ASEAN Institute for Peace and Reconciliation

ASEAN INSTITUTE FOR
PEACE AND RECONCILIATION
– UNITED NATIONS WORKSHOP :

"ASEAN PERSPECTIVES IN CONFLICT MANAGEMENT AND CONFLICT RESOLUTION IN THE REGION"

Jakarta | 5-7 December 2018

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Introduction

Introduction

The ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) – United Nations (UN) Workshop: "ASEAN Perspectives in Conflict Management and Conflict Resolution in the Region" was convened on 5 – 7 December 2018 in Jakarta, Indonesia. The Workshop was co-organised by the ASEAN-IPR and the UN Department of Political Affairs (UN-DPA).

The Workshop was convened under the framework of the ASEAN Political-Security Community (APSC) Blueprint 2025, ASEAN-IPR Three-Year Work Plan 2018-2020, as well as the Plan of Action to Implement the Joint Declaration on Comprehensive Partnership between ASEAN and the UN (ASEAN-UN POA) 2016-2020. Accordingly, the Workshop held the following objectives:

- Highlight experiences within ASEAN Member States, best practices and lessons learned, on the thematic areas of conflict management, ceasefire and/or cessation of hostilities monitoring, verification, conflict resolution and reconciliation – with case studies from Indonesia, the Philippines and Myanmar;

- Provide a global perspective, through comparative examples, on selected thematic areas of conflict management, ceasefire and/or cessation of hostilities monitoring, verification, conflict resolution and reconciliation;

- Supporting the ASEAN-IPR's mandate to compile research on experiences and best practices on conflict management and conflict resolution in the Southeast Asia region with a view to identifying areas of future practical collaboration.

Pursuant to its objectives, the Workshop gathered sixty (60) participants coming from ASEAN Member States (including government officials, military officials, representatives of non-governmental institutions, as well as academic institutions), the UN, as well as regional and international resource persons.

I

Opening Session

I OPENING SESSION

Mr. Rezlan Ishar Jenie, *Executive Director* (ED) of ASEAN-IPR, underlined in his Welcome Remarks that this Workshop marked the very first activity of the Institute initiated by the Secretariat since its operationalization in late 2017. The ED also highlighted that many of the practical experiences and technical expertise on conflict management and resolution remain dispersed across the region. Therefore, in line with the Institute's mandate and functions, the Workshop aims to provide a platform for exchange of undocumented regional best practices on peace processes and reconciliation in the region; in addition, to obtain a global perspective and learn from other regions on the issue. Finally, the ED underscored the importance for ASEAN to learn from itself and further codify and take stock of its experiences to address future issues it may face, as part of the ASEAN-IPR's contribution to ASEAN's community-building efforts.

H.E. AKP Mochtan, *Deputy Secretary-General* of ASEAN for *Community and Corporate Affairs (DSG-CCA)*, underscored that managing and resolving conflicts were very much at the core of ASEAN's interests – notwithstanding the different terminologies used. He highlighted that one of the key features in the ASEAN-UN Comprehensive Partnership was to promote regional and international peace and security. He therefore recognised the Workshop as a tangible demonstration of collaboration and synergy between the ASEAN-IPR and the UN. Moving forward, he encouraged the ASEAN-IPR and its relevant UN counterparts to further explore other various modalities to exchange knowledge and experiences.

The UN Resident Coordinator (RC) for Indonesia, **Ms. Anita Nirody**, highlighted that at the ASEAN Leaders' Gathering on Sustainable Development, the UN Secretary-General had recognised the clear interlinkages between the Sustainable Development Agenda and ASEAN's Vision 2025, and confirmed the UN's commitment to advance joint work towards achieving the Sustainable Development Goals (SDGs) in the region. As such, regional priorities include joint activities to advance SDG 16 on 'Peace, Justice and Strong Institutions' – where this Workshop provides a good example of such collaboration. The RC also underlined that the Workshop is the first activity to be jointly organised by the ASEAN-IPR and the UN under the ASEAN-UN Plan of Action (2016-2020), and looked forward to further close collaboration in the coming months.

