

IFP MEDIATION CLUSTER

BUILDING ASEAN CAPACITY FOR CONFLICT MEDIATION

Agus Wandu

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**CRISIS
MANAGEMENT
INITIATIVE**
Building Bridges for Sustainable Security



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ABOUT CMI

The Crisis Management Initiative (CMI) is a nonprofit organization founded by Nobel Peace Prize Laureate and former president of Finland, Martti Ahtisaari. CMI works to build sustainable peace and to resolve violent conflicts. As CMI, we contribute to conflict resolution through mediation, facilitating confidence building dialogue and strengthening local capacities to implement peace. CMI also has the capacity to support international peace missions as requested. To learn more, visit <http://www.cmi.fi>.

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AUTHOR PROFILE

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SUMMARY

This policy brief aims to put forward key recommendations of the ASEAN's potential role and how to strengthen its capacity for conflict mediation. The issues discussed in this paper were discussed at EU-ASEAN Expert workshop on International Peace Mediation in Jakarta on 30th July 2010, jointly organised by the Crisis Management Initiative and the EU Delegation in Jakarta.

ASEAN has potential to become key actors in peacebuilding work in their region however they also have limitations and need to reassess their role and strengthen development capacity in order to become effective players. The EU could also engage in supporting both the institutional capacity of ASEAN and a broader structure of peace in the region.

In particular, the paper:

- Presents the limitations and the potential of ASEAN in order to bring about understanding on what needs to be enhanced, including lessons learned from the unique case of Aceh.
- Provides key recommendations to identify and understand the areas of focus in working to support ASEAN peacebuilding capacity.
- Recommends five points for EU engagement in cooperating with ASEAN with regards to supporting peacebuilding activities.

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INTRODUCTION

Conflict resolution and preventative diplomacy have become important topics amongst ASEAN member states. The region has been experiencing both interstate and domestic conflicts that have led to a call for regional leadership on establishing the capacity of ASEAN as an agency able to prevent and resolve these conflicts. In addition, ASEAN is enjoying economic growth and relative prosperity. The success of ASEAN in its role as a facilitator of economic cooperation and progress has introduced the opportunity for greater cooperation in political and security issues.

The progress on this issue has hitherto been mixed. In many ways, ASEAN has achieved some success in preventing crises from erupting into open conflict. The 'ASEAN way', or its norms, principles and processes, have contributed to peace and stability, especially with regards to bilateral tensions and domestic problems. To continue to grow in this area, however, it needs to re-examine itself and learn best practices from other regional organisations. It is also imperative for ASEAN to progress further from process into structure; that is, to move from issuing declarations to producing concrete actions and results.

FOCUS ON ASEAN'S MEDIATION CAPACITY

THE POTENTIAL OF ASEAN

In 2009, ASEAN leadership drafted a political security blueprint called the ASEAN Political Security Community (APSC), which aimed to shed light upon political and security cooperation and ensure that ASEAN Member States are able to maintain peaceful internal relations. The blueprint provides a number of recommendations for conflict management based on three characteristics. One of them is a cohesive, peaceful, stable and resilient region with shared responsibility for a comprehensive state of security. It outlines ASEAN's commitment to conflict prevention, preventive diplomacy and post-conflict development. It also provides an action plan to achieve targets in these areas through research, cooperation and development of an institutional framework to deal with regional conflict and security issues.

Whilst the blueprint requires a concrete action plan for enforcement, it does provide a foundation for better engagement by ASEAN as an institution. ASEAN has also engaged in conflict resolution issues in recent years, although not as a direct mediator. In Indonesia, for example, ASEAN worked as a regional entity with the EU to monitor the implementation of the Helsinki Peace Agreement under the Aceh Monitoring Mission (AMM). Though ASEAN's role in the AMM was minor, it sets a good precedent for deeper involvement in the future.

Bilaterally, few ASEAN countries have taken initiative to promote conflict prevention, democracy and human rights issues. Indonesia and the Philippines are the main drivers for these initiatives; both have engaged international experts to develop strategic frameworks for ending conflicts in their countries.

