Image: Keepscases

Report

Resolving domestic conflict in South East Asia: how to build a sustainable peace

Tuesday 10 – Thursday 12 February 2015 | WP1359

Held in Jakarta, Indonesia

In partnership with:

Foreign & Commonwealth Office

Australian Government

Department of Foreign Affairs and Trade

In association with:

ASEAN Institute of Peace and Reconciliation   Indonesian Ministry of Foreign Affairs

Report

Resolving domestic conflict in South East Asia: how to build a sustainable peace

Tuesday 10 – Thursday 12 February 2015 | WP1359

Held in partnership with the UK Foreign and Commonwealth Office and the Australian Department of Foreign Affairs and Trade, and in association with the ASEAN Institute for Peace and Reconciliation (AIPR) and Indonesian Ministry of Foreign Affairs, this meeting built on earlier Wilton Park discussions sharing experiences of conflict resolution in South East Asia. On this occasion, the focus was on implementing peace agreements and the measures required for creating a sustainable peace. The meeting also sought to encourage support for the work of the AIPR, and strengthen, more broadly, cooperation in the ASEAN region on peacebuilding.

The meeting brought together leading government officials, non-state actors and facilitators involved in peace processes in the region, other experts in conflict resolution, including from experience in Northern Ireland, and members of the Governing Council and Advisory Board of AIPR.

Key issues arising included:

- Context is all important, as well as understanding the complexities of conflict situations. No one model or solution fits all, and different types of conflicts and conditions require different measures.   There is also a need for flexibility, and adaptation as a peace process evolves.
- Senior figures in the parties to a conflict must demonstrate leadership, while they also need to remain in touch with their constituencies and consult conflict-affected communities on their needs and aspirations, building peace from the bottom up. Persistence and resilience are also important qualities in leadership.
- It is important that formal negotiations are accompanied by informal channels, to enable a better understanding of opponents' views and what they need to be able to move forward in a peace process. Informal communications are also an important safety net when official negotiations break down and at other times of tension in a peace process.
- Maintaining security throughout a peace process, and in the aftermath, is a critical issue. Monitoring of ceasefires and implementation of agreements is vital, and third parties can play an important role in this, providing support and contributing to confidence building.
- Peace-making is a personal journey for the leaders involved and you cannot legislate for this. It is perhaps one of the most vital of ingredients in a successful peace process, and yet one that cannot be 'organised' or 'managed'. At the same time, third parties can assist, facilitating dialogue and making important contributions.
- Peace-building takes time and needs long-term commitment, whether in developing the institutions needed for a sustainable peace or changing mind-sets.

Context

1. Despite some lingering inter-state issues, contemporary conflicts in South East Asia largely emanate from within the boundaries of sovereign states. In recent years, there have been notable developments in resolving longstanding conflicts. In the Philippines, a final agreement between the Manila government and the Moro Islamic Liberation Front (MILF) has been reached, although implementation remains challenging. In Burma/Myanmar, political reforms, while incomplete, have provided an environment for the government to engage with the country's armed ethnic groups in an attempt to reach a nationwide ceasefire. Talks aimed at ending the conflict in southern Thailand are due to resume.

2. ASEAN leaders agreed in 2011 to establish AIPR, which is overseen by a Governing Council, assisted by an Advisory Board, each body comprising one member from each of ASEAN's 10 member states. The first meeting of the General Council was held in December 2013. AIPR is at an early stage of its institutional development. Over 2014 it hosted and took part in some international meetings as initial steps in building its operational capacity for preventing and resolving conflict and promoting reconciliation.

Building an environment for peace

3. Longstanding conflicts generate powerful feelings; grievances over unfair treatment, humiliation and disrespect, especially in front of others, become part of identity. Changing mentalities and mind-sets constitutes a major challenge. Conflicts can be exacerbated by external actors, who may benefit from the continuation of conflict, trading in illicit drugs and arms, so there need to be tough disincentives for these beneficiaries of conflict. Peace is only possible when both sides decide they will not achieve their aims through physical force. Trust is not a prerequisite of a peace process, but an outcome of it. Peace processes are likely to be of very long duration – negotiations in the Philippines continued for 17 years before the Comprehensive Agreement on Bangsamoro (CAB) was reached. They are often subject to serious setbacks, as occurred in Aceh in in May 2003, due to disagreements on implementing a peace pact signed the previous December; and, more recently, in the Philippines, following the tragic encounter between government forces and the MILF at Mamasapano in January 2015. Throughout a peace process, and especially at times when shocks hit the system and peace arrangements are in jeopardy, there is a need for strong leadership.