II

Session 1

Global and Regional Overview of Conflict Management and Resolution Mechanisms

II SESSION 1:

Global and Regional Overview of Conflict Management and Resolution Mechanisms

The First Session aimed to enhance an understanding of participants on the roles in which other global multilateral and regional organisations play – including the institutional and conceptual modalities they use – on conflict management and conflict resolution. Thus, the Session brought out the trends and observations on broader conflict management and resolution mechanisms from the United Nations' perspective, as well as those of the Organisation for Security and Cooperation in Europe (OSCE) and the African Union (AU).

The First Session looked at the groundwork for the UN's mandate to conduct conflict prevention and resolution role. Such include the UN's three pillars (i.e. peace and security, human rights and development), roles of its main bodies (i.e. General Assembly, Security Council, International Court of Justice, and the UN Secretariat), as well as its conflict prevention tool kit – namely the peacekeeping missions and the special political missions. The First Session further shed light on the UN's best practices and lessons learned, as well as diplomacy for conflict prevention, management and resolution. It was underlined that one of the current UN Secretary-General's (UNSG) priorities for his mandate is conflict prevention, where studies have shown that conflict prevention is the most cost-effective. It was also underlined various mechanisms – such as the Special Envoys and Special Representatives of the UNSG, good offices, Mediation Support Unit (MSU) within the UN-DPA, High-Level Advisory Board on Mediation, and Friends of Mediation – have been established as part of the UN's efforts in sustaining the peace agenda. The MSU provides prompt support and advice to international organisations on three main areas of mediation – process design, monitoring and evaluation. The UN's Standby Team of Mediators is a mechanism under the UN-DPA's MSU.

The First Session also provided an overview of the AU's role in conflict prevention and early warning, conflict management as well as post-conflict reconstruction. The AU was established with the objective – among others – to promote peace, security and stability on the continent, to promote democratic principles and institutions, as well as to promote and protect human and peoples' rights. At the heart of its peace and security architecture is the Peace and Security Council of the AU (APSA) – with mechanisms such as the Continental Early Warning System, the African Standby Force, Panel of the Wise (including former Presidents or Foreign Ministers), etc. The AU also works closely in coordination with sub-regional organisations such as the Economic Community of West African States (ECOWAS), Southern African Development Community (SADC), and the Inter-Governmental Authority on Development (IGAD) to ensure equal regional representation and/or distribution.

Furthermore, the First Session discussed the OSCE's experiences and perspectives on the issue. The OSCE is the world's largest security organisation, based on the norms and values enshrined in the Helsinki Final Act – equality, to refrain from the use of force, inviolability of borders, peaceful settlement of disputes, etc. Mechanisms include Mediation Support Unit, Risk Reduction, and Early Warning-Early Action Capabilities (including focal point, and a roster of first responders). It was highlighted that the Organisation's consensus-based decision-making amongst the 57 participating States makes it slow for any action to be taken.

Discussions on the First Session focussed on what confidence-building measures (CBMs) in the field would entail, namely for those taking on the role of Mediators. Participants underlined the importance of process design in mediation, where CBMs could be further broken down into several processes, as well as several levels of working groups. Another issue discussed was the role of regional actors in conflict prevention and early warning capability. It would be highly political for an organisation such as the OSCE to intervene in a situation deriving from its early warning capability. Nevertheless, the OSCE has also experienced a case where it was able – as a regional organisation – to be accepted by two conflicting parties (in this case, Russia and Ukraine) to monitor the situation on the ground, and to make efforts to manage the conflict.

Global and Regional Overview of Conflict Management and Resolution Mechanisms

III

Session 2

Panel Discussion - An Overview of ASEAN and Regional Experiences in Conflict Management and Resolution

III SESSION 2:

Panel Discussion - An Overview of ASEAN and Regional Experiences in Conflict Management and Resolution

The Second Session sought to enhance Participants' awareness on experiences in conflict management and resolution in ASEAN, namely in terms of approaches, process designs, roles of different stakeholders, as well as collaborations with international partners.

