and hear complaints against officers of all ranks. This new external accountability mechanism has – by and large – failed to deliver, with only six states and four union territories having established PCAs due to a lack of legislation, funding or political support at the state level. Those that were established have been found to have overly complex procedures, and are intimidating to people.[82]

A third mechanism is the National Human Rights Commission (NHRC), established in 1993. Its mandate is to scrutinise violations of human rights committed by the police, but it cannot by law enquire into complaints of violations against members of

81 Centre for Law and Policy Research (2014), 'Legal Accountability of the Police in India'.
82 Ibid.

the armed forces or BSF. Under its governing Act,[83] the NHRC has no power to enforce its decisions – it can only make recommendations to the central or state governments. Furthermore, the NHRC has only been established in half of India's states. Its limited reach, particularly in rural areas, and its reliance on government for its finances and manpower further limits its ability to serve as a robust check on human rights abuses committed by India's security forces.[84]

South Africa's case highlights how devolving political power to the regions without an accompanying devolution of policing powers can complicate accountability efforts. South Africa had a long history of repressive behaviour by its apartheid-era security forces, which targeted its black and coloured populations. When the ANC came to power in 1994, its priority was to establish a new police service based on community support and participation.[85] Emphasis was placed on developing an elaborate architecture of police accountability by means of and through the 1994 'interim' constitution, a new 1995 Police Services Act, and the 1996 'final' constitution.

However, while *political* devolution was deemed necessary to strengthen democracy, the new government decided that effective governance of the police could best be achieved by maintaining central control of it. It was felt that this would facilitate a uniform approach to police reform across the country and reduce the risk of politicisation of policing by regionally-based political parties.[86] But centralisation stymied police responsiveness to the unique security needs facing communities, as well as innovation. This led to recognition of the need to strengthen governance of the police and to give communities a greater say in how policing should be delivered.

As a result, Community Police Forums (CPFs) were established to serve as an instrument of police accountability to the public. CPFs provided a forum for community representatives and the police in each locality to work through their mutual distrust and antagonism. Initially, CPFs contributed to a positive shift in public perceptions of the police. There was a belief that they could help achieve police accountability in the deeper sense of the term and community ownership over the local policing agenda. However, contestation over the accountability function of CPFs emerged, largely because they were deemed to lack the influence to shape police policy.[87] Over the longer term, CPFs on their own have not been able to effectively substitute for the decentralisation of policing. South Africa continues today to explore ways to establish and strengthen complementary accountability mechanisms, which include devolution of greater policy-making powers to provincial governments.

The United Kingdom (UK) offers a third perspective on strengthening police accountability. While the UK is not a federal state, uniquely it has a heavily decentralised police force which has gone through a long process of evolution. There have been – and continue to be – extensive national debates about how to strike the right balance between a decentralised system of police provision that responds effectively to local needs and effective national-level control and oversight. This resulted, in 1964, in the establishment of 43 police authorities in England and Wales with a responsibility for overseeing police operations.

While the nature of police authorities varied over time, they were generally seen as unable to provide an effective independent review of local policing policies. In 2011, the police authorities were abolished due to a perceived lack of accountability to local communities and replaced by publicly elected Police and Crime Commissioners. These elected bodies have a mandate to hold Chief Constables and the police force to account, making them answerable to the local community. In practice, the new system

83 The Protection of Human Rights Act, 1993.

84 Joshi G P, 'Police Accountability in India', Commonwealth Human Rights Initiative, New Delhi.

85 Bruce D (2011), 'Unfinished Business: The Architecture of Police Accountability in South Africa', African Policing Civilian Oversight Forum *Policy Paper 2*, November.

86 *Ibid*.

87 *Ibid*.

has been considered a mixed success due to tensions in some areas between Constables and Police and Crime Commissioners, as well as low voter turnout at elections.

UK police accountability mechanisms

The UK has two other independent police accountability mechanisms. The first is Her Majesty's Inspectorate of Constabulary (HMIC), which helps to shape policing policy and provide strategic direction. It assesses policing activities in a range of areas including serious crime and the fight against terrorism, and makes its reports publicly available. The second mechanism is the Independent Police Complaints Commission (IPCC), which sets the standards by which the police in England and Wales should handle complaints. Police forces are obliged to refer the most serious cases of public dissatisfaction with how their complaints have been handled to the IPCC for review.

The cases of India, South Africa and the UK highlight two key points about creating new external accountability mechanisms. First, this is usually a slow process of 'trial and error', requiring a willingness to closely monitor whether a mechanism is working and, if not, to change the approach – particularly if the public lacks confidence in the mechanism. Second, while there are different ways to enhance police accountability, before creating new mechanisms, Myanmar should carefully consider whether there are sufficient resources and political support available to ensure they can operate effectively. The establishment of new accountability mechanisms will not on its own eradicate problems of corruption or political interference where they are deep-seated.

d. Making the security sector more inclusive

One of the main reasons why countries adopt federal political arrangements is to solve practical difficulties of governing which relate to the protection of the liberties and rights of minorities in general. This is achieved by increasing the powers available to lower levels of governments, and sometimes to specific minority groups, including within the security domain. One challenge is usually to make the security sector more inclusive by integrating members from under-represented ethnic groups into the armed forces and the police.

The issue of ethnic inclusivity is often tackled hand-in-hand with efforts to increase gender equality within the security sector. This is central to ensuring that men and women have equal opportunities to influence decisions about the governance and delivery of security services. Gender equality, along with gender sensitivity, is now understood as integral to ensuring that the security sector functions in an effective, efficient and accountable manner and that there is broad support for reform efforts at the community level.[88]

These issues are relevant in Myanmar where there is a strong perception among non-Bamar leaders and societies that the Tatmadaw and the MPF are primarily Bamar and Buddhist forces.[89] This has also been one of the key factors driving EAO demands for a federal armed force, though the Tatmadaw insists that it already includes a good balance of personnel from other ethnic groups. While hard data on the ethnic composition of the army and police is not available, the dominance of the Bamar, particularly among the officer corps of the Tatmadaw, is generally accepted.[90]

In terms of gender balance, representation of women is low across the security sector in Myanmar, particularly within the Tatmadaw. Females were banned from combat roles between 1962 and 2013, remain subject to higher entry criteria than males, and

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88 DCAF, 'SSR Backgrounder: Gender Equality and Good Security Sector Governance', ssrbackgrounders.org
89 The Tatmadaw was formed after World War II by integrating previously opposing forces into a number of ethnically segregated battalions. Within six months of independence in 1948, nearly half of the force's troops had defected to either leftist or ethno-nationalist insurgencies. From then on, General Ne Win rebuilt the Tatmadaw as a predominantly Bamar force, under a deeply nationalist ideology, before taking power in the 1962 coup d'état.
90 Taylor R (2017), 'Myanmar's Military and the Dilemma of Federalism', *Perspective* Issue No. 7, Yusof Ishak Institute, February.

do not currently hold any of the most senior positions. The MPF has an increasing – though still disproportionately low – number of female officers.

Experience from other countries shows that, even within a federal structure, countries with a diverse ethnic make-up may still encounter practical challenges in ensuring that ethnicity, language differences and gender are addressed effectively when they organise their security systems. Indeed, decentralisation may create new sets of problems which need to be addressed. For instance, granting powers over security to local-level ethnic elites can result in the politicisation of policing and undermine security for certain segments of society.

Furthermore, simply decentralising police powers to states or municipalities may not enhance ethnic or gender inclusion in a police force, nor increase local accountability. More proactive efforts may be required to shape policing policy in a constructive manner and change the culture of policing over time, including the use of quotas, targeted capacity strengthening of minority groups to enhance their numbers in security forces, and ensuring adequate safeguards against the politicisation of security provision.

South Africa illustrates some of the challenges. Because the post-apartheid ANC government decided to keep policing centralised, specific measures were required to address historical antagonisms between the (formerly white-dominated apartheid) police force and local communities and restore the racial balance to the South African police. Through the use of quotas and tailored training programmes, emphasis was placed on improving representation of black and female police officers in the higher rank structure of the police. This was inevitably a slow process, however, as it took time for black candidates for police positions to 'catch up' and develop the policing expertise necessary to operate effectively, particularly at higher levels of the service.