4. Efforts to resolve violent conflict in the region have at times been complicated by a reluctance of the conflicting parties to request help or propose third party facilitation. In the Northern Ireland conflict, it took many years for the UK Government to appreciate that outside help can be beneficial support to a peace process, contributing to building confidence, and monitoring commissions with external involvement are useful in moving forward when there have been relapses. The ultimate success of the peace process in Aceh has been credited to external involvement; President Habibe took bold decisions to involve an international mediator, Martti Ahtisaari, in negotiating peace as well as to bring the European Union (EU), ASEAN countries and Switzerland into peace monitoring arrangements. Protracted negotiations on Mindanao since 1997 resulted in an innovative peace-support architecture, constructed around three pillars: a Malaysian facilitator; an International Monitoring Team, deployed since 2005, which currently includes Brunei, Indonesia, Japan, Norway and the EU; and an International Contact Group (ICG), bringing together four governments (Japan, Saudi Arabia, Turkey and the UK) and four international non-governmental organisations (Muhammadiyah, The Asia Foundation, the Centre for Humanitarian Dialogue and Conciliation Resources). The ICG is mandated to maintain trust between the parties and ensure the implementation of mutually agreed approaches.

5. There needs to be strong political will at national level to build an environment for peace, with a whole of government approach. The military should be engaged actively to

support a peace process. At the same time, national and local governments need to work together; devolved power arrangements may be necessary to bring peace, and these should be fair, representative and accountable. Inevitably, persons who were involved in the conflict become part of new governance structures. They need support and training to develop new skills to take on this role. A peace settlement has to be sold to constituencies broader than the negotiating room which again requires strong leadership. Making peace can also be seen as betraying the past and those who suffered in the course of conflict. Yet not to seize the moment for peace would undermine the future. There is a need to re-frame the picture to bring one's own community along. When conducting private negotiations, keeping in touch with one's constituency remains key to guiding its views. People must be motivated to secure peace; realisable demands need to be made to build motivation into the opposing side too. Civil society or non-governmental organisations, including women's groups, can help in building popular support nationally, as has occurred in the Philippines. In Northern Ireland, a Forum for Political Dialogue provided a crucial interface between the negotiating parties and civil society, meeting weekly to provide a formal mechanism for civil society to contribute its views on the matters that were the subject of negotiation. The media is also important in building support for a peace process, and communicating outcomes.

Peace-making and managing a peace process

6. While each conflict is different and no one model can fit all, there are important principles which can be applied in peace-making. The structures to facilitate dialogue should be flexible and capable of evolution. Peace-building is a process or 'continuing journey' and not a one-off event. The structures and the process should be as inclusive as possible, with the door open to all major players. It is important to include 'staging posts' along the way, even if the aim of negotiations is for nothing to be agreed if all is not agreed. This enables recognition of progress. There is much value in formal negotiations being accompanied by Track Two contact, held in private or even secret circumstances. In the experience of Northern Ireland, such contact was vital to enabling lead negotiators to understand what their opponents needed from the process and to convey what they themselves needed in order to move forward. It was also key to managing the choreography of the process, and issuing key statements that help to build confidence. Informal channels can be hugely significant when a formal process breaks down. Confidence-building measures, in parallel to and following from the negotiations, are vital to creating confidence and trust. These need to be agreed between the parties, and, most importantly, delivered. Too often in the Northern Ireland process the failure to deliver on these measures upset the process, rather than disagreement on legal or constitutional issues.

7. Effective communication, together with strong leadership, is crucial in peace-making and managing a peace process: leaders need to portray a sense of confidence, even when promoting the compromises that are inevitable in a peace negotiation, as well as convey simple messages. Going into lengthy explanations about decisions taken will lose the audience, and their trust. Instead, concepts need to be translated into plain language that people not intimately involved will readily understand and relate to. Above all, leadership means playing to the best hopes of people and not on worst fears if mind-sets are to be adjusted to the need for and support of a peace process. In Burma/Myanmar, where negotiations between some ethnic armed groups and the government have stalled for some months, and the approach has been to conduct private dialogue, the absence of good communications is felt to have created additional mistrust.