The Second Session firstly laid out the background of ASEAN's framework in dispute settlement, conflict management and resolution. It was underlined that due to the region's diverse historical, socio-cultural and religious settings, conflicts are always distinct and complex in nature – with root causes being multifactorial and multi-dimensional. Frameworks such as the Treaty of Amity and Cooperation in Southeast Asia (TAC), the two Bali Concords, the ASEAN Charter and the ASEAN Community Blueprints, as well as the ASEAN Regional Forum that was tasked with – among others – preventive diplomacy, were highlighted. Further, the Session zoned into the establishment of the ASEAN-IPR, its mandates and functions. Peace and security are viewed as more expansive than the traditional security issues, and therefore it was recommended that the Institute should also dive into non-traditional security threats such as human trafficking, environment, cyber security and drug trafficking.

The Second Session further elaborated on ASEAN, namely a shift in its nature since the Association's establishment. First and foremost, it was stressed that ASEAN in itself is already considered to be a confidence-building measure, as it is a norms and values-based organisation. Although the TAC had coined ASEAN's non-interference principle, ASEAN's membership expansion, the establishment of the ASEAN Regional Forum, as well as the financial crisis in 1997, gave way to shifts and/or tweaks in the Association's modalities and mechanisms. For example, the ASEAN troika (past, current and incoming Chair of ASEAN) mechanism or the role of the Secretary-General (SG) of ASEAN as stipulated in the Charter, gave way for ASEAN to provide good offices, and some issues happening internally within Member States could be discussed in the ASEAN framework (some even at the highest level). With new bodies such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) being set, following the establishment of the ASEAN Community Blueprints, Member States recognise that internal conflicts have regional dimension and/or implication, which may need to be addressed collectively.

The Second Session also tapped into the civil society perspective, and stressed the principle of inclusivity, on conflict management and resolution in the region. It was viewed that ASEAN's platform in conflict management generated the three "R": (a) **restrain** in discussing the issue in external platform; (b) **respect** for your counterpart; and, (c) **responsibility** to address the issue. The Session highlighted the peace process in Mindanao (Philippines), as a good example of conflict management involving the role of civil society organisations (CSOs) on the ground. It was emphasised that the process included – among others – brainstorming sessions done by the CSOs consistently to further facilitate the Track 1 peace processes. Ultimately, it was stressed that the Mindanao peace process included efforts being done by local and international CSOs, as well as international donors, in addition to the main actors in conflict. As ASEAN was viewed as a family, it was also underlined the importance of having a point of view of family members helping out each other in resolving conflict, instead of an interference.

Discussions highlighted some border issues amongst ASEAN Member States, in which most were referred to other international frameworks such as the International Court of Justice (ICJ). However, the role of the Chair and SG of ASEAN in addressing the Thai-Cambodian border conflict was also recognised as proof of ASEAN's achievement. Furthermore, views were also provided on how ASEAN is responding to non-traditional security issues such as climate change, environment, and natural disasters (i.e. with the establishment of mechanisms such as the ASEAN Centre for Humanitarian Assistance and disaster management (AHA Centre)). Lastly, participants also underscored the importance of ASEAN centrality in managing and resolving conflicts – as it was viewed that conflicts within the region would be easier to be resolved amongst ASEAN Member States.

IV

Session 3

Global and Regional Perspectives and Trends - Human Security and Gender in Conflict Management and Resolution

IV SESSION 3:

Global & Regional Perspectives and Trends - Human Security and Gender in Conflict Management and Resolution

The Third Session aimed to provide gender and human security dimension in conflict management and resolution – both from the global as well as the regional perspective.

