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Asian Mediators' Retreat
Singapore, November 21st-23rd 2005

Public Report

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1. Introduction

The retreat was an attempt to bring together mediators and other actors closely involved in peace processes in both South and South East Asia. It also represented a successful first collaboration between the Singapore-based Institute for South East Asian Studies (ISEAS) and the Geneva-based Centre for Humanitarian Dialogue (HD). The concept was based on an established three-year-old annual retreat series for senior practicing mediators organised in Oslo by HD and the Royal Norwegian Ministry for Foreign Affairs. These Oslo retreats remain unique in the fact that they bring senior conflict mediators from across the range of institutions (UN, international, regional, governmental, non governmental etc.), together with other peace process actors such as governmental officials, and a small number of experts on relevant topics such as autonomy, human rights and so forth.

The Singapore meeting aimed to promote an exchange of views and experience between senior actors in peace processes from a range of institutional backgrounds. The objective was to create a space where issues, obstacles and opportunities could be openly discussed, promoting a greater shared understanding of the conflict issues faced in the region, a stronger shared sense of common purpose among the participants, and the emergence of an informal network that can be called on for support and advice. A set of background papers were provided which had in some cases direct relevance to specific sessions, and in others, broader bearing. These are available on the HD website at www.hdcentre.org (search under "policy projects" for "conflict mediation" or "mediators' retreats".

The Singapore meeting was made possible through the generous funding of the Royal Norwegian Ministry for Foreign Affairs.

This public report is intended as a summary and information document for public consumption. The details and confidentiality of the discussions have been respected.

2. Summary

The retreat achieved its objective of open, informal exchange and building at least the first stage of a greater sense of shared problems and possibilities in conflict resolution across the region. Although the focus tended to be more on South East Asia, it was clear that the South Asian examples exhibited many of the same issues and thus that it was valuable to discuss both together.

There were four sessions: the first on trends and prospects in conflict and its resolution in the region, the second on the challenges of engaging armed groups, the third on how mediators should approach the sequencing of peacebuilding activities, and the fourth on regional and institutional responses to conflict resolution.

Regarding the first session, although a range of different types of conflicts could be seen, the possibilities for negotiated solutions, and for appropriate outside involvement were seen to be more open than might at first have been assumed. There was a sense that it was time to find ways to "repackage" mediation so it could be

accepted as a necessary aid to processes that must always belong to the parties themselves.

The discussion on armed groups benefited from being rooted in case study-style presentations, suggesting that in future meetings of this kind, more focus on specific conflict situations would be beneficial. The issues raised were familiar from other contexts, to do with the challenges of really understanding armed group structures and positions, and working with those; of legitimisation; representation; handling the splintering of groups; the possibility and drawbacks of multiple tracks or tables for discussion and the challenge of how to respond to human rights violations.

The third session on sequencing highlighted that the implementation phase of a peace process still requires facilitation or mediation – and thus that we need a clearer concept of what mediation is, and what it applies to (conflict prevention, peacemaking, peacekeeping, peacebuilding etc.); the possible role of the UN Peace Building Commission is seen as important to the region, but still not clear: it is hoped that it will assist mediators and other peace process actors to handle better the complex matter of sequencing. In general, there was agreement that all phases, even of a frozen process, probably present opportunities for pursuing some constructive issues related to peace building, even if the main political issues have to be put on hold, and that mediators need to take better advantage of this. Autonomy/self determination was a topic of particular interest. The issue of women's roles in formal and informal peace processes was raised several times, although further tactics for increased inclusion, other than rosters, were not presented.

On regional and institutional responses, there was clearly interest and belief in the possibility of a more proactive, if limited, role for ASEAN, especially through the ASEAN Regional Forum. If the situation in Nepal continues to develop as at present, we could see a greater UN presence in the region. Together with the development of the Peacebuilding Commission, and the likelihood of the region providing the next UN SG, these are seen as positive factors to counterbalance some regional questions around the UN.

The meeting concluded with an endorsement to continue this initial effort with a similar meeting which is more focussed on specific thematic issues and conflict situations, convened with a similarly mixed group of people with intimate involvement in peace processes from a range of institutional perspectives.

3. Session One - Conflict today in South East Asia: trends and prospects

What are the key trends and issues in the region today in terms of conflict and its resolution? How do aspects of the international context affect conflict in the region?