8. There is a distinction between the role of a facilitator and that of a mediator in a peace negotiation: a facilitator generally represents a lighter footprint, although a facilitator's mandate can also include mediation. A facilitator needs to have a full understanding of the local context of a conflict, and its complexities. As a country belonging to the

Organisation of the Islamic Conference, and closest geographically to southern Mindanao, Malaysia has provided facilitation to the Mindanao peace process since 2001. While Malaysia has its own interests in promoting a settlement, for example to combat terrorism in the region more effectively, and Malaysian facilitation has not been without critical comment in the media, it is crucial a facilitator acts as an 'honest broker'. The role requires motivating the parties to reach agreement, opening space for engagement and discussion, managing fear, reaching out for consensus issues and finally encouraging decision-making. A facilitator can also provide inspiration through enabling an understanding of approaches to conflict resolution elsewhere. Consultation with the parties, is key, and creating a level playing field. A facilitator can also promote inclusivity, and provide a link for civil society involvement. Some believe there is a still a dearth of experienced South East Asian facilitators or mediators.

Monitoring and implementing peace agreements

9. Monitoring of ceasefires and the implementation of peace agreements is vital, and needs to be undertaken by independent mechanisms which command confidence. In the case of the Philippines, there is a range of monitoring arrangements involving domestic and international players, government as well as non-government. As soon as negotiations began between the Government of the Philippines (GPH) and the MILF in 1997, both parties created the Coordinating Committee on the Cessation of Hostilities (CCCH) to monitor compliance. The CCCH could conduct enquiries, prepare reports and recommend action on alleged or proven violations of the ceasefire. The CCCH is complemented by Local Monitoring Teams, composed of local government, civil society and the Catholic church, to reinforce the credibility of these structures, which act as first responder in investigating potential violations. Joint Ceasefire Monitoring Posts were created to provide an early warning role. At a later date, following the introduction of third party facilitation by Malaysia, the International Monitoring Team was established, which is also involved in field verification and coordinates with the CCCH.

10. Following the signing of the Comprehensive Agreement on Bangsamoro (CAB) in 2014, a process of normalisation process began. Normalisation includes police reform, decommissioning of MILF forces and weapons, redeployment of the Armed Forces of the Philippines from or within the conflict-affected areas, and the disbandment of private armed groups. It provides for an Independent Decommissioning Body, composed of three foreign experts and four local ones nominated by the parties. During the transition to the establishment of the Bangasamoro Government, responsibility for the process will be vested in several joint mechanisms of the GPH and MILF, including a Joint Normalization Committee, under which there is a Joint Peace and Security Committee. Experience in Northern Ireland over time demonstrates the sensitivity of monitoring processes; their success can in part be a reflection of the individuals involved, with well-connected and respected members helping to build confidence and trust. The Independent International Commission on Decommissioning was a prime example of this. In the case of Burma/Myanmar, there is continuing examination of how monitoring teams will be constituted. There are specific challenges in creating teams which need to take into account the circumstances of particular regions and accommodate their interests. The context of the conflict is all important, however, and a bespoke approach is needed.

11. Bringing in international military forces to keep the peace and play a monitoring and verification role removes the indigenous forces from a potentially difficult situation. One or more of the parties involved in the peace agreement may fail to understand the situation and context as a whole, resulting in inappropriate decisions and actions that threaten the process. The military forces of either side may disagree with their political leadership and undermine peace; military elements may not be fully under control and may carry out 'rogue' activities. International military forces should remain until the police and others can take on internal security roles they have been carrying out. Building capacity may be lengthy process. An international military presence can also assist in

information operations, demining and, if necessary, peace enforcement operations. It is argued there is a benefit to an ASEAN face in fronting monitoring arrangements in the region. ASEAN first showed it can make a valuable contribution in the Cambodian peace process; 2015 – ASEAN Community Building -- ASEAN will continue its efforts to institutionalise a sense of regional community in South East Asia.

Building institutions for sustainable peace

12. A **unified national strategy**, covering the whole of government, is needed to implement a peace agreement and build the institutions necessary for maintaining a sustainable peace. This will provide the framework for policy on security sector reform. There should be no fixed time-line for the security sector reform process; it will be iterative and will need adjusting to meet various situations as they arise. Addressing the needs of former combatants is crucial, although deciding on who constitutes a combatant, and how to deal with paramilitary forces, is complex. The peace process in the Philippines provides for an Independent Decommissioning Body, with international and domestic membership, to oversee the gradual and phased process through which MILF forces and weapons are put beyond use. It is often the case that the national armed forces will grow in the first instance, as rebels, militias and other armed groups are generally absorbed into national structure. As the military reorganises into its new peace-time structures, it will shrink, as troops are demobilised, retrained and resettled, all of which requires considerable financial investment in material assistance, job creation, training in job and life skills and psycho-social provision where appropriate. The approach to normalisation in the Philippines is inclusive of the entire conflict-affected community rather than focusing on the disarming, demobilisation and reintegration of former combatants alone.