Canada is a positive example of how decentralisation has facilitated local efforts to address the challenge of representation with respect to minority rights and language differences. While all provinces enjoy similar police powers, the law allows for significant flexibility in terms of how these powers are exercised. Provinces can therefore take different approaches to delivering public safety services. Provinces are also able to grant special privileges of self-rule in the administration of public safety to groups which they consider to have special needs for cultural reasons.[91]

As a result, for cultural and linguistic reasons, some aboriginal communities have been granted the authority to police themselves through unique community-level structures. These aboriginal police forces are representative of the local community, and officers receive specialised training to ensure they are sensitive to aboriginal cultural issues and their particular public safety needs. This arrangement has been key to mitigating the often tense public safety relationships that exist between provincial governments and aboriginal communities.

Decentralisation has also facilitated efforts to address language differences which impact upon security provision. Most of Canada's provinces are English-speaking, rely on policing legislation developed by the federal government, and contract the RCMP to provide policing services. Both Quebec and Ontario have large French-speaking populations, however, and have developed their own policing legislation and structures. These structures are decentralised to the municipal level, allowing them to incorporate French-language policing where necessary to respond better to localised issues.

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91 Hatley T and Leuprecht C (2014), 'Asymmetric Decentralization of the Administration of Public Safety in the Canadian Federal Political System', Canadian Public Administration, **57** (4), pp 507–526.

e. Paying for security in a federal system

A final issue that Myanmar will need to consider is how to cover the cost of reforming and decentralising its security system. This cost will likely be significant and much of it will need to be borne up front in order to put the new required structures in place. Then there will be the question of how to effectively finance the operation of the new federal security system at all levels. This question can only really be addressed once a picture emerges about the likely degree of decentralisation and nature of security powers that states will be granted as this will determine what security forces local governments will need to fund.

Nigeria illustrates some of the dilemmas of financing police which emerge at state and local levels in a highly *centralised* police system with responsibility for covering a wide and diverse political community. As one would expect, such a system tends to filter human, material and financial resources towards the centre, while many state and local-level policing units are left ill-equipped and underfunded.[92] In Nigeria, this has had a harmful impact on operational capability and a demoralising effect on front-line units engaged in confronting the Boko Haram insurgency in the north-east and militant groups in the southern Delta region.

But the solution to this problem is by no means straightforward. Devolving policing authority to the state level in Myanmar would not automatically resolve this problem. Without an adequate source of revenue, either from local sources and/or the federal level, states may find it difficult to develop and sustain an autonomous policing service. With many parts of Myanmar still embroiled in armed conflict, this may continue to hamper commerce, economic growth and the basis for tax revenue generation, and ultimately the ability of some state governments to finance security forces.

Furthermore, in a context of police decentralisation, the overall cost of policing in Myanmar would likely rise, because of the need to establish independent police forces and new infrastructure at the state level. There are certain cost advantages (so-called 'economies of scale') that exist today for the MPF – because it is constituted as a single force – which would be lost if it were split into a number of smaller forces. The financial pressures on states would likely increase during times of crisis caused, say, by a localised natural disaster, when there is a real risk of states being over-stretched financially and operationally.

Current discussions in Somalia, which is just embarking on the path of police devolution, illustrates these dilemmas. Following consultation, the government came up with a 'New Policing Model' in 2016,[93] which envisaged police forces operating at both federal and state levels under the control of their respective Ministries of Security. The plan was for state police forces to be funded from state budgets, though state tax revenues were very limited. This means that it might not be realistic to develop a local policing capacity or, alternatively, that any local police force would be in the service of those local political elites with greatest access to resources.

If ethnic leaders in Myanmar push for autonomy in security provision under a new federal security system, they may need to accept some level of financial contribution by the federal government to cover police operating costs. If that happens, then it will be important to understand how funding levels will be determined. In the UK, by way of example, each of the 43 regional police forces receives funding based on their needs relative to each other, taking into account also their access to local tax funding (Council Tax). This funding comes from several different sources in the Home Office and the Department for Communities and Local Government.[94]

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92 Owen O (2014), 'The Nigeria Police Force: Predicaments and Possibilities', *NRN Working Paper 15* (University of Cambridge), July.

93 New Policing Model memorandum, Government of Somalia, 2015.

94 Home Office (2013) "Guide to the police allocation formula", 26 March, https://www.gov.uk/guidance/guide-to-the-police-allocation-formula

A second consideration will be how to minimise potential political interference in state-level policing, which is in part or wholly funded by the central government. Returning to the Nigeria case, even though its policing system is centralised many state governments do in fact partially fund the state-level Nigeria Police Force units in cases where they are underfunded and ill-equipped to discharge their operational functions. At the same time, some states have also created special police task forces which they fund with their own resources to ensure they can maintain full control over them. In the process, however, this has in some cases created duplications (and tensions) between federal and state authorities over policing functions.[95]

Ultimately, the key factor determining the cost of policing at state and local levels will be the nature and quality of policing services that are delivered. While the primary political aim of decentralisation is to give control over policing to provincial governments, the police will not be able to do their jobs properly unless they are adequately resourced and enabled. This will likely require significant financial investment not only in police numbers (including improvements in gender balance), but also training, equipment and infrastructure. This will have important cost implications not only for the up-front capital investments required when devolution commences, but also the future operating expenses of the police, which would need to be much higher, and which need to be considered as part of the process of planning security decentralisation.[96]

The role of security expenditure reviews

It is vital to understand the interplay between security, justice and public finance when countries are undertaking wide-ranging security and justice reforms. In Myanmar's case, the likely need to increase investment in policing may in turn have implications for the balance of wider public spending not just across the security sector (i.e. between the military and the police), but also between security and other public priorities (like health and education), which need to be considered. Conscious of the need to ensure that security reforms are affordable, a number of countries experiencing or post conflict have undertaken security expenditure reviews (sometimes as part of a wider review of the post-war security environment) in recent years. The main objective of these reviews is to better align security spending with wider public expenditure processes and assist governments in determining how best to spend limited public resources.

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95 Owen O (2014), 'The Nigeria Police Force: Predicaments and Possibilities', *NRN Working Paper 15* (University of Cambridge), July.

96 Countries that have conducted security expenditure reviews in recent years include Afghanistan, Gambia, Liberia, and Somalia. The World Bank and the UN have developed a Public Expenditure Review sourcebook, which spells out how to conduct Security Sector Expenditure Reviews. Harborne B, Dorotinsky W and Bisca P (Eds.) (2017), *Securing Development: Public Finance and the Security Sector – A Guide to Public Expenditure Reviews in the Security and Criminal Justice Sectors* (World Bank Group). Although written primarily from the perspective of the World Bank and the UN, it outlines how such a review might work, particularly if conducted with international support.

4

Going down the path of security integration

SECURITY INTEGRATION – the merging of former adversaries into functional and legitimate security forces – is a complex and long-term undertaking, fraught with risk and uncertainty. The challenges will likely increase considerably in Myanmar's case for several reasons. First, because there are significantly more parties involved than in most other international examples. Second, because security integration will occur simultaneously with the shift to a federal political system. Third, because of the complex historical evolution of the EAOs as armed groups, which has included failed past attempts at security integration.

Since the 1960s, the integration of opposing forces into the Tatmadaw has been a central (and contentious) facet of Tatmadaw counter-insurgency strategy to address armed opposition.[97] This strategy has had mixed success. In 2009, all ceasefire groups were told to form 'Border Guard Forces' with Tatmadaw officers and personnel in their ranks or see their ceasefires annulled. The majority of groups rejected the terms they were offered, which was a major catalyst for new conflicts in Myanmar. This failure has left many EAOs reluctant to commit to security integration until there is confidence it will occur on terms more acceptable to them. It has also increased the power of numerous local factions willing to comply with the scheme, who in most cases are primarily focused on business interests, and wield significant power at the local level.

As a consequence, Myanmar will likely experience a particularly long 'interim period' during which future security arrangements are negotiated, and the EAOs may be apprehensive about relinquishing their security autonomy. Both those EAOs that decide to integrate into the Union security sector and those that choose to fully disband and transition out of it will require adequate security guarantees from the Tatmadaw so they can go down their chosen path with confidence.