It was explained that the concept of human security has evolved along with global leadership. Starting with the UN Security Council (UNSC) Resolution 1325 and subsequently with the Beijing Platform of Action, the notion of gender equality has become more of a peace and security issue. The importance of inclusion of women in ceasefire management matters was stressed – as women today are not only victims of conflict, but also carry an agenda. The Session also highlighted the evolution of children's rights going into the peace and security agenda. Ultimately, it was emphasised that when one talks about mediation support, involvement of women, young people, religious and ethnic minorities could bring a lot of creativity, strength, as well as credibility.

The Third Session also highlighted the importance of inclusion for former combatants (including women and the youth within such group). It was viewed that a former combatant becoming an ambassador for peace is a powerful symbol. In that regard, it was believed that engaging the village, community elders and civil society of former combatants with the government in peace processes would generate an enduring result. Ownership, education and capacity building are key elements for inclusivity. The increasing role of women in preventing and countering violent extremism was also highlighted. It is important to include women, not only in the reintegration and rehabilitation processes, but also engage them in the prevention of radicalism and extremism.

Some participants viewed that the inclusion of civil society and/or rebel groups in peace processes could sometimes overcomplicate conflict, namely those groups that would refuse to engage in negotiations and opt for violence. To this, it is important that engagement happen through a gradual phase, in order to ensure those involved are benefitting the peace processes. Participants from other regions also highlighted the increasing role of women in peace processes, some of which have institutionalised women mediator groups into their regional groupings. In that regard, it was also highlighted that the ASEAN-IPR is about to launch an ASEAN Women for Peace Registry, as part of ASEAN's implementation of the ASEAN Leaders' Statement on Women, Peace and Security (2017) as well as UNSC Resolution 1325. It is underlined that the Registry shall be established and developed in a gradual way within the existing comfort level in ASEAN.

V

Session 4

Global Perspectives & Trends - Ceasefire and Cessation of Hostilities

V SESSION 4:

Global Perspectives & Trends - Ceasefire and Cessation of Hostilities

During the Fourth Session, participants were provided with an overview on global perspectives and trends of ceasefires and cessation of hostilities – including differences between the two terms. Firstly, it provided the global trends in armed conflict spanning between the 1940s until recent times. Furthermore, it explained the cycle of conflict, which involves the processes of prevention, management and resolution. Looking at the dimensions of conflicts happening today, it was identified that four (4) out of five (5) conflicts have internationalisation and/or regionalisation effect – which makes it more difficult to identify the relevant stakeholders. Additionally, unprecedented speed and spread of information should also be taken into account, as it could make or break ceasefires and/or peace processes.

It was underlined during the Session that there is no universally accepted definition of ceasefire/cessation of hostilities. Such ambiguity was viewed as an advantage, as there should be no one-size-fits-all in achieving peace. Some commonly used terms include **ceasefire**, **cessation of hostilities**, **codes of conduct**, **normalisation** and **stand down**. It was highlighted that many views the term “cessation of hostilities” as the grand finale of peace process. The different typologies of ceasefires include humanitarian pauses, geopolitical/local ceasefires, temporary ceasefires, universal ceasefires, preliminary ceasefire, definitive/comprehensive/final ceasefire, and many more. Following ceasefire/cessation of hostilities, security arrangements would reflect the way forward further into the peace process. Such arrangements could include interim security arrangements (e.g. monitoring, verification and other oversight mechanisms; security sector reform and transformation; management of weapons), state of transition arrangements (e.g. election processes), and final security arrangements (which includes disarmament, demobilisation and reintegration or DDR).

Discussions during this Session were dominated on the sequencing of peace processes – namely whether ceasefires/cessation of hostilities would precede negotiations, or would the talks for confidence-building already happen before a ceasefire is declared. It was stressed that every ceasefire is very organic – it has to honour, respect and appreciate realities on the ground. Thus, it is important to have several channels of approaches to various groups, and to also recognise the benefit of talks in informal settings. Participants also recognised the indispensable role of implementers, in addition to those of mediators and facilitators – as they would ensure that what has been agreed is carried forward to sustain peace.

