

Public report

Asian Mediators' Retreat
2006

Challenges and
Opportunities for Conflict
Resolution in South and
Southeast Asia

Sentosa Resort & Spa,
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The Centre for Humanitarian
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Switzerland, dedicated to the promotion
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prevention of conflict and the alleviation
of its effects through dialogue.

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What is the Asian Mediators' Retreat?

The Asian Mediators' Retreat is part of the Oslo Forum, a process led by the Norwegian Ministry of Foreign Affairs and the Centre for Humanitarian Dialogue. Encompassing an annual gathering in Oslo and regional Retreats, the aim is to:

- Provide a venue for those engaged as conflict mediators to, and learn from each other's experiences in an informal and confidential setting;
- Bridge institutional divides so that mediators from the UN, regional international organizations, government or from non-governmental organisations are encouraged to look beyond their own institution for advice and lessons;
- Contribute to a stronger shared identity among conflict mediators to enhance the professionalism of their work; and
- Develop a cadre of experienced individuals from within conflict mediation support teams and beyond and mentor those, who may be able to assume lead roles in conflict mediation in the future.

The Oslo Forum events aim to stimulate debate and critically examine current practice.

Summary

The Second Asian Mediators' Retreat co-hosted by the HD Centre and the Institute for South East Asian Studies (ISEAS) brought together thirty high-level participants, including third-party mediators, representatives of parties to mediation processes, experts, government representatives and representatives of international organizations. We wanted to both encourage and tap into the growth and sophistication of a network of persons who are currently active in mediation efforts in Asia, as well as to facilitate the exchange of experiences and lessons within this network.

The second Asian Mediators' Retreat 2006 was a successful follow-up to a similar event in 2005 both in terms of substance and participation. While a core group of participants returned, the variety of perspectives represented at the event was enhanced by an increased emphasis on those representing parties at the negotiating table. This diverse group of mediators and conflict parties from across the region used the Retreat as an opportunity to discuss their own processes and learn about others, both during sessions as well as in the context of bilateral conversations.

Upon arrival, participants were invited to liaise with the wider diplomatic community in Singapore following a keynote speech on the US role in conflict resolution in Asia by Ambassador Richard Armitage, Former US Deputy Secretary of State. In his speech, Ambassador Armitage emphasized that the 21st century is the Century of Asia and that developments in Asia, including the rise of China, will greatly influence international peace and security. Ambassador Armitage also underlined that US policy will need to be designed responsibly in order to maintain US credibility in the region. There were also keynote speeches by Ong Keng Yong, ASEAN Secretary and Zainul Abidin Rasheed, Singaporean State Minister for Foreign Affairs, who shared their views on trends in conflict resolution and regional conflict resolution mechanisms.

The Asian Mediators' Retreat 2006 examined challenges and opportunities in specific mediation efforts, in particular in Myanmar, the Philippines, Sri Lanka and Aceh, and assessed future scenarios. In addition, participants debated recurrent issues in international mediation, including the role of the International Criminal Court, the variety of autonomy arrangements used to respond to minority demands, and the challenges of implementing agreements. The Retreat featured five sessions:

- The US role in conflict resolution in Asia, led by Ambassador Richard Armitage;
- Implementation of the Aceh peace agreement;
- Myanmar, as an example of a situation in where international mediation appears to have no positive impact;

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- The work of the International Criminal Court (ICC);
- Autonomy options in peace processes.

Prior to the Retreat, a number of short, background papers (available at www.osloforum.org) were distributed to the participants.

This report summarizes the most prominent themes that emerged from the discussions on challenges and opportunities in conflict resolution in Asia:

- Limits to mediation;
- Negotiating and implementing autonomy agreements;
- The implementation of peace agreements;

and concludes on:

- Asian perceptions of third party mediation and external actors

The agenda and list of participants are attached in Annex I and II.

Limits to mediation

There are situations, it must be accepted, where mediation plays a limited role. This is illustrated by the examples of Myanmar and North Korea.

The situation in Myanmar was discussed extensively. The invited panellists from Myanmar pointed out that the current situation in the country results from a long history of ethnic antagonisms, poverty and authoritarianism. Myanmar has chronically weak institutions and bureaucratic structures, and little capacity for democratic development. Others pointed out that the lengthy experience of living under military rule has marked the mentality and attitude of leaders so thoroughly that a change in the situation is unlikely in the short term even if personalities change.