This section explores some of the practical challenges that Myanmar may confront as it goes down the path of security integration. The section first examines the limits of standard DDR and SSR approaches and the need to buy time and space so that longer-term security arrangements which have the support of all parties can be worked out. It then examines two examples of security integration – the cases of the Philippines and South Africa – which offer insights into the challenges of integrating local and national security structures. Finally, the section assesses the potential benefits and drawbacks of international support for security integration processes.

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97 See, Saferworld (2017), 'Security integration in Myanmar: past experiences and future visions', July. https://www.saferworld.org.uk/resources/publications/1132-security-integration-in-myanmar-past-experiences-and-future-visions

a. Buying time and space for security integration

The limits of conventional DDR and SSR

Standard approaches to DDR and SSR in in post or conflict-affected contexts are likely to be of limited utility in Myanmar's situation. These approaches typically begin with the disarmament and demobilisation of rebel combatants, followed either by their reintegration into society or their integration into the national security sector, before moving to more substantial reforms of the security sector. At this stage, emphasis is often placed on reducing the military's role (and size) while building up police forces to address the non-military security threats which tend to proliferate following wars.

However, this linear approach to DDR/SSR has had limited success in many post-conflict contexts because the political, economic and social preconditions are not in place.[98] The missing ingredients include states with adequate administrative capacity and reach to provide basic services, security and justice; popular confidence in national security institutions; labour markets that can absorb former fighters; community cohesion and, most importantly, sufficient trust in political institutions that will enable armed groups to lay down their arms and rely on the political process to achieve their social, economic and security objectives.

Conventional DDR approaches often allow insufficient time and space for the critical process of building confidence, political dialogue, and restoration of civil trust in contexts characterised by extreme uncertainty following years or decades of violence. The preference of governments (and often the international actors who support DDR processes) is for insurgent armies to be dismantled as quickly as possible after cease-fires are signed. Yet, this stands in sharp contrast to experiences from a wide range of contexts, including Colombia, Nepal, Northern Ireland, South Sudan, and others where armed groups have resisted demobilising.[99]

The reasons for the above must be recognised so that interim transitional security measures can be devised to address their concerns. The key issue is that once armed groups disband, they not only lose leverage to influence subsequent negotiations and reform processes, but may also compromise their own security. In a context (very much like Myanmar's today), where the direction of SSR has yet to be agreed and armed groups lack confidence that the government is committed to reform, it is understandable why they may seek to avoid premature demobilisation.

This problem is further compounded by the heavily prescriptive and technical nature of many external approaches to SSR.[100] These have been criticised as attempts to engineer complex socio-political and institutional changes, which are either not viewed as necessary by governments or are pushed through before there is adequate trust and confidence between parties. Armed groups, in turn, may have unrealistic expectations of what can be achieved in terms of SSR in the short to medium term, which can result in them making unrealistic demands on governments that threaten their core interests.

In these circumstances, buying more time and space for in-depth discussions on security integration could be of benefit not only for the EAOs, but also the government and the Tatmadaw. Conditions conducive for security integration (culminating in more substantive SSR) will need to be created gradually to win the buy-in of all parties. In the meantime, there may be benefit in reducing the pressure on EAOs to disarm by agreeing a set of interim measures (along with detailed implementation modalities),[101] which can be written into an eventual peace settlement.

98 Colleta N J and Muggah R (2009), 'Context Matters: Interim Stabilisation and Second Generation Approaches to Security Promotion', *Conflict, Security & Development* **9** (4), December, pp 425–454.

99 Dudouet V, Giessmann H J and Planta K (2012), 'From Combatants to Peacebuilders: A Case for Inclusive Participatory and Holistic Security Transitions', Berghof Foundation Policy Report.

100 Sedra M (2017), *Security Sector Reform in Conflict-Affected Countries: The Evolution of a Model*, Routledge.

101 Recent challenges faced in implementing Myanmar's ceasefire mechanisms (i.e., putting into operation the Joint Monitoring Committee at the Union, state and local levels) underscore the difficulty of translating political commitments made on paper into functioning institutional mechanisms that are adequately staff and resourced.

Transitional security mechanisms

In countries emerging from armed conflict, various approaches have been used to buy time and space for security integration and reduce the risk of relapse into conflict. The first of these transitional security strategies is simply to maintain combatants in cantonment areas – for as long as it is necessary to satisfy armed groups that the conditions are conducive for them to either demobilise or integrate into a national army – in order to facilitate ongoing negotiations.

Nepal is a good example of this strategy. Following the 2006 Comprehensive Peace Agreement, the Maoist rebel group (the People's Liberation Army [PLA]) came under (and resisted) immense pressure from the government, the UN (which was tasked with supervising implementation of the peace agreement), and other international actors to go through a process of DDR. The Maoists' view was that DDR was 'putting the cart before the horse' because it required them to disband before there was agreement on the numbers of Maoist forces that would be integrated into the national army,[102] and the modalities for doing this. The Maoists effectively used demobilisation as a 'bargaining chip' to buy time for security negotiations, as well as to influence the constitution writing process.

The PLA troops were kept in cantonments until a political compromise was reached on security integration.[103] There were substantive differences between the government and the Maoists on the issue of military integration and the handover of armaments, with both sides refusing to compromise for a period of five years. The Maoists maintained full control over their weapons until August 2011, when the UN monitoring mission departed and conditions were in place for security integration to commence.

One of the unexpected benefits of this transitional security measure was that it bought time for Maoist combatants to consider their future needs. During peace talks, the Maoists had originally proposed the formation of a new national army by amalgamating the Nepali army and the PLA. This did not happen, and when it came time for Maoist ex-combatants to integrate into the army, 90 per cent instead chose to reintegrate back into society. Although not the original intention of the Maoist leaders, this enabled the Maoist forces to effectively transition out of the security sector.[104] A similar outcome occurred in Mozambique where the General Peace Agreement signed in 1992 foresaw the creation of a new national army and the integration of substantial numbers of rebel RENAMO troops into the new force. After two years of cantonment, however, the vast majority of troops – who were war-weary – opted for reintegration.[105]

A second interim security measure is the creation of transitional security forces, which can also serve several different objectives including preventing a security vacuum and addressing the occupational and income needs of former combatants, while keeping command and control structures intact.[106]

The creation of the Kosovo Protection Corps (KPC) with rebel forces from the Kosovo Liberation Army (KLA) is a good example of this. The KPC was a compromise between the disarmament of the KLA – which was stipulated by the agreement that brought the war to an end – and the maintenance of the KLA, which many ethnic Albanians hoped would become the future army of an independent Kosovo state. The KPC became a civilian emergency response organisation with a primary mandate to help maintain law and order. While the KPC was modelled after the French Sécurité Civile, in practice it retained the military structure of the KLA, including weapons,

102 Dudouet V, Giessmann H J and Planta K (2012), 'From Combatants to Peacebuilders: A Case for Inclusive Participatory and Holistic Security Transitions', Berghof Foundation Policy Report.

103 Between February and March 2007, seven cantonments and 21 sub-cantonments were set up across the country to house the Maoist fighters. UN arms monitors supervised the management of arms and armed personnel of both the Nepali army and the PLA.

104 Sharma S (2017), 'Army and the Security Forces after 2006', and Bhandari C (2017), 'People's Liberation Army post-2006: Integration, Rehabilitation or Retirement?', in 'Two Steps Forward, One Step Back: the Nepal Peace Process', *Accord: An International Review of Peace Initiatives*, Issue 26.

105 Rupiya M (1998), 'Historical Context: War and Peace in Mozambique', in 'The Mozambican Peace Process in Perspective', *Accord: An International Review of Peace Initiatives*.

106 Colleta N J and Muggah R (2009), 'Context Matters: Interim Stabilisation and Second Generation Approaches to Security Promotion', *Conflict, Security & Development* **9** (4), December, pp 425–454.

military uniforms and ranks. It was also open to different Kosovo ethnic groups, including both the Kosovo Serbs and the Kosovo Albanians.