VI

Session 5

Panel Discussion - Aceh (Indonesia) Case Study

VI SESSION 5:

Panel Discussion - Aceh (Indonesia) Case Study

The Fifth Session involved five (5) Resource Persons, providing various perspectives from stakeholders on conflict resolution in Aceh, Indonesia. The Session aimed to enhance participants' awareness and knowledge on – among others – (a) the mediation process design; (b) relevant modalities and mechanisms related to monitoring and verification of ceasefire and/or security arrangements; (c) various dispute resolution mechanisms at all levels; (d) the role of local communities in peace processes, oversight mechanisms for broader peace process; and, (e) final security arrangements.

From the perspective of the Government of Indonesia, peace processes were considered to include: (a) ceasefire; (b) all-inclusive dialogue; (c) economic assistance; and, (d) election. During the earlier times of negotiations for the Government of Indonesia, the objective of the Government negotiator was to achieve principles of acceptance of autonomy for the people of Aceh – which for the Free Aceh Movement (GAM) would have meant independence. Shuttle diplomacy was highlighted in the peace processes, which resulted in the Ceasefire-Cessation of Hostilities Agreement (COHA). However, implementation of the COHA proved to be difficult. Following the tsunami disaster in December 2004, then President Susilo Bambang Yudhoyono (SBY), endeavoured for the continuation of negotiations, which was welcomed by GAM. From the Government's perspective, the peace talks which resulted in the agreement was a result of political will, produced by circumstances (i.e. force majeure giving way). Therefore, it was viewed that conflicts are difficult to address when they are relatively "new/young". Once the conflict "tires" and subsides, it would give way to the peace processes.

Subsequent negotiations under President SBY's administration were facilitated by then Finnish President Martti Ahtisaari, under the request of the Indonesian Government. From this negotiation, five factors that contributed to peace in Aceh were identified: (a) tsunami disaster; (b) clear and concrete offers from the Indonesian Government to GAM – e.g. 70% of their own revenue, amnesty and pardon to more than 2,000 prisoners immediately and unconditionally; (c) infrastructure rehabilitation; (d) confidentiality method – in order to keep the negotiation exclusive, and reduce risk of hampering continuation of peace talks from leaks of the negotiations; and, (e) GAM itself has a very solid chain of command – GAM's leadership was headed by one leader, Hasan Ditiro, who resided in Sweden at the time of negotiations. It was recalled during the Session, of the rich methods in reaching agreement (e.g. let GAM disarm and destroy their weapons themselves in front of the monitoring team, in order to preserve their dignity). Furthermore, the importance of patience and possible informal/personal engagement with the interlocutors were underlined – as the experience of negotiators in the Aceh peace process.

Participants were also provided with a Mediator's perspective in the Aceh Case Study, such as the experience of the mediating team advising President Ahtisaari throughout the Helsinki Peace Negotiations. As talks happened prior to the tsunami in the autumn of 2004, there was no ceasefire – thus it was a process of fighting while talking. Part of the mediation strategy was that **nothing is agreed until everything is agreed**. Therefore, no preconditions preceded the peace agreement. Conflicting parties need only to sit at one table together. As mediators, their objective was to build a good enough "package" for GAM to accept, and for them to subsequently disarm. Although an Agenda existed during the negotiations, it was not very detailed, and there was flexibility to move from one agenda to the next, when parties reached a deadlock at a certain agenda item. Following the signing of the Peace Agreement, it was also underlined that monitoring of the implementation was something that had been considered from the beginning of negotiations. In that regard, it was viewed that one of the key successes of implementation was its planned sequencing – including disarmament and withdrawal of the military.