In such a setting, some argued, democratisation and accommodating ethnic diversity will be a long-term process and cannot result solely from a formal, track 1 mediation effort. The foundations for reform, namely civil society, reliable institutions, and public awareness, need to be present before significant progress occurs. Panellists therefore argued in favour of a long-term approach focusing partly on the next generation of the Myanmar military. According to this argument, engaging up and coming military officers and presenting them a possible future model of progress, possibly based on the Chinese experience, would be more fruitful. Participants agreed that the military should be treated as a legitimate stakeholder in any reform effort, notwithstanding its past record on human rights and democracy.

In his keynote speech Ambassador Armitage discussed the significant obstacles to the resolution of the conflict on the Korean peninsula. He pointed out that no country has in the past given up nuclear weapons after successfully testing a nuclear device. In his private discussion with the Retreat participants, Ambassador Armitage said that the 6-party talks are useful because they buy time for all involved and allow the parties to look engaged. However, he argued a realistic solution may need to include a long-term strategy based on economic incentives which will bring the two Koreas together.

Negotiating and implementing autonomy agreements

Negotiating and implementing autonomy arrangements is a formidable challenge, not least in peace processes. On the one hand, governments resist autonomy arrangements which require the sharing of local power with regional administrations. On the other hand, in some cases as in Sri Lanka, rebel groups exercise de facto control of certain regions and resist governments' attempts to restore power in those territories. In other cases, as in the Philippines with the Moro Islamic Liberation Front (MILF), the rebel group may have little administrative capacity and weak political structures on the ground to carry out its responsibilities under an autonomy agreement. The MNLF, for its part, had difficulty taking on responsibilities for regional administration following the 1996 autonomy agreement and had to compete with the existing, strong local government officials for a share of regional and local power.

Panellists and participants emphasized that dialogue and negotiations among parties should continue after autonomy agreements are signed. In the Philippines, the transitional period following the signing of the agreement between the MNLF and the Government of the Philippines was crucial. During this period, political actors operated under a new and unfamiliar set of rules, the interpretation of which needed to be agreed on with their counterparts, while simultaneously having to prove themselves to their supporters and voters.

The example of Aceh also demonstrates the importance of continued dialogue after the signing of an agreement. The provisions regarding the specifics of the autonomy arrangements needed to be ironed out and agreed upon by the Indonesian Parliament. Thus, although the Memorandum of Understanding (MOU) contained the key ingredients of Aceh's autonomy, further discussions were necessary for the arrangement to be finalized. Continued dialogue is a key aspect of the implementation.

Furthermore, some participants pointed out that in order for the agreement to gain solid support within society, it is usually necessary

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to expand the political process following the agreement to a larger number of stakeholders than those included in the formal conflict mediation process. Several segments of society should have an opportunity to express their opinions on the issues negotiated if their support is to be earned. Expanding the range of stakeholders involved in implementation may also be necessary for legal purposes. For example, the MOU signed between GAM and the Government of Indonesia did not involve the Indonesian Parliament. However, according to Indonesian law, the implementing provisions related to the MOU had to be adopted by parliament, thus making parliament a pivotal player in the implementation process.

The implementation of peace agreements

The challenges of implementing agreements were raised in many of the discussions. Participants cited a variety of cases and examples in which the effort to create the conditions for sustainable peace continued after the signing of the agreement.

Post-agreement transformation of rebel groups

Discussing the challenges rebel groups face in their efforts to transform into political movements, participants agreed that one of the key challenges for the GAM in Aceh is to transform itself into a participant in the political process with all the internal ideological and organizational reforms that this entails. The MNLF faced similar challenges in 1996, as it had never been a political party and was not clear about the kind of governance principles it subscribed to.

In the discussion, participants noted that this process, along with the pressures of electoral competition, puts considerable strains on rebel movements. They are usually inexperienced in such reforms and may not succeed in reforming themselves in a timely manner. Furthermore, the degree to which rebel groups are hierarchically structured and lower level commanders and rank and file support the decisions taken by the leadership may hamper reform efforts. To the extent that those structures often lack transparency, this also complicates the work of international monitors as well as the implementation process in general.