As an interim security institution, the KPC was key in helping to maintain stability, redirecting combatants towards civilian tasks, and buying time and space for the creation of political conditions conducive to securing its independence. Notably, this process also enabled former KLA forces to maintain their dignity and uphold the legitimacy of their cause without having to suffer the humiliation of having 'lost' the war had they been forced to disarm. Kosovo went on to declare independence from Serbia in 2008 (which has largely been rejected by the Serb minority living in the country) and has made plans to convert the KPC into the Kosovo National Army in 2019. In 2013, the European Union (EU) brokered an agreement between Kosovo and Serbia[107] that would allow the Serb minority in Kosovo to have its own police force and court of appeal.

A third strategy is to grant a non-state armed group local autonomy in a geographical zone which they control, and a decentralised security capacity during a transitional period.[108] This occurred in Cambodia in response to the failed implementation of the military measures contained in the 1991 Paris Peace Agreement. The Paris Agreement called for the re-groupment, cantonment and disarmament of at least 70 per cent of the forces of the four warring factions, with the remaining 30 per cent to be integrated into a new national army. Although the State of Cambodia and the two non-communist factions complied to varying extents, the Khmer Rouge refused to do so and renounced the ceasefire.

Over the next five years, Cambodia was caught between a state of war and peace. The unstable power-sharing government, which emerged from the 1993 elections, eventually collapsed in 1997. The Hun Sen faction that prevailed, confronted by a Khmer Rouge force that was still unwilling to lay down its arms, allowed it to maintain control over its stronghold of Pailin in the western part of the country. While this Khmer Rouge faction aligned itself politically with the government, it retained control of two major military strongholds. This was accompanied by the (controversial) granting of amnesty to several senior Khmer Rouge leaders in the name of 'national reconciliation'.[109]

This was pitched by the government as a 'win-win' strategy to bring the Khmer Rouge back into the folds of the state, but based on an explicit recognition that their integration back into peacetime society would need to happen in a very gradual fashion and at three levels: military, administrative and socio-economic. Concrete incentives were provided to fighters and commanders by the Cambodian government to guarantee their personal safety and the safety of their property and economic activities.

Preparing the political terrain for SSR

The main purpose of transitional security measures is to buy time for non-state armed groups to negotiate the terms of a peace settlement and their integration into the national security sector, or to opt out if they so choose. Part of this discussion will necessarily involve the structure and governance of the national security sector and any changes that may be required to move a country from a 'war footing' to a 'peace footing' that better meets the needs of all groups in society. This may require wide-ranging reforms involving not just military forces but police and justice actors and indeed a broad range of civilian bodies inside and outside the security sector whose ability to oversee and hold security forces to account is central to SSR.

107 https://en.wikipedia.org/wiki/Brussels_Agreement_(2013). The agreement stipulates that there shall be one police force for all of Kosovo, including its northern parts, to be called "Kosovo Police", but the Regional Police Commander for the Serb-majority areas must be a Kosovo Serb.

108 Colleta N J and Muggah R (2009), 'Context Matters: Interim Stabilisation and Second Generation Approaches to Security Promotion', *Conflict, Security & Development* **9** (4), December, pp 425–454, and Hendrickson D (Ed.) (1998), 'Safeguarding Peace: Cambodia's Constitutional Challenge', *Accord: An International Review of Peace Initiatives*, Issue 5, November.

109 Ashley D (1998), 'Between War and Peace: Cambodia 1991–98', in Hendrickson D (Ed.), 'Safeguarding Peace: Cambodia's Constitutional Challenge', *Accord: An International Review of Peace Initiatives*, Issue 5, November.

While likely to be very difficult and sensitive, broaching the wider topic of SSR during peace talks and agreeing minimum provisions on this issue in a peace settlement will be important for a number of reasons, as highlighted in section 2c. This is the case not just because it may help to secure the signature of EAOs on the NCA and a subsequent Union peace settlement accord, but also because it can set forward (and commit parties to) a vision and a process to guide future discussions on SSR.

The importance of addressing SSR is backed by extensive experience from other countries which suggests that an overly narrow focus on DDR and military integration can threaten the sustainability of a peace process.[110] That said, military integration is usually the priority in post-war contexts given the threat that non-state military forces pose to the emerging peace. Military integration is also relatively easier to do than reforming the wider security and justice sectors. The dilemma is that while military integration may help to achieve short-term peace, if it is not accompanied by some degree of SSR, it may result in a stronger military apparatus without corresponding improvements in civil democratic oversight.

A narrow shift of this kind would not resolve (and could potentially exacerbate) Myanmar's security problems, particularly if any EAOs withdraw from the peace process. For these reasons, discussions need to overcome some of the deeper structural constraints to SSR in Myanmar. Backed by the 2008 Constitution, which keeps power deeply centralised and in the military's hands, the Tatmadaw has insisted that it must maintain its political, economic and administrative roles (including its veto powers over most constitutional amendments) until stability and the rule of law are achieved.[111]

In addition, the Tatmadaw has established some of the country's largest business conglomerates and the country's second largest political party, the USDP. Both these economic and political roles arguably detract from the Tatmadaw's ability to meet its core security/defence functions, and are also seen as having detrimental consequences for civil-military relations and governance in democratic societies.[112] While there is not scope for radical change in the immediate term, there are precedents for change of this nature.

Indonesia's military (the TNI),[113] like the Tatmadaw, was far more than a conventional armed force; it was the leading statebuilding institution and a dominant force in almost all sectors for half a century before the process of transformation began. The May 1998 democratic transition set in motion significant changes including the TNI relinquishing a political role, accepting parliamentary oversight, and reducing its business activities. The TNI still retains significant autonomy, however, to the detriment of civilian oversight. This reflects the fact that the military has still not fully accepted democratic principles, but also that civilian political institutions which could exercise effective oversight and assume responsibility for formulating defence policy are still very weak.[114]

While achieving meaningful civil democratic control of the security sector, for instance, may not be realistic anytime in Myanmar's immediate future, there are areas where new methods and strategies can already be developed to incrementally increase legislative oversight of the security forces.[115] Vetting of public expenditures by parliament has in recent years included defence spending, and parliament has in a

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110 Licklider R (2014), 'So what?' in Licklider R (Ed.) (2014), *New Armies from Old: Merging Competing Military Forces after Civil Wars* (Georgetown University Press).

111 The Tatmadaw holds firm to its perceived role as steward of the country's political development and as defender of the nation's sovereignty and integrity. It is guided by a deep-set fear that the union will disintegrate, and it will be surrounded by hostile independent nations, if ethnic nationality movements gain too much influence.

112 Brommelhorster J and Paes W-C (Eds.) (2003), *The Military as an Economic Actor: Soldiers in Business* (Palgrave: MacMillan).

113 Tentara Nasional Indonesia is its official name.

114 Sukma R (2013), 'The Military and Democratic Reform in Indonesia', in Blair D (Ed.) (2013), *Military Engagement: Influencing Armed Forces Worldwide to Support Democratic Transitions*, Volume II Regional and Country Studies (Washington, D.C.: Brookings).

115 Egreteau R (2017), 'Negotiating Parliamentary Oversight of the Security Sector in Myanmar', ISEAS Yusuf Ishak Institute *Perspective* No. 37, June.

number of cases denied requests for budget increases from Tatmadaw-controlled ministries. The formation of a standing committee on security and defence matters in the Union parliament would also break new ground in terms of public oversight.

Here, as in other areas which seek to strengthen security sector governance, sustained progress will depend on a number of factors which include designing new checks and balances on the military's power and reversing the guardianship role and full autonomy granted to the military in the 2008 Constitution. This will only happen, however, if the Tatmadaw accepts the need to meet international standards of professionalism, and is a willing partner. This will require a shift in its deeply institutionalised political ideology that will take time and cannot be forced from outside.

While much of the discussion on SSR is focused on the broad goals of reform and the policy changes required to make them operational, there tends to be less consideration of the political, social and economic conditions which facilitate the transformation of the 'security mindsets' and relationships (both among and between security actors and civilians) that are a precondition for reform.

Experience from countries which have gone through this process suggests that SSR is most likely where there are a broad range of groups in the state and outside it with a shared interest in reform.[116] While international actors have sometimes played a valuable role in kick-starting reform processes, these processes have rarely been sustained or succeeded without 'local ownership'.