ASEAN has made progress in its approach to human rights through the establishment of the ASEAN Inter-Governmental Commission on Human Rights; a milestone for the region. One of the proposed roles of the Commission is to uphold the right of the ASEAN people to live in peace, dignity and prosperity. The establishment of this Commission represents a serious attempt to address human rights issues within ASEAN.

THE LIMITATIONS OF ASEAN

There are two key obstacles affecting ASEAN's ability to engage fully with conflict resolution initiatives. The first is ASEAN's current institutional capacity in conflict prevention and the second is the conceptual issue of non-interference.

INSTITUTIONAL CAPACITY

As an institution, however, ASEAN has not fully developed its institutional capacity to handle conflict mediation and prevention issues. No clear mechanisms exist through which to identify actors or internal institutions that could be responsible for initiating and implementing preventive action to forestall conflict. The institution will need to design an effective preventive strategy to address trigger points for conflict, produce systems to monitor accountability for funding and investments in conflict prevention, develop strong resources and establish a comprehensive framework to determine how and when regional mediation could be required.

Institutionally, ASEAN continues to employ more conventional approaches to decision-making through '*Musyawah* and *Mufakat*' (dialogue and mutual consensus), as well as other informal mechanisms. So far,

conflict management facilitation within ASEAN has focused on consensus, communication, sensitivity, restraint and respect. This informal structure will require development to position ASEAN as a central player for conflict mediation in the region.

NON-INTERFERENCE

The desire for peace is constrained by both ASEAN's internal framework, which protects the sovereign rights of its members from external interference, and its reluctance on the regional level to open itself to third-party involvement, especially from non-ASEAN countries. Whilst this is a universally recognised principle, it has been noted that ASEAN appears to put a higher premium upon the principle of non-interference than other regional institutions.

ASEAN generally perceives crises in its member states, such as the events in Myanmar, Papua and Mindanao, as domestic problems that are covered under the Treaty of Amity and Cooperation (TAC). The TAC stipulates non-interference in the domestic affairs of member countries, as does Article Two of the ASEAN Charter, which places strong emphasis upon 1) respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States, 2) non-interference in the internal affairs of ASEAN Member States and 3) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion.

To enhance its role in conflict prevention and mediation, ASEAN needs to adopt a strategy that focuses on humanitarian actions that do not constitute political interference; providing regional support to member countries in facilitating diplomatic forums that promote open dialogue between conflicting parties with the aim of building toward peace together.

To develop itself in this role, the debate surrounding intervention and non-interference needs to be resolved by reviewing its current role in conflict mediation and the extent to changes in ASEAN's approach to conflicts in its member states could contribute to ASEAN's performance.

LESSONS LEARNED FROM ACEH

The Aceh Peace Process was the first instance of cooperation between ASEAN as a regional entity and the EU on monitoring the implementation of a peace agreement. The success of the Aceh mediation process has supported the idea of exploring different ways of peacefully resolving intra- and interstate conflicts in ASEAN.

The Acehese example has demonstrated a number of ways in which a more intensive engagement from the regional level could resolve a number of recurring problems in ASEAN member states. First, adopting peaceful dialogue in addressing issues within countries can help discourage separatist tendencies. Second, it is possible for external intervention to become constructive. Third, engagement of external partners on conflict resolution initiatives can be undertaken without infringing upon the sovereignty of ASEAN states.

In the case of the peace process in Aceh, when CMI first assumed a mediation role and the EU became involved in monitoring the peace process, many feared that external involvement in the process would bolster the separatist movement. This was, however, by no means the case. Peace was achieved, the province did not become politically diffused, and economic development has become the focus for long-lasting peace.

The peace process in Aceh illustrates how third party involvement, through mediation and assistance, can be important in supporting the attainment of a wider peace. ASEAN can learn from this experience upon a regional level. The AMM is a successful example of a partnership between ASEAN and another regional counterpart to address conflict in one of its member states. ASEAN can benefit from the experience and expertise of third parties from other conflict areas in building trust between governments or mediating peace talks.

If outside facilitation continues to face resistance from a few governments in the region, ASEAN would be best served to develop its own institutions for conflict mediation and conflict prevention. Strengthening the capacity and scope of specialists in these areas already working in ASEAN countries should be explored and promoted.

