



Asian Mediation Retreat

The Oslo Forum Network of Mediators

Kempinski Commune by the Great Wall, Beijing, China
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I. What is the Asian Mediation Retreat?

The Asian Mediation Retreat is part of the OSLO forum, a network of senior mediators of armed conflict led by the Norwegian Royal Ministry of Foreign Affairs and the Centre for Humanitarian Dialogue (HD Centre). The OSLO forum currently features an annual international gathering of senior mediators in Oslo at the end of June, and bi-annual regional retreats in Asia and Africa. Regional retreats are an important complement to the annual gathering. They emphasise the fact that dialogue and mediation are not Western concepts, but that actors in and from Asia as well as Africa and other regions are very much part of the debate and practice.

Retreats in the OSLO forum series aim to:

- Stimulate debate and critically examine current practice;
- Provide a venue for conflict mediators and peace process actors to meet as a peer group, and learn from each other's experiences in an informal and confidential setting;
- Bridge institutional divides so that mediators from international and regional, as well as government or 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.

The retreats deliberately refrain from seeking to generate specific recommendations or conclusions, but aim to define the cutting edge of conflict mediation practice.

II. Summary

The third Asian Mediation Retreat was co-hosted by the Royal Norwegian Ministry of Foreign Affairs and the Centre for Humanitarian Dialogue (HD Centre), in close cooperation with the China Institute of International Studies (CIIS). It took place at the Kempinski Commune by the Great Wall near Beijing, China, from 15 – 17 March 2008.

The Retreat successfully built and expanded on two similar events in 2005 and 2006. While the previous events were considerably focused on Southeast Asia, the gathering in Beijing convened more than fifty mediators, experts and peace process actors from and in Asia, including senior officials and envoys from China, India, Japan, Indonesia, Vietnam, Pakistan, the Philippines, Russia, Singapore and the United States, as well as from intergovernmental organisations including the United Nations (UN), the European Union (EU) and the Association of Southeast Asian Nations (ASEAN). This diverse group of mediators and negotiators from across the region used the Retreat as an opportunity to discuss their own processes and learn about those of others during sessions and in the context of bilateral conversations.

Following a formal opening dinner and welcome address by Mr Rong Ying, Vice President of the China Institute for International Studies on the night of arrival, discussions began with an insightful keynote speech by Chinese Assistant Minister of Foreign Affairs, Mr He Yafei. The Assistant Minister set the tone for frank discussions by sharing his thoughts on China's growing engagement in the region, and encouraged participants to learn from each other's experiences. Later in the day, Dr Surin Pitsuwan, Secretary-General of ASEAN, complemented the Assistant Minister's reflections with his thoughts on China's moderating and mediating role.

Another highlight of the Asian Mediation Retreat was a fire side interview with one of Asia's most respected mediators, former Indonesian Foreign Minister Ali Alatas, who is now chief adviser to President Susilo Bambang Yudhoyono. Thai journalist Kavi Chongkittavorn skilfully took the audience on an entertaining and insightful journey through some of Ali Alatas' most prominent peacemaking experiences, including in Cambodia, but also in the past and current struggle for political change in Myanmar.

The Retreat lasted for two and a half days, during which participants attended a variety of sessions exploring mediation in Asia, as well as the particular role of big powers such as the United States and, increasingly, China. Participants also engaged in discussions on the link between energy politics, as well as conflict and the challenges of engaging extremists. The Retreat closed with discussions on mediation and security in fragile states and tried to identify the secrets of sustainable peace.

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

This report summarises a selection of prominent themes that emerged from the discussions. The agenda and list of participants are enclosed.

III. A Chinese Perspective on Mediation

China being the host country of this year's Asian Mediation Retreat, participants followed Mr He Yafei's opening speech on China's good offices and mediation role with great interest.

While China continues to be a firm believer in the principle of non-interference, its diplomats increasingly recognise the need for constructive engagement in some circumstances. Mediation is the best – and least intrusive – instrument to resolve conflict peacefully. However, this does not mean that the decision to engage in mediation should be taken light-heartedly. Prior to intervening as a mediator, it is necessary to define whether a situation is of sole internal concern or whether there is a sufficiently larger threat. When domestic conflicts have regional or international implications, China cannot refuse to engage. The distinction between situations with truly international implications and purely internal ones is increasingly difficult to make as domestic conflicts often develop into international ones.