If Myanmar's transition from military rule to civilian rule is to be sustained, this will depend on the creation of genuine domestic constituencies for democratic governance of the security sector. This is a slow and complex process, yet there are many examples from Africa over the past two decades where coalitions for change between the security establishment and civilians have been strengthened through proactive (though often behind-the-scenes) efforts. A good example of this are the so-called 'South-South' dialogues that brought together – as they were deliberately designed to do – people from a wide spectrum of government, the security sector, and CSOs (including from South Africa, Nigeria, and Liberia) who had rarely spoken to each other.[117]

Another strategy to promote dialogue and build consensus (both across government and, to varying degrees, with the public) has been the deployment of wide-ranging consultative defence and security review processes.[118] The main purpose of these reviews is to examine the security challenges (both military and non-military) that countries can expect to face in the post-conflict era and to assess how to best meet these challenges.[119] But a secondary purpose (and, it could be argued, the most important outcome) of these review processes is to build a shared understanding of security among different stakeholder groups along with coalitions to support more integrated public policy responses to security problems.

116 Cawthra G and Luckham R (Eds.) (2003), *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies* (London: Zed Books).

117 These South-South dialogues took many forms, including meetings designed to share lessons, build confidence and deliver training for defence professionals, civil servants, parliamentarians and civil society members. The countries involved included Côte d'Ivoire, Ghana, Guinea, Liberia, Mozambique, Sierra Leone, South Africa and Uganda. A range of African organisations were involved in driving these dialogues, including Africa Security Dialogue and Research (Ghana), the Centre for Democracy and Development (Nigeria), the Southern African Defence and Security Management Network (SADSEM), and the African Security Sector Network (ASSN).

118 Countries including Burundi, Uganda, Sierra Leone and South Africa have conducted reviews which explicitly sought to incorporate the views of groups that have traditionally been excluded from public security debates.
    See, for instance (for the case of South Africa), Nathan L, 'Inclusive SR Design: The South Africa White Paper on Defence, No Ownership, No Commitment: A guide to Local Ownership of Security Sector Reform', Birmingham University, http://epapers.bham.ac.uk/1530/1/Nathan_-2007-_No_Ownership.pdf
    And (for the case of Burundi) Hendrickson D (Ed.) (2014), 'The Burundi Defence Review, 2011–14: Charting a New Path for Peace, Stability and Security', *ALC Monograph Series*, No. 32A, King's College London, http://africanleadershipcentre.org/images/ALC_Monographs/ALC_Monograph_32A.pdf
    And (for Uganda) Hendrickson D (Ed.) (2007), 'The Uganda Defence Review: Learning from Experience', King's College London and Makerere University, http://alcafricanos.com/csdg/www.securityanddevelopment.org/pdf/ugandadefence.pdf

119 The Tatmadaw produced a Defence White Paper which addresses some of these issues, though it was not produced through a consultative process and starts from the premise that the army has the central responsibility in protecting the Union against all internal and external dangers.

b. The cases of South Africa and the Philippines

South Africa

The South African process of security integration, which ran between 1994 and 2003 and took place during its transition from a unitary, apartheid state to a more representative democracy, has been held up as a successful example of post-conflict security integration. A complex array of former armed groups – representing various ethnicities, languages, and technical abilities – were successfully integrated with the existing national armed forces, the SADF, resulting in the formation of a new body, the South African National Defence Forces (SANDF). This opened the way to more substantive reforms cutting across the security sector.

This process featured a number of noteworthy characteristics, including: inclusivity in the design of the integration process; unit-level integration of former combatants, as opposed to their segregation into separate units; limited but effective use of international partners; and the inclusion of the police force, which also transitioned to an integrated force, the South African Police Service (SAPS). Given the complexity of these security integration challenges (and the many areas of initial disagreement), both parties agreed that the details should not be worked out until after national elections. That both sides were confident to proceed in this manner is indicative of the trust that had been achieved at that stage of the negotiating process, and over time agreement did emerge on the key issues.[120]

As discussions around the political transition began in 1990, and a new constitution was formulated, it was clear that security integration would be central to the rebuilding process. The state security forces had been the primary actors in the widespread oppression of the majority black population, with the SADF having a reputation as one of the most experienced counter-insurgency forces in the world. In order to gain the trust of the whole population of South Africa, this required fundamental changes in the structure, composition, and culture of the security sector in order to ensure that that the new 'integrated' security sector truly reflected the values of the new nation. Thus, negotiations began between the parties.

In 1994, the key stakeholders[121] formed the Joint Military Coordinating Council (JMCC) to manage the process, which was led primarily by the uMkhonto we Sizwe (the armed wing of the ANC, and known as MK) and SADF, while various joint working groups were created to deal with decisions in key areas, including financing, operations, and personnel.[122] This decision-making process forced former combatants to work together and build consensus on various complex issues, which was a valuable process in itself.[123] Ultimately, by the time elections took place in April 1994, the JMCC had finalised its work, and SANDF was officially inaugurated.[124]

The challenges in integrating eight separate forces into a united SANDF were clear. A largely conventional, high-tech, majority white force would need to combine with seven majority black forces, each with varying technical abilities, experience, and even primary languages. Due to the legacy of oppression and segregation during the apartheid era, negotiators agreed that keeping these forces totally separate but under the umbrella of a 'national' military (as in Bosnia and Herzegovina, for example) would risk undermining the goals of national unity and reconciliation, and could lead to further conflict. They therefore opted to integrate former adversaries at the unit level, and special arrangements were made to facilitate this process.[125]

120 Licklider R (2014), 'South Africa', in Licklider R (Ed.) (2014), *New Armies from Old: Merging Competing Military Forces after Civil Wars*, April.

121 This included the leadership of the ANC; the ANC armed wing, MK; the SADF leadership; defence forces from four quasi-independent black homelands, known as *Bantustans*; the Azanian People's Liberation Army, which was the military arm of the Pan Africanist Congress, and had engaged in armed conflict with the security forces of the apartheid government; and, lastly, the KwaZulu Self-Protection Forces of the Inkatha Freedom Party, which had previously received training from the SADF, and fought against the ANC. Higgs J (2000), 'Creating the South African National Defence Force', *Joint Force Quarterly*, Summer Issue 25, p 45.

122 Knight M (2009), 'Security Sector Reform: Post-Conflict Integration', report commissioned by the GFN-SSR, August, p 18.

123 Higgs J (2000), 'Creating the South African National Defence Force', *Joint Force Quarterly*, Summer Issue 25, p 45.

124 Stott N (2002), 'From the SADF to the SANDF: Safeguarding South Africa for a better life for all?', *Violence and Transition Series*, vol. 7.

125 Licklider R (2014), 'South Africa', in Licklider R (Ed.) (2014), *New Armies from Old: Merging Competing Military Forces after Civil Wars*, April.

Another crucial component was the process of writing the White Paper on National Defence.[126] In the aftermath of apartheid, the integration of former combatants represented a powerful symbol of unity, but military leaders recognised that their forces' primary mission and *raison d'être* had ended. In a democratic state, the new military would need a different strategic direction and set of priorities. To this end, the SANDF set about formulating a Defence White Paper, a collaborative process which included consultations with parliament, civil society, interest groups, and the public at large.[127] In addition to defining the roles of SANDF within a democratic South Africa, the process itself, which was highly participatory, resulted in a finalised paper in May 1996, and increased perceptions of the force's legitimacy among the people.

As one of the most unpopular components of the apartheid regime, successful rehabilitation of the police in the new South Africa was also crucial for the ANC-led government. Under the apartheid government, the police were responsible for the torture and murder of political activists and the violent repression of anti-apartheid political expression. The new constitution made provisions for a new South African Police Service (SAPS), which would operate throughout the country, though remaining under central command. Further clarity on the roles and responsibilities of the SAPS was established through the 1995 South African Police Service Act.[128]

Police reform was carried out through diversification of what had been a white-dominated force, through the recruitment of new police officers and the inclusion of a small number of former combatants from MK and other groups. The second avenue was placing policy-making in civilian hands, through the establishment of the civilian Secretariat for Safety and Security, which directly supported the heads of the SAPS. The shift from a police 'force', which was distrusted and feared by the majority of South Africa's population, to a police 'service', more representative of the communities it serves, has contributed to a new-found legitimacy, which in turn has enhanced the SAPS's effectiveness.