International monitoring & implementation

Governments are frequently sceptical as to whether they should agree to the presence of an international monitoring mission on their territories. However, they may agree to such assistance when they recognize that they do not have adequate experience in the tasks required in the post-agreement phase. Also, governments may wish to project internationally an image of good-will.

The Aceh experience was discussed in depth as an example of the importance of international monitoring of the implementation

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of agreements. The Aceh Monitoring Mission (AMM), which wound-up in December 2006, combined monitors from Singapore, Thailand, Malaysia, the Philippines and Brunei. Participants agreed that the fact that the monitoring took place under the leadership of the European Union, but with a strong regional component through a direct partnership with five ASEAN members added political weight to the monitoring effort. This coalition provided the necessary leverage to keep the parties on track with the tasks of implementation. For example, the European Union tried to reassure the Indonesian government that it did not encourage separatism but rather to assist the implementation of the peace agreement. This is all the more crucial as several aspects of peace agreements are often not well-drafted, remain contentious or are difficult to implement. It often becomes obvious during the implementation phase that not all provisions of agreements can actually be implemented. In addition, no agreement is able to predict all contingencies and disagreements that may emerge during implementation. Rather, agreements tend to reflect the stress and pressure under which the parties and the mediators put the documents together. It is therefore essential that the parties engage in a political process after the signing of the agreement, and continue to discuss and compromise as the implementation proceeds.

Conclusions: Asian perceptions of third party mediation and external actors

The issue of identifying the conditions under which third-party mediators are likely to enter peace processes and to contribute positively, was of great interest to the participants. They recognized that parties to a conflict are often reluctant to accept third-party mediation. Governments especially prefer to rely on their own resources, military and otherwise, before resorting to external facilitators or mediators. To do otherwise may not only signal a lack of resources and military capability or ineffective social and economic reforms, but also suggest an admission that a government's legitimacy is challenged. Thus, inviting a third party is often perceived as admitting failure and losing face.

In addition, mediation is not always understood by the parties to the conflict as the appropriate policy tool. Governments may prefer alternative routes in order to resolve conflict as participants pointed out. In Thailand, for instance, where injustice is seen as the root cause of violence in the country's south, efforts to remedy past injustice and to adopt better socio-economic policies may be considered more appropriate than a formal mediation effort with the rebel groups.

Nevertheless, as the example of Indonesia and Aceh demonstrates, there are also cases in which both governments and rebel groups

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recognize the benefits of and seek international mediation. Participants acknowledged that Indonesian government not only welcomed the benefits of favourable international public opinion, it also understood the necessity of dialogue with the Free Aceh Movement (GAM) and the advantage of international assistance in managing the mediation process.

Still, many participants deplored the fact that this reluctance to engage in negotiations helped by third parties remains characteristic for much of Asia. The possibility of China taking a more proactive role as a regional player in conflict resolution was examined. Most felt that China's approach of prioritising economic reform would certainly carry influence in the region. Some saw this strategy as aimed at creating predictable leadership, rather promoting democratisation and real reform.

Some participants expressed hopes that recent developments in ASEAN point to a nascent potential to overcome the organisations' incapacity for constructive involvement.