The nuclear programme of the Democratic People's Republic of Korea (DPRK), for example, is against China's and the international community's interests. In spite of the potential implications for international security, however, there is no imminent threat to warrant action from the United Nations Security Council.

This partly explains the limited role of the United Nations in Asia, but should not distract from the fact that the latter remains the only international organisation universally accepted. The Security Council should be used to the full for fact finding missions, mediation and peacebuilding activities, as well as specific missions for the Secretary General and his Special Representatives, if circumstances justify it.

For instance, China strongly supports the efforts by the UN Special Adviser to the Secretary-General on Myanmar, Ibrahim Gambari, not as a mediator, but as a facilitator. Critics may argue that the progress is not fast enough, but little and slow progress is better than none. The problems in Myanmar are essentially domestic and linked to the democratic process, economic development and political stability. If those issues generate refugees, however, they will have broader implications.

While mediation is often understood and expected to focus on solutions, China favours engagement to build trust and confidence, values which are at the very heart of overcoming the root causes of conflict. Proposals should not be overly ambitious, but always aim to gradually establish trust.

IV. Perspectives on Conflict Mediation in Asia

The Asian Mediation Retreat aimed to explore particularities in resolving conflict through dialogue in Asia. One of the defining characteristics of conflict mediation in this region is the need for modesty and a preference for non-interference. Particularly, in Southeast Asia, the doctrine of non-interference is often understood as a safeguard to avoid mistaking one's own interests with that of the region's. Perhaps in Asia, more than elsewhere, mediators have to factor in local culture, which tends to be complex and sophisticated. However, while this preference for non-interference may be particularly pronounced in Asia, given its negative historic experiences with foreign involvement, it can also be found elsewhere in the world.

Non-interference, but not indifference

While it was generally felt that it is best to avoid any form of interference, such as mediation or third party engagement, participants acknowledged that non-interference should not be allowed to become a euphemism for indifference or disengagement generally. In as much as today's world requires respect for the sovereignty of states, it also requires a framework to address common concerns. The newly agreed ASEAN Charter provides such a framework, but in order to live up to its potential, member states need the will to operate with the possibilities the Charter offers.

Perhaps paradoxically, such framework is of particular interest to bigger actors trying to address conflicts in Asia. High profile actors fare better when dealing with conflict in smaller countries on a multilateral level. What is more, a cross regional consensus on how to address conflict could help balance the strength of different actors. Whereas small countries often do not have the capacity to adequately support peace processes in the long term, major actors often lack the stamina to see a peace process to its end.

Some participants underlined the need to avoid becoming a pawn of the conflict parties, while others argued that the job of a mediator can be exactly that. From the perspective of a mediator, it is not always clear at what point failure turns into success. Arguably, a deadlocked but stable situation is a failure if judged by the lack of a signed agreement, but can be equally seen as a success for preventing conflict escalation.

Conflict parties are key

Mediation must be modest both in terms of what it can realistically achieve and in claiming credit for successful outcomes. Peace can only be credited to the parties who make sacrifices and adjust to new realities to reach an agreement. While the parties have to be acknowledged as the main driver of success, they must also be held accountable for failure.

If there is no desire for a solution, there will be no solution. Many participants repeatedly stressed that the key to successful dialogue and engagement was a basic agreement on the

ultimate objective of the talks. The absence of such a basic consensus was raised as one of the major obstacles to a peaceful solution to the situation in Myanmar. The incredibly slow – if not stagnant - pace of dialogue was explained by a failure of the parties to agree whether the purpose of talks should be security, stability or even justice and reconciliation. Some participants raised the question of whether the focus on democratisation and reconciliation in Myanmar was premature given that there was no formula to safeguard territorial integrity and security to start with.

The importance of process

Participants emphasised that the process was important even if there were no immediate achievements. While there is still no international consensus on how to deal with Myanmar, most governments now agree that it is not an entirely internal conflict. It was unclear, however, how far interlocutors could push without risking the cessation of all contact and losing partners to talk to in Myanmar.