On the intelligence side, in the decade following the democratic transition, South Africa transformed a sector that had been militarised and highly repressive into a more transparent and democratically accountable civilian-led intelligence community designed to inform policy.[129] As in other areas of the security sector, however, compromises were necessary to maintain stability and ensure the success of the political transition. This limited some of the potential gains of security transformation in South Africa.

In this regard, South Africa highlights both the potential benefits and challenges of linking SSR and transitional justice processes which can be mutually-reinforcing. South Africa's Truth and Reconciliation Commission (TRC) had a mandate to investigate past human rights abuses, grant amnesty where appropriate, and help to rehabilitate victims. While the process made a significant contribution to political reconciliation in the divided country, it nonetheless fell short in many ways in terms of fully uncovering the truth, providing accountability, or facilitating sufficient reparations for victims.

This was particularly evident with regard to the DDR and wider security integration processes, which were largely approached as technical exercises and independent of the transitional justice process.[130] Due to a concern by senior politicians to guarantee the success of the transition, there was a reluctance to dig too deeply into the past

126 The full text of the White Paper is available on the South African Department of Defence website: http://www.dod.mil.za/documents/WhitePaperonDef/whitepaper%20on%20defence1996.pdf.

127 Nathan L (Ed.) (2007), 'South African Case Study: Inclusive SSR Design and the White Paper on Defence' in Nathan L (Ed.) (2007), 'No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform'.

128 For the full text on policing within the South African Constitution, see chapter 11, section 205-208, available at: http://www.gov.za/documents/constitution-republic-south-africa-1996-chapter-11-security-services#205. The full South African Police Service Act is available at: http://www.saps.gov.za/legislation/acts/act68of1995.pdf.

129 Dombrowski K R (2006), 'Reforming Intelligence: South Africa after Apartheid', *Journal of Democracy* 17 (3), pp 43–57.

130 Van der Merwe H and Lamb G (2009), 'Transitional Justice and DDR: The Case of South Africa', Research Unit, International Center for Transitional Justice, June.

behaviour of combatants on both sides, including members of the police and the many non-statutory security forces that the apartheid state had made use of. This made it possible to expedite the creation of the new, integrated SANDF and SAPS, but did not result in forces that were as unified internally or professional as it appeared from the outside.

Philippines

The integration of the Moro National Liberation Front (MNLF) into the Philippine Armed Forces (AFP) and the Philippine National Police (PNP) in the mid-1990s offers several clear parallels with the current context in Myanmar. Mindanao, a large island located in the southern portion of the Philippine archipelago and home to a large Muslim minority, had been beset by conflict in some form or other for centuries.[131] From the 1960s, this conflict took the form of an insurgency against the Philippine state by a number of groups, most notably the MNLF, and later the Moro Islamic Liberation Front (MILF), which was formed as a breakaway group in 1977.

The 1976 Tripoli Agreement, signed between the government and the MNLF leadership, established a ceasefire between the parties and created autonomous zones in Muslim areas, among other provisions. However, conflict continued until 1996, when negotiations ultimately led to a Final Peace Agreement, which laid out the terms of a phased integration of MNLF forces and the cessation of conflict.

It was agreed that up to 7,500 MNLF troops would be integrated into the AFP and PNP through a phased process. Initially, some would integrate as separate units, in order to build 'mutual confidence'; then, unit-level integration would take place. This would be followed by the integration of further MNLF troops.[132] While ultimately close to all the agreed number of MNLF fighters were eventually integrated, a large number of MNLF troops were not, due to their refusal to accept the government's peace offer. Many of them continued to fight against government forces, and in 1984 they were formally established as the MILF.

In the case of the MNLF in Mindanao, an overt process of disarmament was not politically viable; if the government had required disarmament as a condition to further concessions or agreements, this likely would have precluded any possibility of a successful settlement. Philippine government negotiators, therefore, stopped using the term 'DDR' and developed a process labelled 'social integration',[133] which included a mostly voluntary programme, whereby MNLF cadres could turn in their weapons for cash. These weapons would then be reissued to former MNLF soldiers once their integration had been formally completed.

Taking a flexible approach to the disarmament of integrating groups, allowing them a certain level of control over the process, and allowing autonomy of the regions in dispute, helped to sustain the momentum of talks and lead to a successful settlement. In November 1990 the Autonomous Region of Muslim Mindanao was established (though the MILF did not accept this and later pressed for full independence). Nevertheless, with regard to the MNLF, a number of issues related to disarmament lingered. Many of those who did voluntarily turn in a weapon often only provided one of multiple weapons in their ownership or simply turned over their weapons to MNLF soldiers who were not yet integrated, rather than turning them in to the AFP.[134]

Another important lesson from the MNLF integration process is how the AFP and the PNP attempted to 'harmonise relations' between soldiers from the different forces, in advance of unit-level integration. The MNLF was primarily made up of Muslim

131   For more historical background on the Mindanao conflict, see Adriano F and Parks T (2013), *'The Contested Corners of Asia: Subnational Conflict and International Development Assistance. The Case of Mindanao, Philippines'*, Asia Foundation.
132   Santos Jr S (2010), 'MNLF Integration into the AFP and the PNP: Successful Co-optation or Failed Transformation?' in Rodriguez D (2010), *Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines* (Geneva: South-South Network for Non-State Armed Group Engagement and Small Arms Survey).
133   *Ibid.*, p 175.
134   *Ibid.*, p 177.

fighters, while the AFP was majority Christian, and so the AFP leadership took steps to smooth the assimilation process. This depended, particularly, on the government's willingness to meaningfully acknowledge and address differences in language, political beliefs, military doctrines, and religion.

The integration process entailed taking 26- or 48-week courses, depending on whether the candidates had enlisted roles or were preparing to be officers, followed by specialised training based on their intended occupation in the AFP.[135] Once this training was completed, individual soldiers were assigned to existing units within the AFP, alongside troops of other ethnicities and religions. In this way, the integration process was managed in a way to keep the integrees together through their initial training, before transitioning them to fully integrated units within the regular army.

While successful in certain respects, the MNLF integration into the AFP and PNP did not fully meet the expectations of the MNLF leadership, who had initially expected to be integrated as segregated units. Following integration, former MNLF forces were put into combat against other armed groups, primarily the MILF, as well as those factions of the MNLF which did not integrate into the AFP and PNP. This fighting reduced trust on the part of the non-integrated MNLF troops, making them less likely to participate in future negotiations with the government. While direct hostilities with these MNLF forces were reduced, they have flared up multiple times since the 2000s.

Meanwhile, conflict with the MILF continued. In 2011 the MILF withdrew its demand for independence and continued to press for an expanded autonomous region. In March 2014 the *Comprehensive Agreement on the Bangsamoro* (*CAB*) between the government of the Philippines and the MILF was finally signed. This agreement ended an armed conflict that had started in 1969 and caused more than 120,000 deaths. Implementation of the peace agreement has been guided by a detailed road map, but has proceeded slowly, reflecting a range of factors.

The 'road map for peace' in Muslim Mindanao

The Comprehensive Agreement on the Bangsamoro (*CAB*) between the government of the Philippines and the MILF includes four key elements:

- socio-economic development programmes for conflict-affected areas
- confidence-building measures between the government and MILF forces
- transitional justice and reconciliation initiatives
- efforts to improve security including police reform, dismantling of paramilitary groups, arms decommissioning, and finally total demobilisation

Demobilisation of the MILF is dependent on passage of the new Bangsamoro governing law by Congress and creation of a new autonomous police force in the region. Yet, implementation has faced various challenges, including limitations in time and capacity, and limited buy-in from parts of the governmental bureaucracy opposed to the peace accord.

The main security-related problem during this period has been the increase in armed groups in the region due to a failure to demobilise paramilitary groups. This has included a breakaway faction of the MILF, criminal organisations and violent groups linked to international extremist ideologies. Today, Mindanao continues to be affected by multiple armed conflicts stemming from disputes over natural resources and clan feuds. While MILF decommissioning is not yet complete, the overall success of cease-fire monitoring can be measured by the fact that there has not been a single violent encounter between the government and MILF forces since 2010.[136]

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135 *Ibid*.
136 Gündüz C and Torralba R (2014), 'Evaluation of the Nonviolent Peaceforce Project with the Civilian Protection Component of the International Monitoring Team in Mindanao, Philippines', Final Report, 6 May.