KEY RECOMMENDATIONS

A number of recommendations for strengthening ASEAN conflict mediation structures emerged during the EU workshop on 30th July 2010. The following key points should be considered in developing ASEAN's capacity as a viable conflict mediation institution:

1. Build Institutions and Infrastructure which Support Peace

ASEAN's potential role in conflict mediation can be accelerated by the clear presence of regional institutions that deal with conflict mediation and prevention issues. ASEAN's political and security blueprint has recommended the establishment of an ASEAN centre for peace and reconciliation which could focus upon research about social crises in the region and provide recommendations for conflict mediation activities and internal mechanisms for managing and preventing conflict. It could also become a peace secretariat, which would require building the capacity of the ASEAN joint secretariat in taking a proactive role in conflict prevention work.

2. Collaborate with Civil Society

ASEAN civil society should be involved in conflict prevention initiatives in the region. Many civil society groups have more extensive experience in this field than their governments and have built strong networks amongst themselves. Bringing civil society groups on board and learning from their experience is crucial as the ASEAN conflict mediation agency is being formed. The wisdom of a handful of respected actors in countries across the region who have worked on peace mediation needs to be harnessed and replicated. There is an established network of experts who are respected in the region and could act as facilitators in dialogues and peace negotiations throughout ASEAN.

3. Develop a Conflict Mediation Programme

A conflict mediation programme should be established and a clear allocation of resources needs to be made available to fund conflict mediation activities ranging from research and training in mediation and negotiation to regular forums monitoring conflict mediation activities across South East Asia. Emphasis should be placed upon initiating a peace campaign through the media in ASEAN countries.

4. Strengthen the ASEAN Body on Human Rights

ASEAN established an inter-governmental human rights commission in October 2009. Strengthening its role as an institutional watch dog will have a significant impact upon the capacity for preventing conflict and violence in the region. Human rights trainings for security apparatus could also help address conflict issues arising in response to human rights violations.

5. Redefine the Concept of 'Non-Interference'

ASEAN should build upon the consensus model for decision-making already employed by the institution and develop a new framework on constructive engagement. If it wants to take on a proactive role in the region, it has to forge a consensus regarding its policy of non-interference in the domestic affairs of other states. ASEAN could reflect upon the principle of constructive engagement in the context of proactive engagement. Facilitating dialogue to redefine the concept will be crucial in shifting non-interference approaches which prevent positive engagement through conflict resolution.

6. Become More People-Oriented

For ASEAN to become peaceful it must change its political paradigm to a more people-oriented entity. Improving ASEAN as a regional community, instead of a community of governments, will contribute to the development of long-term peace in the region. Herein, enhancing its links with education and culture will be crucial for the regional institution in promoting peace and stability in the region.

NEXT STEPS: STRENGTHENING EU-ASEAN COOPERATION

The ASEAN APSC blueprint seeks to strengthen mutually-beneficial relations between ASEAN and its dialogue partners and friends. This is an opportunity to engage the international community to assist ASEAN in conflict mediation in the region. What could the EU do to help?

- 1.** The EU can work on the agenda already built by ASEAN members within ASEAN's vision for 2020 and the APSC blueprint both of which place emphasis upon the establishment of a community of caring societies in South East Asia. The EU can work with ASEAN on setting up a mechanism to prioritise and strengthen humanitarian action which is also emphasised in the APSC.
- 2.** ASEAN and EU representatives should be brought together in institutional dialogues on good practices in preventive diplomacy, international mediation, conflict prevention and regular consultations. ASEAN and the EU should work on their cooperation both at the procedural and substantive levels and need to identify the next steps in their agenda for cooperation.
- 3.** ASEAN and the EU should identify opportunities for cooperation on conflict mediation initiatives, joint monitoring results of the representative of conflict mediation operatives and assistance programmes such as the one conducted under the AMM. If possible, establishing a physical presence in conflict areas, such as the EU House in Aceh, may further support peace processes.
- 4.** Links should be established between ASEAN and EU citizens such as a people-to-people forum. This could empower people and communities in ASEAN to develop the capacity to facilitate conflict resolution and conflict mediation processes in their own communities. Bringing together representatives of ASEAN and EU who deal with civil society upon a regular basis would also be beneficial in the long-term (knowledge sharing on how and why civil society is important for regional organisations).
- 5.** The EU has created the EUISS (European Union Institute for Security Studies) which deals with a range of issues concerning conflict resolution and reconciliation. The ASEAN blueprint proposes the establishment of an ASEAN Institute for Reconciliation and Peace. The EU, in partnership with ASEAN, could work to support the establishment of this Institute as well as supporting the capacity of the ASEAN Secretariat.