It was felt that the general support given to UN Special Adviser Gambari reflected the growing recognition and desire to co-operate on conflict issues in the region. Any such efforts were felt to be particularly promising if championed by former or serving Heads of State.

Since peace stands or falls with the parties, the ownership of a process must rest with the parties. It is impossible for mediators to do more than the parties can do themselves. However, ownership of a process was defined to often include actors beyond the main conflicting parties. In fact, the necessity to include political actors from local and district levels as much as from the national level resonated with many participants.

One speaker stressed that it was the existence and inclusion of an active Nepali civil society that first humbled the Maoists by bringing the King down, and eventually enabled the peace agreement. The Nepali example demonstrates the importance of protecting the politically interested urban middle classes in Southeast Asia. Whereas Nepal may not have had a parliament to speak of, the diversity of coalitions supporting the peace process was crucial. It was pointed out that at times, the process may have been more open and inclusive than necessary, but overall this created a broad basis of support within society, and improved the prospects for a lasting peace. The beginning of constitutional talks was a defining moment for Nepal. Previous agreements should be seen as stepping stones.

In the case of Aceh, in Indonesia, the lack of inclusion was seen as a considerable problem for the implementation of the agreement. Securing implementation cannot rely solely on the presence of a credible military or police force. Those affected by an agreement should retain some degree of ownership to ensure implementation.

Aceh, Indonesia is perhaps one of the most prominent examples of third party mediation in Asia. Following a military crackdown in the 1990s, a shift in government gradually translated into willingness for dialogue. Consequently, the Helsinki agreement benefited

from a rare moment of ripeness during which political will, the emergence of a politically active civil society and broader circumstances tragically amplified by the 2004 tsunami coincided to create strong incentives for peace. There are a number of lessons to be learned from the Aceh experience. The decision to endow NGOs rather than a government with the role of mediator guaranteed to the parties that there would be no internationalisation of the conflict that would develop a life of its own and marginalise the parties' actual concerns. In addition, the agreement acknowledged the concerns of both parties and was supported by political as well as military leaders. Political structures found support in economic structures, and there was strong regional support from neighbouring countries to enable the joint EU-ASEAN Aceh Monitoring Mission to pursue its ambitious mandate.

Implementation

Participants expressed concern that many peace agreements tend to freeze a conflict rather than solve it. To avoid this, mediators need the capacity to develop a coherent peace plan including provisions for implementation. The first five years following the signing of an agreement were said to be particularly crucial in determining the longevity of peace. In fact, the real test of any agreement is its implementation, and it is therefore crucial to provide for such arrangements early on if not in the agreement itself.

The Philippines exemplifies this fact. It was only after the 1996 agreement between the Government of the Philippines and the Moro National Liberation Front (MNLF) had been signed that the parties started looking for financial support for the implementation phase. As a result, immediate peace dividends were delayed and difficult to discern for those affected.

Preparing the parties to not only master negotiations, but also to honour their new responsibilities after signing an agreement was seen as equally important. Reaching an agreement was described as a formidable task, and one participant noted that the cultural difference between an armed group and government might be larger than between Europe and Asia for example, as there was a strong disconnect between getting things done in the field and in the political context of negotiations, not in the least, because the sensitive issue of democratic accountability that a government faces is comparatively marginal to guerrilla tactics.

Participants agreed that the mainstreaming and normalisation of life was a long term process that did not stop with the signing of a peace agreement. The current negotiations between the Government of the Philippines and the Moro Islamic Liberation Front, for instance, include activities to prepare the parties for their role as future implementers.

V. Conclusions

It was widely felt that mediation may not work on all occasions, but that it does work if timed and conducted sensibly. Not only is there an increased interest in Asia in mediation as a tool to resolve conflict peacefully, but new actors and organisations are also beginning to build the frameworks to improve the prospects for mediation in the region. Participants were appreciative of international initiatives, including those of individual states such as Norway, but stressed the need for Asia to find its own ways. The group concluded that it was time to turn the challenges the region faces into opportunities for a peaceful and prosperous future.