C. International support for security integration

The course and outcomes (both positive and negative) of peace and security integration processes in the countries examined in this report have been shaped to varying degrees by the international community. External inspiration and support have been key to the inclusion of SSR provisions in many recent peace agreements. Without external pressure and the security guarantees offered by the international community, critical SSR provisions may never have been implemented.[137] External oversight and support have helped to keep many security integration processes on track.

But it is also well understood that local ownership is crucial to ensuring that security integration processes respond effectively to local needs and are sustained.[138] A major problem faced by SSR programmes in many countries has been the lack of local input to and control over externally inspired and financed SSR processes. While most SSR donors embrace the principle of local ownership, in practice it is much more difficult to apply due to a lack of respect for or poor appreciation of local knowledge, frustration with the slow pace of local change, the tendency to rely on external models, and short-term programming or funding cycles.[139]

Furthermore, external support for SSR has often involved mixed motivations on the part of the country/organisation providing assistance. External support for SSR has long been viewed by some Western countries as a strategy to fight terrorism (which may impact upon their security at home) and, more recently, to counter violent extremism. This has often resulted in the distorting of the SSR concept by weakening its governance dimensions, or worse – subordinating an integration process to an external geopolitical agenda. One result of this has been to further undermine the legitimacy of SSR in the eyes of some governments who were already inclined to resist SSR.

Globally, security integration processes have had varied levels of international involvement. In Bosnia and Herzegovina, Burundi, Guatemala, Sierra Leone and South Sudan, for instance, regional or international actors have played a central role in the process, by facilitating agreements, integration processes and the development of new security structures.

In other cases, such as South Africa, international involvement was restricted to limited capacity building, training support, and dispute resolution. After initial debates within the JMCC (which had responsibility for strategic planning for the integration process) over how much international involvement there should be, stakeholders settled on inviting the British Military Advisory and Training Team (BMATT) to take on a number of small but crucial roles. They were tasked with monitoring the implementation of JMCC decisions and providing advice to senior leadership within the integration process, as well as designing and delivering technical training at various levels. Due to their neutrality, technical skills, and experience, the use of BMATT in South Africa could be viewed as a positive example of a 'light footprint' in international involvement in SSR processes.

The Burundi-Netherlands Security Sector Development (SSD) programme, though not strictly speaking focused on security integration, is illustrative of a unique partnership and approach which enabled some noteworthy achievements.[140] The SSD programme, which commenced in 2009, departed from standard internationally supported SSR programmes in two ways: first, through its focus on improving security sector governance, which is often seen as too sensitive for outsiders to engage with; and, second, by adopting a flexible, iterative programming approach, which is well-suited to dealing with sensitive issues.

137 Hutchful E (Ed.) (2009), 'Security Sector Reform Provisions in Peace Agreements', African Security Sector Network.
138 Nathan L (2007), 'No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform', University of Birmingham, October.
139 Sedra M (2017), *Security Sector Reform in Conflict-Affected Countries: The Evolution of a Model*, Routledge.
140 Ball N (2014), 'Putting Governance at the Heart of Security Sector Reform: Lessons from the Burundi-Netherlands Security Sector Development Programme' (The Hague: Clingendael Institute).

Notably, this approach was welcomed by the Burundians because of a belief that it furthered Burundian priorities. In addition, it put the Dutch government in the position of supporting an internally driven change process rather than dictating in what direction it should go. Yet, to the extent that it prioritised key principles of security sector governance which the government itself had signed up to, it was an indigenous-led programme, and Burundian involvement in managing it was scaled up over time.

Experience suggests that the appropriate level of international involvement will often be dependent on contextual factors and should be carefully considered by all stakeholders involved in the process. Their ownership is crucial to sustainability. Thus, the significant resources that foreign actors can bring to such reform processes should ideally be limited to areas where they can most add value, while minimising the risks of exacerbating conflict dynamics between national stakeholders.

These areas of added value include capacity strengthening, particularly in the form of resources and technical training. In particular, non-state actors, both armed and within civil society, can benefit from outside help to reduce the asymmetry that often characterises government and non-state group interactions. Furthermore, where international actors are trusted by all stakeholders, they can provide mediation to help identify common ground and solve disputes during a reform process.[141] Additionally, international partners can support third-party monitoring, to ensure all stakeholders are honouring their commitments and responsibilities.

One way in which countries have asserted their ownership of processes has been in their choice of terminology. In Zimbabwe, the term SSR was rejected in favour of 'security sector transformation', which was associated with external efforts at 'regime change'. There was also a view that security sector transformation was preferable because it emphasises both process and institutional transformation. While progress has been slow, the programme has succeeded in getting SSR on the agenda of public discourse and establishing a genuine dialogue.[142]

Myanmar's peace process has, thus far, been a predominantly indigenous undertaking, and there have been varying degrees of enthusiasm among the parties for outside involvement in the country's security affairs. In recent years, the EU, UK, and various UN agencies have supported programmes aimed at strengthening Myanmar's state security sector, particularly the MPF. But when soliciting official observers to the NCA in 2015, the former government and Tatmadaw opted to engage the country's Asian neighbours and the EU and UN, rather than specific Western countries.

Most EAOs have been open to international involvement and have often called for official international mediators, observers and monitors. The EAOs have varied preferences, with certain groups maintaining informal military ties with China, while some pro-federal EAOs have preferred engaging with the West. A number of EAOs, particularly among the group of NCA signatories and the UNFC, have also received assistance of various kinds in the area of SSR, though often of a piecemeal (workshop-based) approach rather than longer-term capacity strengthening.

As for the Tatmadaw, it has well-developed military ties with China, India, Israel, Russia, and other states who have been particularly interested in providing it with training and equipment. In its Defence White Paper, the Tatmadaw states that it will accept foreign assistance, but only if there "are no strings attached".[143] While the Tatmadaw may ultimately be prepared to conform to new international norms, this is only likely to be in areas that are consistent with goals it has identified for itself as in the national interest.[144] This will likely limit the space for cooperation with the mainstream aid community on SSR.

141 Mason S J A (2016), 'Why Security Sector Reform Has to be Negotiated', in *CSS Analyses in Security Policy*, No. 194, June, Center for Security Studies, ETH Zurich.
142 DCAF-ISSAT (2015), 'Zimbabwe Peace and Security Programme: Lessons Identified'.
143 The Republic of the Union of Myanmar Defence White Paper (2015), Naypyitaw, p 16.
144 Wilson T (2016), 'Strategic Choices in Myanmar's Transition and Myanmar's National Security Policies', *Asia & the Pacific Policy Studies* **3** (1), January, pp 62–71.

5

Conclusions and implications for Myanmar

THE CASE STUDIES EXAMINED IN THIS REPORT offer insights into the kinds of challenges that Myanmar will confront as it goes down the path of security integration. While some of the pitfalls highlighted can possibly be averted, none of the 'solutions' described are directly transferable to Myanmar. Each case has evolved in a specific political and institutional context quite different from Myanmar's, not least due to the many parties involved in its conflict and the sheer imbalance in power between the EAOs and the Tatmadaw. These factors will have significant implications for the approach, direction and pace of security negotiations, security integration, DDR and SSR.

To conclude, this section offers a few broad lessons that emerge from the international experiences examined in this report and considers the implications for Myanmar as it goes down the path of negotiating and transforming the security environment as a means to building lasting peace.

Importance of an internally driven approach

Progress in security negotiations and the implementation of meaningful change will depend on serious commitment and will from within the country. Myanmar's peace process has been an indigenous project thus far, and this can be a strength as long as forces within the country continue to push for an agenda of reform that solves conflicts, addresses the legacies of past violence, and builds a state that serves all the country's diverse groups.

Progress in the security sector will depend on the development of a national security concept that all parties can buy into as well as the creation of domestic coalitions for change that cut across both the military and civilian sectors. As one comprehensive review of international experiences concludes, security integration is "first and foremost a local political problem, not a matter of technical expertise that local actors lack and whose secrets international actors must therefore impart".[145]

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145 Krebs R E (2014), 'Military Dis-integration: Canary in the Coal Mine', chapter 15 in Licklider R (Ed.), *New Armies from Old: Merging Competing Military Forces after Civil Wars*, April.