The perspective of the negotiating team for the Free Aceh Movement (*Gerakan Aceh Merdeka* or GAM) was also shared during the Session. It was then Indonesian President Abdurrahman Wahid who reached out to the GAM Leaders in Stockholm back in the year 2000. There were about 65,000 Acehnese living abroad – thus forming a strong diaspora. They had reached an understanding for a humanitarian pause for Aceh. It was recalled that the venue for negotiations was an important element in the peace talks, as the Indonesian Government wanted talks to be done in Indonesia, because they considered it to be a domestic affair; while GAM did not want the venue to be in Indonesia (not even in an ASEAN country). During negotiations, the agreement on the use of certain terminologies was important to define certain positions. For example, GAM opted for the term "economic facilitation", instead of "reintegration" or "compensation". On another case, the Indonesian Government preferred the term "cessation of hostilities", instead of "ceasefire". Following the Peace Agreement, it was viewed that **trust-building** was an important element that contributed to the success of its implementation. In addition, GAM's strong leadership was again underlined to be a determining factor in the success of the Peace Agreement implementation.

The Session also touched upon the role of civil society during the Aceh peace process for both the negotiations and implementation of the Peace Agreement. A network of national, regional and international CSOs were established to help and facilitate post-conflict and post-disaster peace-building in Aceh. The importance of engaging the youth in capacity and peace-building processes was underscored, mainly to avoid post-conflict trauma. Moreover, the emergence of local parties within Aceh was viewed as an antithesis of national parties, as they have direct responsibility to their constituents.

There were further inquiries and/or discussions from participants regarding the various steps of implementation, as well as the distribution of economic facilitation to former combatants. Further emphasis was made on the strong and solid leadership within GAM to ensure the Peace Agreement was implemented in an efficient manner. Further talks also touched upon the Law on Governing Aceh (LoGA), which sets for a constitution of an autonomous province. It is underlined that further dialogues are still on-going in the implementation of the Peace Agreement, as well as LoGA.

Panel Discussion -
Aceh (Indonesia) Case Study

VII

Session 6

Global Trends - Monitoring and Verification Frameworks of Ceasefire/ Cessation of Hostilities

VII SESSION 6:

Global Trends - Monitoring and Verification Frameworks of Ceasefire/Cessation of Hospitalities

Following-up to the Fourth Session – which discussed global perspectives and trends on conflict, ceasefire & cessation of hostilities – the Sixth Session further elaborated on the global trends of monitoring and verification frameworks of ceasefire and cessation of hostilities. Monitoring and oversight provide an element of transparency and accountability – namely on the implementation of agreements deriving from conflict resolution (i.e. ceasefire/cessation of hostilities). Elements such as human rights and protection of civilians, implementation status of peace agreements, as well as interim/transitional/final security arrangements need to be monitored to ensure peace processes are moving forward.

Generally, the understanding of monitoring and verification varies considerably. However, there are four essential elements, namely: (a) **monitoring**, compliance of agreement; (b) **verification**, to ensure and verify such compliance; (c) **reporting** of compliance, including allegations and/or incidents; and, (d) **investigation** of allegations, incidents and/or violations which may occur. Moreover, to be able to exercise the above-mentioned elements, access, security and guarantee are needed. Therefore, political intent is needed.

One ceasefire monitoring mechanism may differ from another. Such would thus depend on the mandate, type and objective of the ceasefire, contextual/cultural/regional influences, as well as the role played by civilians, local communities, and third parties. Further, complaint, response and redressal mechanism should also be in place. Ultimately, one needs to consider who would be the biggest beneficiary of any agreement. There are issues and discrepancies on how things are viewed, and how the beneficiary of the monitoring would view things, namely from the aspects of: (a) human rights monitoring; (b) local socio-political dynamics; (c) humanitarian action; and, (d) community support projects. In this regard, public outreach is essential in order for the agreement to be understood widely.

Following the presentation, discussions generated sharing of experiences in monitoring ceasefires/cessation of hostilities in areas such as Aceh, Ukraine and Georgia. Numbers of monitors vary, but in most cases, these monitors were unarmed. It was also underscored that proximity between actors are important in order to facilitate communication with the objective of de-escalating conflict. Finally, it was also highlighted that UN-DPA is currently drafting a guidance note on ceasefire/cessation of hostilities.