A wide ranging discussion depicted a region with levels of actual or potential conflict requiring serious attention, including more coherent regional attention. Analysis was made of Myanmar, Southern Thailand, the Philippines, Aceh and Sri Lanka – and less so of Nepal, suggesting that **there may be more similarities across the two regions ("south" and "south east") than orthodox categorisation would suggest**.

Trends or similarities identified were a **resurgence of irredentist conflict** (Southern Thailand), hidden insurgents (Southern Thailand, Philippines), **weak but determined nationalist forces, and a tendency for conflict resolution efforts to be weak and patchy**. Technological advances and the globalisation of armed conflict lead to the **potential for increased collateral damage and linkage to international jihadist movements** (although so far only the Philippines seems to be a manifestation of this, and even there the extent of the link is debatable).

As far as mechanisms for conflict resolution go, there seems to be a broad interest in the UN Peace Building Commission, but not much sense of what it could achieve in the region. There is an **increased interest in finding negotiated solutions**, evidenced by positive trends like the incorporation of a peacemaking function into the Philippine cabinet, or developments in government thinking such as Indonesia's understanding of autonomy options and issues.

ASEAN was described as having **new windows for more direct conflict resolution action through the development of the ASEAN Charter**. The enlargement of ASEAN is also important, as is its history e.g. its important role in solving the Cambodia-Vietnam conflict.

The unitarian nature and attitude of states provide a barrier to local autonomy solutions – although different histories will dictate different paths, and suggest different actors: the UN was appropriate to the East Timor issues, because it was not just about separatism but about decolonisation.

The question was posed as to **how mediation could be linked to preventive action**, to prevent situations worsening before either a return to war or an external/international military intervention is resorted to. There is a need to **find a way of presenting third party involvement as something positive, recognising that solutions can only ever come from the parties themselves.** No conflict should be considered entirely internal, as issues such as weapons, drugs, crime and more will always cross borders.

The discussion turned to **two key features of mediators, one impartiality, and the other, the ability to provide the right carrots and sticks.** The advantage of an organisation like European Union to be able to use the full range of instruments (ie. military, political, economic and development oriented action) in this regard was acknowledged. It was also noted that there is also a useful role to play in **bringing in other people's carrots and warding off other people's sticks**. Impartiality is hard to achieve: the UN is not always the obvious answer, as some states (like Myanmar) regard it pejoratively as US-dominated. The **mediation should also reflect the nature of the roots of armed conflict which might be not just political** but economic, related to cultural exclusion, lack of development etc; foreign, national and local third parties are all options. In the same vein, taking **a manifold approach of following different tracks** – diplomacy, informal tracks, the influence of close observers – is seen as a good way of keeping options alive and being generated. But at crunch time, a single table or track is required for the political settlement.

4. Session Two – Engaging with Armed Groups: challenges and options

Most of the region's armed conflicts are civil wars involving armed groups (or rebels, insurgents and terrorists). What challenges do mediators face in dealing with such groups, and how can they be overcome?

The session opened with case studies from the Philippines and Sri Lanka. This was followed by a discussion with examples from several other regional conflicts.

The Philippines is an interesting case in its **multiplicity of conflicts** of different kinds, including the longest surviving communist insurgency in Asia. Points of specific interest included the contrast in how easy it was for Ramos to accept the Indonesian mediation under the auspices of the OIC[1] for the MNLF conflict, but how much resistance there was to outside mediation in peace talks with communist forces. Thus several 'modes' of peace process have been tried – using Malaysia, Norway, local NGOs etc. The worry that mediation would strengthen the claims of belligerency has eased.

A range of remarks were made on dealing with armed groups: one should analyse **leadership, ideology, constituencies, dynamics with each other** (in which they are often more vicious than with opposing party). It is perhaps **easier to talk with those who are interested in territory or legal autonomy, rather than those that want to replace the government**. Post authoritarian situations have very high levels of mistrust. The length of conflict is also a factor as a younger generation brought up in conflict may be more war oriented than those they replace because they know no other way.

The **splintering of armed groups** has been an ongoing issue, leading to the challenge of **ensuring the peace divided is properly shared between all factions**, and establishing **the strength of a self-exiled leadership's connections to and understanding of** developments on the ground.

Women should be included on all sides. They do worry about different issues, like schooling for example, and bring different ways of talking and approaching issues; peace dividends under female management in the Philippines (like micro credit schemes) have often been more sustained than those that were in the charge of men.