The concepts of DDR and SSR can serve as a useful framework for thinking about the challenges of building an inclusive security sector in Myanmar, but it does not provide a clear guide for action. In fact, there is a risk that in the absence of robust domestic constituencies for change, focusing only on the concepts of DDR and SSR may make building consensus more difficult.

In countries where SSR has been 'handed down' from international bodies, such as in the context of large international peace support operations, the momentum for change has often slowed down and initial gains have sometimes been reversed after international actors have pulled out. Myanmar's locally-driven peace process provides an opportunity for domestic actors to build the internal institutions, capacity and political pressure for a more sustainable – albeit long and painstaking – locally owned process of change in the security sector.

Timeframe for security integration

In contexts that are not 'ripe' for SSR in the sense of the full-blown governance reforms often associated with this policy agenda, a two-speed approach may be required. This would aim to create space for political dialogue and to stabilise the security situation while conditions for longer-term reform are gradually created.

In Myanmar, the NLD and the EAOs would like to see profound changes – nothing short of a transformation of the security institutions, political mind-sets, and decision-making cultures that have become heavily militarised over the past 60 years, and that have allowed the Tatmadaw to assume dominant control over the political system and national economy. These changes are likely to take a generation or more to achieve.

An additional set of challenges will come into play as Myanmar undertakes security integration in the context of a shift to a federal political system. In most of the countries examined in this report, development of federal security systems has been an *evolutionary* rather than a *revolutionary* process. That is to say, rather than a 'big bang' approach to creating federal structures and decentralising security powers, this has occurred over an extended period, allowing for adjustments to be made in response to changing circumstances on the ground.

In light of this, there may be risks in rushing Myanmar's security integration process. The government's ambition of completing a Union peace accord by 2019 will leave little time to change security dynamics in many parts of the country, much less to widely consult on or negotiate key provisions. At the same time, there is a risk that if peace negotiators do not soon start engaging seriously with the security integration agenda, decisions that impact ethnic communities and the potential for lasting peace will continue to be made by commanders rather than through compromise and consensus.

In the absence of a clear agreement on the structure of the federal security system, an incremental approach to security integration might be preferable, allowing greater space to mobilise the required political support and financial resources and build the required institutional capacity among stakeholders. There may be benefit in mapping out a staggered process of security integration, involving goals and actions for key stages both before and after a Union Accord, with each step of the process accompanied by transitional security arrangements that will give EAOs the confidence to stay the course.

Domestic constituencies for change

Crucial to the success of security transitions is the cultivation of a civilian policy community – focused on defence and security – that can engage in security discussions, build partnerships across the civilian-military divide, and help to strengthen domestic coalitions which can 'demand' change. Experience suggests that over time this can encourage closer collaboration between former adversaries in addressing a country's

reform challenges and help to open up policy debates on defence and security to a wider civilian audience.

This is a long-term undertaking, but without progress in this area there cannot be a realistic expectation of achieving meaningful democratic security sector governance in Myanmar. Encouragingly, with the transition to civilian government under Thein Sein and now with the NLD in power, Myanmar is witnessing for the first time the emergence of a political sphere that is distinct from the military sphere.[146] While progress may seem slow to many pro-democracy participants, this emergence offers growing space for interaction between different interest groups and an important entry point to include SSR in the national political discourse.

The process of reconciling conflicting security visions will take time and entail both advances and setbacks. Nonetheless, the stated and signed commitment of the government, Tatmadaw and EAOs to a democratic, federal state offers a common denominator around which this dialogue can, and must, continue.

146 Callahan M (2012), 'The Opening in Burma: The Generals Loosen their Grip', *Journal of Democracy* **23** (4), October.

ANNEX 1: Armed Organisations in Myanmar (excluding government-backed militia)

Party / political name	Military wing name	Ceasefire status (August 2018)	Political affiliations
All Burma Students Democratic Front (ABSDF)	Same name	NCA signatory	Coordinates and co-negotiates with other NCA signatories
Arakan Liberation Party (ALP)	Arakan Liberation Army (ALA)	NCA signatory	Coordinates and co-negotiates with other NCA signatories; member of the ANC
Arakan National Council (ANC)	No military wing	No ceasefire (but no military presence)	A coalition of Arakanese organisations, including the ALP; member of the UNFC
Chin National Front (CNF)	Chin National Army (CNA)	NCA signatory	Coordinates and co-negotiates with other NCA signatories; former member and occasional observer of the UNFC
Kachin Independence Organisation (KIO)	Kachin Independence Army (KIA)	No ceasefire; subject to a largely ineffective agreement for reducing hostilities (heavy armed confrontations in practice)	Member of the Northern Alliance – Burma (NA-B); member of the Federal Political Negotiation and Consultative Committee (FPNCC); observer and former founding member of the UNFC
Karen National Union (KNU)	Karen National Liberation Army (KNLA)	NCA signatory (but occasional armed confrontations)	Historic leader among EAOs; coordinates and co-negotiates with other NCA signatories; political alliance with KKO/DKBA and Karen Peace Council; former member of the UNFC
Karen Peace Council (KPC) or KNU/KNLA-Peace Council (KNU/KNLA-PC)	Same name	NCA signatory	Coordinates and co-negotiates with other NCA signatories; political alliance with KNU and Karen Peace Council
Karenni National Progressive Party (KNPP)	Karenni Army (KA)	Bilateral ceasefire only	UNFC member; historic ally of the KNU
Klohtoobaw Karen Organisation (KKO)	Democratic Karen Benevolent Army (DKBA)	NCA signatory	Coordinates and co-negotiates with other NCA signatories; political alliance with KNU and Karen Peace Council; former member of the UNFC
No political wing	Democratic Karen Buddhist Army (splinter faction formed in 2016)	No ceasefire	Joint operations and political coordination with the Northern Alliance and FPNCC
Lahu Democratic Union (LDU)	No standing military	NCA signatory	Member of the UNFC and starting coordination with other NCA signatories (as of August 2018, subject to changing dynamics)
Myanmar National Truth and Justice Party (MNTJP)	Myanmar National Democratic Alliance Army (MNDAA)	No ceasefire (intermittent heavy armed confrontations)	Member of the FPNCC; long ally of the UWSP and NDAA; former member of the UNFC
National Socialist Council Nagaland – Khaplang (NSCN-K)	Same name	Bilateral ceasefire only	In alliance with numerous armed actors operating in northeast India

Party / political name	Military wing name	Ceasefire status (August 2018)	Political affiliations
No separate political wing	National Democratic Alliance Army (NDAA)	Bilateral ceasefire only	Member of the FPNCC; long ally of the UWSP and MNDAA
New Mon State Party (NMSP)	Mon National Liberation Army (MNLA)	NCA signatory	Member of the UNFC and starting coordination with other NCA signatories (as of August 2018, subject to changing dynamics)
Pa-O National Liberation Organisation (PNLO)	Pa-O National Liberation Army (PNLA)	NCA signatory	Coordinates and co-negotiates with other NCA signatories; former member of the UNFC
Palaung State Liberation Front (PSLF)	Ta'ang National Liberation Army (TNLA)	No ceasefire (regular armed confrontations)	Member of the NA-B; member of the FPNCC; former member of the UNFC
Restoration Council of Shan State (RCSS)	Shan State Army (SSA)	NCA signatory (but occasional armed confrontations)	Coordinates and co-negotiates with other NCA signatories; member of the Committee for Shan State Unity
Shan State Progress Party (SSPP)	Shan State Army (SSA)	Bilateral ceasefire only (but regular armed confrontations)	Member of the FPNCC; former member of the UNFC; informal coordination with the NA-B; member of the Committee for Shan State Unity
United League of Arakan (ULA)	Arakan Army (AA)	No ceasefire (intermittent armed confrontations)	Member of the NA-B; member of the FPNCC
United Wa State Party (UWSP)	United Wa State Army (UWSA)	Bilateral ceasefire	Founder and leader of the FPNCC
Wa National Organisation (WNO)	Wa National Army (WNA)	No ceasefire (but almost no military presence)	Former member of the UNFC; reported to be planning merger with the UWSP

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