VIII

Session 7

Panel Discussion - Mindanao (Philippines) Case Study

VIII SESSION 7:

Panel Discussion - Mindanao (Philippines) Case Study

Similar to the Panel Discussion on Aceh, Session Seven brought together five (5) Resource Persons to provide various stakeholders' perspectives on the peace processes in Mindanao, the Philippines.

It was highlighted that 120,000 lives had been lost due to the conflict in Mindanao – which include combatants and civilians. After 22 years of conflict with the Moro National Liberation Front (MNLF), the Final Agreement was signed between the Government of the Philippines with the MNLF in 1996. However, the Moro Islamic Liberation Front (MILF) disassociated itself from the MNLF, and thus resulting in another 22 years of conflict. It was recalled that back-channelling efforts played a vital role in the mediation process, which were facilitated by Indonesia (for negotiations with MNLF) and Malaysia (for negotiations with MILF). The role of civil society was highly recognised in reviving the peace process. Saudi Arabia, Japan, the United Kingdom, Centre for Humanitarian Dialogue, the Asia Foundation and Conciliation Resources were part of the International Contact Group that advised the Philippines Government Panel. After the Comprehensive Agreement on the Bangsamoro (CAB) was signed, negotiations shifted into implementation. Thus, the negotiating panel was renamed the implementing panel. Further, different mechanisms make up the normalisation process, including transitional component of normalisation, socio-economic programmes, confidence-building measures, decommissioning MILF forces, transitional justice and reconciliation. The Joint Normalisation Committee was an essential component in this process. One of the key implementation phases included the decommissioning of up to 40,000 combatants, some of which were integrated into the national army, some of whom now hold senior official's levels.

It was also recalled that one of the IMT's objectives was to create a conducive environment for negotiations. Following the IMT's establishment in 2004, there was a considerable reduction in ceasefire violations. The IMT played a key role in coordinating with parties and conducting field verifications. The concept of operation includes a preventive focus, a focus in case of crisis, and a post-conflict focus. The two main takeaways of the joint IMT are: (a) value of joint action is useful in case of fire-fight; and, (b) the existence of communication channels established for joint activities, both of which are extremely valuable to support mutual understanding and de-escalation.

Further, the Session also reflected on the MILF's partnership with the Government of the Philippines in deterring spoilers of the Mindanao Peace Process. MILF breakaway, Maute Group and other groups affiliated with the global jihadist movement were at the

heart of the recent Marawi crisis in 2017. It was recalled how the Philippines Government and MILF jointly partnered to counter the Maute Group, and established humanitarian corridors to evacuate civilians trapped in war zones. The role of coordination mechanisms – such as the Joint Coordination, Monitoring and Assistance Centre (JCMAC) – was further acknowledged, which played a fundamental role in preventing the outflow of MILF combatants in joining the Maute Group, and safeguarded the Peace Agreement in spite of all-out conflict in Marawi.

The civil society's role on community-based peacebuilding work in Mindanao was also discussed. Following an open conflict between the Government and MILF in 2008, hundreds of civilians were displaced and means of livelihood disrupted. The civil society did community organisation and peace education work in many areas. They also worked with security forces, emphasising dialogue as a mechanism to ensure community inclusivity. In 2011, the civil society was able to help prevent a relapse of the 2008 open conflict– emphasising the organisation of community dialogues to relay concerns to a panel of leaders within the community.

Finally, the role of the International Contact Group (ICG) – a hybrid of governmental and non-governmental institutions – was highlighted in the Session. The ICG conducted exploratory visits and scoping teams to see how best it could support with expertise on socio-economic development. In addition, the active role of women was underlined in fostering communication and conducting workshops for Bangsamoro communities. Facilitation was also one of the major points to ensure success of the peace talks.