Sri Lanka might seem like a case where engagement is hard to defend, given the apparent intransigence of the LTTE. The **physical invisibility** of armed groups can be an issue: they may fear the targeting power of modern technologically advanced militaries, they may choose invisibility because they do not trust the government side not to betray them, and they may use it as a (negative) statement on their willingness to engage. In general there is an inherent tension in the international effort to have armed groups submit to international human rights norms, while at the same time shunning them, denying them legitimacy and so forth. The **armed groups' interest**

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[1] The earlier mediation by Libya and Saudi Arabia did not succeed because the two countries did not enjoy Philippines' trust and confidence. Indonesia as a neighbour and fellow ASEAN member as well as OIC member was trusted by the Philippines

in legitimacy makes them more open to third party mediation, and thus gives the mediator more leverage over them.

Reasons for which states engage include:
1. **military**: talk is a distraction while an new military offensive is launched
2. **humanitarian**: short term benefits for suffering civilians even if root causes remain unaddressed
3. **political**: an attempt to get demands articulated and then modified, or more radically:
4. **transformative**: an attempt to turn the group into a legitimate political actor

All insurgent groups want political legitimacy. For the state, the ideal is the elimination of the armed group, and the next best option is stability.

Other comments included that **a stalled peace process may still offer opportunities for developments on other fronts which may be useful to the peace process in the future**, for example approaching issues like child soldiers or weapons transfer. It is important to be aware that international financial backers of the peace process may also get tired, and start seeking concrete indicators of success from their "investments".

On the approach to **human rights violations**, it was emphasized that **impunity cannot be accepted**, but that this can be a real challenge to manage.

The point was made about the **political costs inherent in very long drawn out processes** (like Northern Ireland) where those who have used violence have come to dominate the political scene and thus can win according to democratic rules, but in an important sense very anti-democratically. The argument that groups should be tested politically before their constituencies is complicated by the need to have the right climate and context in which to go to the polls.

Another common theme – raised in terms of Nepal but visible elsewhere – was the **challenge and unclear responsibility of coordinating multiple mediators**. The role of the important neighbour remains key – and also complex: while national players may recognise the **importance of working with their influential neighbour**, they might not want to be seen to do so.

Myanmar provides an interesting contrast, by trying to bring armed groups in and democratise from the centre: there are radically different perceptions inside the state and outside the country. In essence this is a situation where **democratisation and armed conflict are playing out slightly different dramas**.

It was pointed out that the mediator is constantly balancing risks and opportunities. The tendency is to wait till crisis occurs, for example when a group leaves the democratic process out of frustration and turns to arms. Another challenge is to judge the effect of engagement: does including armed groups reduce their extremism, or make the process more extremist?

5. Session Three: the architecture of peace building

What are the recurring issues in peace building which mediators in the region must confront and do the region's conflicts suggest any of them be prioritised? Given the very different contexts in which peace building must be undertaken in the region, how should mediators handle these issues in their work? What constraints do they face?

The presentation suggested that **war to peace is a continuum which mediation efforts need to appreciate**, which includes recognising the role of regional organisations, and understanding that peace building should not aim at achieving the situation that was there before, since if that was good enough there may never have been any conflict in the first place. The political process is important in many ways – and if it does not work, humanitarian action can turn into a fig leaf. **Peace building needs mediation** too, and needs to have the Security Council behind it where there is UN involvement – for political force to see the job through. If the idea of a Peace Building Support Office within a Peace Building Commission comes through, then it will need people with strong field experience and a real ability to make links across issues. The inclusion of women at all levels is critical.

The challenge of peace building, then, is often that the situation is not literally exploding, making specific interventions or radical shifts harder to pull off. **Many questions remain unanswered about the role of the Peace Building Commission**, the concept for which is presumably premised on the idea that the architecture of peace building is a key factor in making peace stick. This puts much **more responsibility on mediators** – so what kind of relationship will it have with them? It was suggested that we need a better understanding of what we mean by mediation in the phases outside direct peacemaking: it is agreed there is a need for it, but it was hinted that it was a slightly different concept than mediating for conflict resolution per se. It was noted that **the UN has a unique selling point and comparative advantage** in having a mandate to do all the relevant activities: peacemaking, peacekeeping and peace building, from a nominally neutral standpoint.

The discussion came back to **low intensity long conflicts**, and the question of **whether one can embark on specific projects in mediation, peace building or national reconciliation at unorthodox times** (for example, before a settlement has even been sketched out). The problem with this, is that the earlier you are in the process, the less trust there is likely to be. The important thing is the **capacity to generate and communicate options and points of view**, and this can be done in a low key way at an early stage.