13. It will be necessary to build sufficient capacity across the whole of government to ensure that the military has no reason to intervene in the future. The less military forces act in a peace process, the more they will contribute to the maintenance of it. The military can, however, take part in activities that are supportive of a peace agreement, such as military aid to the civil administration and military aid to the civilian community. This will enhance confidence building measures and lead to increased trust, although this is likely to take time.

14. The role of **policing** is key as a peace process develops; policing is so often in the eye of the storm. The overriding objective for the police should be to protect citizens through a community policing model, based on a human rights approach. Policing must be independent of both government and military; it should be engaged in the peace process while remaining independent of it. Police leaders need to be politically astute but not politically driven, understanding the context in which they operate and the impact of their action. If tensions arise, 'quiet conversations' may be needed rather than more overt action. Flexibility of approach is all important as unpredictable events invariably occur. The legacy of the past can be pervasive when policing the present.

15. Policing also needs to be open and accountable, subject to independent monitoring, international if necessary, and an independent complaints procedure. The Police Ombudsman of Northern Ireland was created in 2000 to provide a system of independent, impartial, civilian oversight of policing. Policing needs to be competent and capable, with sufficient resources to be able to deliver. It must operate under a code of conduct, or ethics, and training in minimum use of force and minimum intervention with citizens' rights is important. Senior police leaders need to empower lower ranking officers to allow bespoke policing to different communities against a standard and well-understood code of behaviour. The police force should be representative of the people it serves. Rebuilding of police forces on this basis takes time. Under the peace agreement in Northern Ireland, an Independent Commission on Policing was established to create an effective and widely-accepted police force. Ten years later, there has been a significant shift in the composition of the Police Forces in Northern Ireland, although this could be further improved. In the Philippines, an Independent Commission on Policing

is similarly to recommend appropriate policing for Bangsamoro.

16. **Decentralisation** is often an important component in creating a sustainable peace. When the context is right, it provides opportunities to normalise the security environment, create an inclusive society and support social and economic development. Agreeing on a concept, finding the right language that is acceptable to all – devolution, autonomy, self-administration, for example – and gaining broad acceptance from leadership, minority and majority populations and other actors such as the military are challenging. Fears of secession remain strong in some South East Asian states. There needs to be a common understanding and vision for the country among all the key actors in regional and central government, and wider society. Leaders need to communicate this vision to their constituencies, and explain the role that diversity plays in a united country. Mechanisms need to be in place, however, to deal with great areas on where powers lie, or for other disagreements. A workable balance of power between minorities and majorities, and central and regional government can be difficult to achieve. Local politicians – who may be former combatants – the local civil servants and other leaders in the devolved administrations may not have the skills and capacity to deliver on what are likely to be high expectations of their community.

17. Post-conflict **socio-economic development** programmes contribute towards peace and stability, giving more people a stake in maintaining peace. The Regional Assistance Mission to the Solomon Islands (RAMSI) had both a peacekeeping and state-building mission. A development assistance component focused on economic governance, the machinery of government, and law and justice, supporting the core functions of central agencies such as the Ministry of Finance and Treasury, the Ministry of Public Service, the Solomon Islands Electoral Commission and the national judiciary. The private sector can furthermore play a key role in post-conflict areas, but needs to see what benefits there are, and that these outweigh risks. For example, land ownership is likely to be disputed, and access to loans and insurance may be limited with banks unwilling to lend due to a risk of default. In the Philippines, it is suggested a permanent mechanism is needed for resolving conflict over land. Where private sector investment is reluctant, or too slow, governments should step in to provide an enabling environment, for example by supporting infrastructure projects. Post-conflict areas should assess where their strengths lie and whenever feasible aim to develop niche skills. In Northern Ireland, a highly educated workforce and use of English led to a focus on information technology and back office functions, which in turn drove government investment. In Mindanao, where there are good agro-climatic conditions and some crops can attain better yields, private investment in agricultural development is already paying dividends. Encouraging young people to return to post-conflict areas is also important for long-term sustainability. There needs to be investment in human capital, and in supporting education to build local capacity. Diaspora can play a significant role in financing expectations of their community.

18. International donors can provide financial support through **development assistance**. National development plans should be conflict-sensitive, and incorporated across government. It is important to think about development needs, and the linkage with security, early in a peace process, and for parties to a settlement to agree a strategy to channel donor interest and use external assistance most productively. The timing of international assistance needs to be finely-tuned: too early and it may divert focus from the negotiations, while local capacity may struggle to manage multiple donor initiatives. Oversight mechanisms, especially on financial accountability, should be part of the transition process. Transparency and scrutiny build buy-in and trust of communities. Post-conflict donor coordination mechanisms are not as well established as those for post-disaster situations, and there is opportunity to learn from these. Donors are often more comfortable working at the national level than locally or in regions. In some instances donor 'branding' is felt to be too visible. Donor fatigue may also affect implementation of peace agreements.