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Agenda

Asian Mediation Retreat 2008

15 - 17 March 2008, Beijing

Saturday March 15

19.00 Welcome reception in the Grand Ballroom followed by the Opening Dinner

Sunday March 16

9.30 – 11.00 Asian mediation - Solving conflict through dialogue

How are dialogue and engagement defined in the Asian context, and what role do they play? How does mediation differ from other forms of engagement or diplomacy? Which conflicts in Asia have been addressed and resolved through dialogue? How, and by whom has dialogue been initiated, led or facilitated in the region? Have there been instances in which it seemed more appropriate than in others?

11.30 – 13.00 Big power negotiations and the challenge of reconciliation

What is the relationship between power and conflict resolution? Does the relationship between the different powers involved change the dynamics of a process? To what extent does the emergence of alliances change the calculations of the parties? How do big power negotiations differ from mediation efforts? How do they relate if they are conducted in parallel? How do breakthroughs or set-backs in one setting affect the progress in others? To what extent is it beneficial for actors to overlap or coordinate?

13.00 – 15.00

An ASEAN Perspective on China and her moderating and mediating role

Lunch keynote address by Surin Pitsuwan - Secretary-General, Association of Southeast Asian Nations

15.00 – 16.30 Two parallel sessions for participants to chose:

Energy politics and conflict

What are the political implications of the pursuit of influence and access to energy resources for the emergence, prolongation or resolution of conflict? What realistic leverage do actors have to influence ruling elites/ individuals in particular countries. How do energy politics affect

relationships, cooperation and agreement between and within Asian countries? What does this mean for the prospects of resolving current conflicts in the region? Could modern energy diplomacy have a positive impact on ending conflict? Or do new foreign policy instruments prolong and encourage conflict? What role - if any - is there for mediation and dialogue?

Engaging the extremist fringe

This session will explore the different facets and strategies of engaging extremists through dialogue. What makes dealing with extremists so particular? What are the political and practical challenges of engagement? What are policy makers expecting from their counter-terrorism and counter-insurgency policies? Are these expectations realistic? What can we learn from past and current experiences? Are there indicators to assess whether a group will respond positively to dialogue? What are the risks involved, and how can they be mitigated?

18.00 – 18.45 The Mediation Studio

Kavi Chongkittavorn, Assistant Group Editor with the Nation Media Group Thailand, discusses the current and future prospects for Asian mediation with Ali Alatas, Chairman of the Advisory Council of the President of the Republic of Indonesia.

19.30 Dinner hosted by Ambassador Ma Zhengang, President, China Institute of International Studies

Monday March 17

9.30 – 10.30 Sustainable peace

What issues need to be addressed in a peace process and how can their implementation be ensured to make peace sustainable? What are the political realities of accommodating different interests and integrate former warring parties into the political fold? What degree of outside support is necessary and appropriate? How to obtain it and from whom? Why is it at times difficult to uphold the momentum for implementation or put provisions into practice? What can be done if parties do not have the capacity to deliver and/ or enjoy new arrangements?

11.00 – 12.30 Mediation and security in fragile states

What are the regional implications of fragile states? Does an acceptance of the status quo risk further deterioration? How to reconcile long term objectives with the short term imperative of stabilisation? How can outsiders address the internal instability and political complexities of fragile, but sovereign states? Is there a role for mediation?

12.30 – 13.00 Closing remarks

List of participants
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Ambassador Shamshad Ahmad

Former Foreign Secretary of Pakistan; Member of the ASEAN Regional Forum's Eminent Experts Persons Group

Ambassador Yasushi Akashi

Representative of the Government of Japan on Peacebuilding; Chairman, Japan Centre for Conflict Prevention

H.E Mr Ali Alatas

Chairman, Advisory Council of the President of the Republic of Indonesia; Former Adviser to the Foreign Minister; Special Envoy of the President of the Republic of Indonesia

Ambassador Richard Armitage

Former US Deputy-Secretary of State; President, Armitage International

Ambassador Merete Brattested

Ambassador of Norway to the Kingdom of Thailand

Ambassador Carey Cavanaugh

Director and Professor of Diplomacy and Conflict Resolution, Patterson School of Diplomacy