The role of the agreement itself is important here, and there may be a role for "constructive ambiguity". There are dangers in the privatisation of peacemaking to which we should pay attention. There are also **issues around the politics of international justice**: the timing of the Northern Uganda and Darfur ICC indictments have huge tactical impacts on the political processes in each place, leading some to worry about the tension between human rights standards observance and peace.

Some remarks were made on autonomy, including that **there is not actually much historical evidence that autonomy leads to secession**; however it may lead to increased demands for more autonomy.

6. Session Four: Regional approaches and institutional responses

Unlike other regional bodies, such as the AU, OAS or EU, ASEAN has so far not taken on an active role in conflict resolution, for familiar reasons including respect for sovereignty and non-interference. In the current climate, and with the development of the new ASEAN charter, is this a problem or not? If so, what might be done about it? What is the role of international bodies such as the UN in this context within the region?

ASEAN's founding document stated that the organisation would **promote regional peace and stability through means other than political or military**. Some examples of this were cited, together with the two instances of the use of the word "mediation" in official ASEAN documents (the 1976 Treaty on Amity and Cooperation and in the establishment of the ASEAN Security Community). Myanmar's dominance of the agenda was noted again, but all this in the context of the reminder that **interstate stability is more important to ASEAN than stability at the national level**. But there should be room for a role in major domestic conflicts, and the organisation should be an agent for positive change. The **ASEAN Regional Forum** (ARF) can perhaps show its utility as a sharer of burdens in this regard – it is after all the **only regional body which has all the major powers in it** and has a broader role than the ASEAN secretariat. It was suggested further that ASEAN may have a chance to go beyond the ARF given current interest in the Charter.

On the role of the ASEAN SG, it was noted that they should be accorded more power. There was interest around the idea of ASEAN SRSGs and the role such people might play.

Good things are often done in the area of conflict resolution by ASEAN members, but not using ASEAN's name; ASEAN's flexibility was noted, and there was a general sense that ASEAN should be encouraged to do more in this regard. The contrast was made with the **EU's past lack of proactivity and coherence** in this regard (Bosnia's war was ended with an agreement made in Ohio, at the Dayton airforce base). This is changing rapidly. The role in Aceh comes 40 years after the EC was established, but only 5 years after the birth of the European Security & Defence Policy, thus, it was suggested, it may open the way to further cooperation between European Union and ASEAN countries. The **AU** is considered to have **developed considerably, even though it is very under resourced**; its Peace and Security Council showed surprising strength in being able to take decisions inimical to some of its members.

No Asian conflict analysis can afford to ignore the India-Pakistan situation. Furthermore, the region is not immune to tensions that affect rest of world such as terrorism, fundamentalism, autonomy demands etc .

There is room for much greater ASEAN-UN cooperation. The UN's long involvement in this region started as early as 1948 with a good offices effort in Indonesia. Post cold war the UN played a major role in Cambodia and East Timor. The current situation shows signs of more UN activity now in Nepal, with the ongoing role in Myanmar and residual presences in Cambodia and East Timor. With

the **next SG probably coming from Asia, and a strong argument being made for a Mediation Support Unit in DPA, and more regional presence covering South East and South Asia, the future looks promising**. Questions for the region about the UN include the ongoing debate around Security Council Reform, especially in terms of under representation, and also on China's role. Concern was also expressed at the possible hamstringing of the PBC at the outset by making its role advisory. There was a suggestion that the UN can tend to be very Africa-centric in its peacemaking and peace building approaches.

7. Conclusions

The issues are clearly recognisable from region to region. Mediation was recognised as "**a trade, not yet a profession";** So many of the factors are hard to control such as the personality of the parties, their courage, and sheer luck; but the activity bears improvement.

This group was enriched by including more than mediators, and by being close to home – the conflicts discussed were real to the participants, not academic. There is clearly a felt need for a group such as this to meet; and the region has much to teach others, which does not always find its way into discussions in New York and Geneva.

In the future, such a group should **focus more in depth either on themes – such as autonomy, the maintenance of impartiality or the management of lack of symmetry between the parties – or specific conflict situations**. Other ideas included more of a focus on the **role of women in conflict resolution and prevention** and a **closer analysis of the different – and ideally complementary – roles that different organisations can play**.

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