ANNEX: HIGH LEVEL EXPERT WORKSHOP

EU-ASEAN EXPERT WORKSHOP ON INTERNATIONAL PEACE MEDIATION

30 July 2010, Jakarta, Hotel Le Méridien

Agenda

This expert meeting is organised within the:

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Wednesday, 30 July 2010

Location: *Hotel Le Meridien, Jalan Jenderal Sudirman Kav 18-20, Jakarta*

WELCOME AND SETTING THE SCENE

09:00 – 09:30

Speakers (co-chairs of workshop)

Dr Antje Herrberg, Director Peace Mediation and Dialogue, Crisis Management Initiative

Mr Bagas Hapsoro, Deputy Secretary General of ASEAN

Jan-Willem Blankert, Chargé d’Affaires / Senior Advisor ASEAN, Delegation of the European Union to Indonesia and Brunei Darussalam

SESSION I: ASEAN and EU role in preventive diplomacy and International Peace Mediation – towards new approaches¹

09:30 – 11:00

Moderator: **(TBC) John Penny, Head of Office Europe House Aceh**

Speakers:

H.E. Jusuf Kalla, Former Vice-President of Indonesia

Dr Antje Herrberg, Director Peace Mediation and Dialogue, Crisis Management Initiative (provide an institutional overview of EU and EU approaches in international peace mediation – including a short overview on CSDP missions)

Facilitated discussion

Coffee Break

11:00 – 11:30

¹ Working Documents: EU concept on Mediation and Dialogue and the ASEAN Blue print.

SESSION II: Good practice in mediation and mediation support: a sharing experience exercise

11:30 – 13:00

Moderator: Prof. Agus Wandu, Post-Conflict Adviser, Indonesia

Speakers:

Mrs Cynthia Petrigh, Programme Director (Policy and Comparative Learning) of Conciliation

Resources

Dr Norbert Ropers, Director of Berghof Foundation for Peace Support (to provide a presentation on: "Towards political and culturally sensitive approaches for third party engagements. Some insights from Europe and Asia")

Facilitated Discussion

LUNCH

13:00 – 14:00

SESSION III: What is the role of the non-state actors/private diplomacy actors in advancing EU and ASEAN capacity in International Peace Mediation

14:00 – 15:30

Moderator: **Mr David Gorman**, Centre for Humanitarian Dialogue, Manila, Philippines

Speakers:

Mr Rafendi Djamin, Indonesia's Commissioner to the ASEAN Intergovernmental Commission for Human Rights

Markus Sudibyo, central executive chairman, Muhammadiyah (to provide an overview on the ICG work in Philippines)

How non-state actors view the role and potential of the EU and ASEAN in International Peace Mediation and their cooperation

Facilitated Discussion

Coffee Break

15:30 – 16:00

SESSION IV: Opportunities for cooperation – towards an ASEAN – EU partnership in Preventive Diplomacy and International Peace Mediation

16:00 – 17:00

Kick off Remarks

Dr Antje Herrberg, Director Peace Mediation and Dialogue, Crisis Management Initiative

Jan-Willem Blankert, Chargé d'Affaires, Delegation of the European Union to Indonesia and Brunei Darussalam

Djauhari Oratmangun, Director General ASEAN - Indonesia

Facilitated Discussion

Questions being addressed:

What should be possible measures and methods of cooperation? How should these next steps be sequenced and prioritised? What is the role of individual actors to this regard, including European Commission, Council, EU Member States, ASEAN Secretariat, ASEAN Member States?

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