19. Domestic conflict results in the majority of casualties being civilian and women have

suffered disproportionately. **Women** have also played a role in conflicts, for example in Aceh, but they were not included in Aceh peace negotiations, nor generally given sufficient recognition as effective peace-builders in their societies. As a result of being excluded from the Aceh negotiations, a number of issues arising from the conflict, including aspects of compensation for women, did not get proper attention. Women have been marginalised, and need to be involved in the planning, implementation and monitoring of the reconstruction process in Aceh. In Burma/Myanmar there are also barriers to women's participation in the peace process. Conversely, in the Philippines, women have been well-represented in the government's negotiating and implementing teams for the Mindanao peace process, broadly reflecting their role in society. The MILF created a social welfare committee to promote greater awareness among women of the peace process and their role in the arrangements it provides.

20. Women should be included at senior level in formal peace negotiations, and involved at different levels of leadership. They should also have a role in Track II dialogues. Donors could ring fence a proportion of their funding specifically to promote women's engagement in peace processes and post-conflict reconstruction.

21. Domestic conflicts vary: they may be struggles for greater autonomy and other rights for parts of the country, be based on ethnicity or religion, or a mix of these. **Reconciliation**, which covers a range of issues such as justice, truth, respect and equality, can take many forms, and is likely to be contextually and culturally specific. The varying definitions underline the complexity of the issue. Even in a particular context, different groups and individuals may weigh issues differently, and it is possible that not everyone can be reconciled. Applying normative frameworks in a context where they are not relevant can compound the problem. Mechanisms for investigating the past should not be imposed by donors, and fairness is often felt to be more important than justice. Timing can also present a significant challenge, as pursuing elements of reconciliation too early, such as justice and recompense, may create tensions and undermine a fragile process.

22. A peace agreement, and the journey to achieve that agreement, is in itself part of a process of reconciliation. Greater effort could be made on identifying how reconciliation can be part of the process of implementation. The delivery of promises, not just linked to the agreement, but including provision of health or education services, helps to build trust and good faith, which underpin the process of reconciliation. Similarly the creation of strong institutions, good governance and the rule of law restores trust and goes some way towards the provision of justice. Formal commissions or mechanisms may be appropriate for either identifying grievance or surfacing the truth, as is provided for in the recently established Transitional Justice and Reconciliation Commission (TJRC) in the Philippines. In its terms of reference, the TJRC is mandated 'to address the legitimate grievances of the Bangsamoro people, to correct historical injustices and to address human rights violations, including marginalization through land dispossession'. The TJRC is to study the issues and produce a report, to include concrete policy recommendations, within a year.

23. Informal, or cultural, mechanisms, including civil society, can be equally important in some contexts. There may be times when diaspora can be a useful vehicle for reconciliation. Promoting an inclusive society, which ensures the expression of local culture and identity, access to the media for minorities, and for other social groups outside the mainstream to feel protected and supported, will also be part of the process.

Conclusion

There are inevitable ebbs and flows to peace processes. Peace processes in both the Philippines and Burma/Myanmar have suffered recent setbacks. Sharing, and learning from, experiences in the region, and beyond, is thus as necessary as ever. The full realisation of the ASEAN Community in 2015 may be impaired if the potential for economic development is not reached as a result of continuing conflict. The argument for AIPR to build its capacity

to help to manage or resolve conflict, and promote reconciliation, is the more compelling. This is not intervention; but in giving AIPR the mandate and means to pursue its function, efforts could be made to strengthen the political will among its ASEAN member states to utilise this regional resource .There is also an active civil society community in the ASEAN region with expertise in conflict resolution which could be drawn on through AIPR.

Isobelle Jaques
Wilton Park | April 2015

Wilton Park reports are brief summaries of the main points and conclusions of a conference. The reports reflect rapporteurs' personal interpretations of the proceedings – as such they do not constitute any institutional policy of Wilton Park nor do they necessarily represent the views of the rapporteur.

Should you wish to read other Wilton Park reports, or participate in upcoming Wilton Park conferences, please consult our website www.wiltonpark.org.uk

To receive our e-newsletter and latest updates on conferences subscribe to https://www.wiltonpark.org.uk/newsletter/