Asia Mediators Retreat 2006

Participants and Speakers

Participants

Mr M.C. Abad, Jr.	ARF Unit Director, ASEAN
Chairman Silvestre Afable, Jr	Chair, Government of the Republic of the Philippines Negotiating Panel with the Moro Islamic Liberation Front (GPNP-MILF)
Mr Yasushi Akashi	Representative of the Government of Japan on Peacebuilding
Mr Benedicto R. Bacani	Executive Director, Institute for Autonomy and Governance (IAG), Notre Dame University (NDU), Cotabato City, Mindanao, Philippines
Ambassador Ralph Boyce	US Ambassador to Thailand
Mr Musib Buat	Chairman, Technical Committee, Moro Islamic Liberation Front (MILF), Philippines
Brigadier General Benjamin Dolorfino	Armed Forces of the Philippines
Ms Narcisa Escaler	President, Asian Cultural Council, Philippines
Mr Pieter Feith	Head, Aceh Monitoring Mission; Deputy Director General for politico-military affairs, Council of the European Union
Mr David Gorman	Mediation Advisor, Centre for Humanitarian Dialogue
Mr Martin Griffiths	Director, Centre for Humanitarian Dialogue
Mr Jon Hanssen-Bauer	Special Envoy for the Peace Process in Sri Lanka, Norway
Dr Muhammed Hikam	Member of Indonesian Parliament Foreign Affairs Committee
Mr Ram Manikkalingam	Former Senior Adviser on the Peace Process to the President of Sri Lanka
Dr Thant Myint-U	Senior Visiting Fellow, International Peace Academy
Mr Harim Peiris	Senior Researcher, Council for Public Policy, Sri Lanka
Dr Desra Percaya	Chief of Staff to the Indonesian Minister of Foreign Affairs/Spokesperson
Dr Surin Pitsuwan	Member of Parliament, Thailand
Mr Léon de Riedmatten	Country Representative Myanmar, Centre for Humanitarian Dialogue

Undersecretary Ramon Santos	Office of the Presidential Adviser on the Peace Process, the Philippines
General Sir Rupert Smith	Former Deputy Supreme Commander, British Armed Forces
Dr Mark Tamthai	Committee for Peacebuilding, National Security Council, Bangkok
Lt General Vaipot Srinual	Director, National Intelligence Agency and Special Advisor, Office of the Permanent Secretary of Defence, Thailand
Mr Michael Vatikiotis	Southeast Asia Regional Representative, Centre for Humanitarian Dialogue
Amb. Sastrohandoyo Wiryono	Former Chief negotiator of the Indonesian Government on Aceh
Ms Teresa Whitfield	Director, Conflict Prevention and Peace Forum
Prof Xiyu Yang	Pantech Fellow, Schorenstein Asia-Pacific Research Center Stanford University; Foreign Ministry of the Peoples Republic of China

Speakers

Ambassador Richard Armitage	Former US Deputy Secretary of State
Mr Larry Jagan	Myanmar specialist and journalist based in Bangkok
Mr Nay Win Maung	Editor and journalist, Myanmar
Mr Zaw Oo	Director, Burma Fund
Mr Ong Keng Yong	Secretary General, ASEAN
Mr Zainul Abidin Rasheed	Senior Minister of State for Foreign Affairs, Singapore

Agenda Asia Mediators' Retreat 2006

Monday November 27

- 16.00 – 17.30 Sentosa Golf Club - Ballroom
Ambassador Richard Armitage addresses participants and invited guests from the diplomatic and policy community in Singapore
- 17.30 – 19.00 Cocktails - Sentosa Golf Club
- 19.30 – 21.00 Opening Dinner - Sentosa Hotel
Speeches by Mr Zainul Abidin Rasheed, Senior Minister of State for Foreign Affairs Singapore and Mr Ong Keng Yong, ASEAN Secretary General

Tuesday November 28

- 09.00 – 10.15 Sentosa Golf Club - Fairways
Discussion with Ambassador Richard Armitage on the US role in conflict resolution in the region
- 11.00 – 12.30 Sentosa Golf Club - Fairways
Mr Pieter Feith will share his views on building lasting peace in Aceh; Chaired by Dr Surin Pitsuwan
- 13.00 – 14.00 Lunch Sentosa Golf Club
- 14.30 – 16.30 Sentosa Golf Club - Fairways
The Limits of International Mediation: The Situation in Myanmar; Chaired by Mr Michael Vatikiotis with guests from Myanmar

Open time for bilateral and private meetings

- 19.30 – 21.30 Cocktails and Dinner Sentosa Hotel

Wednesday November 29

- 09.00 – 10.30 Sentosa Golf Club
Discussion with the Special Advisor to the Chief Prosecutor of the International Criminal Court (ICC), Mr Paul Seils; Chaired by Teresa Whitfield
- 11.00 – 12.45 Sentosa Golf Club - Fairways
Local Governance Mechanisms and Autonomy in Peace Processes & Closing remarks; With Benedicto Bacani, Muhammed Hikam, Ram Manikkalingam and Harim Peiris
- 13.00 – 14.30 Lunch – Sentosa Hotel Terrace