Mr Kavi Chongkittavorn

Assistant Group Editor, Nation Media Group, Thailand

Mr Kanak Mani Dixit

Editor of Himal Southasian Magazine, Nepal

Secretary Jesus G. Dureza

Adviser to the President of the Philippines on the Peace Process

Mr Joaquim Fonseca

Adviser to the President of East Timor

General Lt. Secretary Rodolfo C. Garcia

Chairman, Philippines Government Peace Negotiating Panel for talks with the Moro Islamic Liberation Front (MILF)

Ms Rut Krüger Giverin

Adviser, Section for Peace and Reconciliation, Royal Norwegian Ministry of Foreign Affairs

Mr David Gorman

Mediation Adviser, Centre for Humanitarian Dialogue

Mr Martin Griffiths

Director, Centre for Humanitarian Dialogue

Ambassador Jon Hanssen-Bauer

Special Envoy to Sri Lanka, Royal Norwegian Ministry of Foreign Affairs

Ambassador Tore Hattrem

Ambassador of Norway to Sri Lanka

Mr Markus Heiniger

Special Adviser for Peacebuilding in Nepal, Federal Department of Foreign Affairs, Switzerland

Ambassador Bilahari Kausikan

Second Permanent Secretary of State, Singaporean Ministry of Foreign Affairs

Ambassador Ingolf Kiesow

Former Ambassador of Sweden to North Korea; Ambassador-in-Residence/Senior Research Fellow, Institute for Security and Development Policy

Ms Stephanie Kleine-Ahlbrandt

China Adviser/ Northeast Asia Project Director, International Crisis Group (ICG)

Ambassador Le Van Bang

Special Envoy of the Foreign Minister of Vietnam

Dr Ram Manikkalingam

Adviser, Centre for Humanitarian Dialogue; Former Adviser to the President of Sri Lanka

Mr C. Andrew Marshall

Deputy Director, Centre for Humanitarian Dialogue

Dr Shireen Mazari

Director General, Institute of Strategic Studies, Islamabad, Pakistan

Mr Thierry Meyrat

Head of Delegation, ICRC Regional Delegation for East Asia

Dr C. Raja Mohan

Professor, S. Rajaratnam School of International Studies, Singapore

Ambassador Rustam Shah Mohmand

Adviser to the Government of Pakistan; Consultant, Pakistan -Afghanistan Peace Jirga;
Former Ambassador of Pakistan to Afghanistan

Dr Desra Percaya

Director of International Security and Disarmament, Indonesian Ministry of Foreign
Affairs

Dr Surin Pitsuwan

Secretary-General, Association of Southeast Asian Nations (ASEAN); Former Foreign
Minister of Thailand

Sir Kieran Prendergast

Former United Nations Under-Secretary General for Political Affairs; Senior Adviser,
Centre for Humanitarian Dialogue

Ambassador Vladimir Rakhmanin

Ambassador at Large, Ministry of Foreign Affairs, Russia

Mr Léon de Riedmatten

Representative, Centre for Humanitarian Dialogue

Ambassador Svein Saether

Ambassador of Norway to the People's Republic of China

Mr Tamrat Samuel

Deputy Special Representative of the United Nations Secretary General for Nepal;
Deputy Head of the United Nations Mission in Nepal (UNMIN)

Ambassador Shyam Saran

Special Envoy of the Indian Prime Minister; Former Foreign Secretary

Ambassador Richard C. Smith

Former Secretary of the Department of Defence, Australia

General Sir Rupert Smith

Former Deputy Supreme Allied Commander Europe; Adviser, Centre for Humanitarian
Dialogue

Mr Robert Templer

Asia Programme Director, International Crisis Group (ICG)

Mr Michael Vatikiotis

Regional Director Asia, Centre for Humanitarian Dialogue

Ambassador Francesc Vendrell
European Union Special Representative for Afghanistan

Participants from the P.R. China:

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Assistant Minister of Foreign Affairs

Ambassador Ma Zhengang
President, China Institute of International Studies

Prof Yang Jiemian
President, Shanghai Institute of International Studies

Mr Tao Jian
Vice President, China Institute of Contemporary International Relations

Mr Rong Ying
Vice President, China Institute of International Studies

Dr Feng Fei
Director, Industrial Economics Research Department, Development Research Center
(DRC) of the State Council