Discussants mainly observed that the plebiscite was due to take place in January 2019, following to the Bangsamoro Organic Law (BOL), and with the aim to establish inclusive leadership within the Bangsamoro. Another point raised during this discussion was the fact that, in comparison to the Aceh case, the Mindanao peace processes involve multiple parties – thus giving it a much more complex dimension in determining the key stakeholders. Speakers coming from the Philippines (whether from the government, MILF or civil society) recognised the challenges of expectations coming from many stakeholders on the ground (e.g. implementation of the Muslim Sharia Law, while there is also a need to tackle inclusiveness of the law). In this regard, it was mentioned that President Duterte aims to see convergence and inclusivity in the compositions of the new Bangsamoro Transition Commission; consisting of not only MILF, but youth groups, women, religious minorities, as well as indigenous people.

Panel Discussion -
Mindanao (Philippines) Case Study

IX

Session 8

Panel Discussion - Myanmar National Ceasefire Agreement (NCA) Case Study

IX SESSION 8:

Panel Discussion - Myanmar National Ceasefire Agreement (NCA) Case Study

The third and final case study from ASEAN aimed to enhance participant's knowledge and awareness on the Myanmar National Ceasefire Agreement (NCA) and its implementation, with focus on the broader architecture of the Myanmar peace process and its process design, relevant modalities and mechanisms related to monitoring and verification of ceasefire and/or security arrangements, the role of local communities in ceasefire monitoring, as well as various dispute resolution mechanisms at all levels. Similar to the two previous case studies, the Eighth Session also provided various stakeholder perspectives.

From the perspective of the Myanmar Government and Joint Ceasefire Monitoring Committee at the Union level, in particular, progress was reflected, which was made since the establishment of civilian rule following the 2010 elections, and its decision to prop up the peace process under a three-pronged approach – namely local, state and parliamentary-levels. It was explained that three objectives of the NCA were to: (a) cement a foundation of peace process to carry forward beyond 2015; (b) strengthen ceasefire implementation; and, (c) initiate a political dialogue process. The peace process with a ceasefire was initiated by Gentlemen's Agreement, through a National Convention as the venue for political discussion. It was highlighted that forty (40) armed groups agreed on the ceasefire under Tatmadaw Government.

It was further elaborated that the NCA established a Joint Ceasefire Monitoring Mechanism, secured freedom of movement for civilians, and enabled the safe delivery of humanitarian assistance. The negotiation process between the Government and the military on one hand, and the armed groups on the other – namely those who refused to commit to the NCA – were also highlighted. A Joint Monitoring Committee (JMC) was created at the national, state and local levels, responsible for drafting a code of conduct.

It was also noted during the Session that under the military government from 1989 to 2010, ceasefires had been signed with 40 ethnic armed groups, with only 3 collapsing, while 36 other bilateral ceasefire agreements were signed after 2011. The JMC was put in place to also monitor the implementation of the NCA, which included representatives from the government, armed groups, as well as civilians. The civilian component of Myanmar's JMC in fact turned into a useful asset as a go-between for the military and armed groups whenever there was a deadlock between the two. One of the key

lessons learned from the Myanmar's JMC was the strict respect for collective decision-making. All of its decisions had to be consensus-based with strong buy-in from the army, armed groups and civilian components, lest the JMC would have collapsed long in the process. The salient challenge today of slow progress in political dialogue, with little achieved beyond the ceasefire agreement itself, was also highlighted.

Meanwhile, the remanence of non-signatories armed groups (in Shan state for example) has led to continued clashes in those areas, and the JMC has not been able to contain any violence there due to the lack of a mandate. The impact of the war economy has also been a continuing issue as well. Lastly, the issue of demarcation remains, with no clear demarcation in many areas between Tatmadaw's positioning and ethnic armed group's presence. Turning briefly to the situation in Rakhine, it was noted from the Government side that the security threat coming from the Arakan Rohingya Salvation Army (ARSA) remained acute, with the alleged killing of 37 people in refugee camps at the hands of ARSA.

Views from the floor identified the NCA not only as a military document, but having many compositions (i.e. military, humanitarian, protection of civilians). Thus, it had provisions to jumpstart the political process. Further discussions also recognised efforts by the Myanmar Government to move forward the peace processes in areas with on-going conflict. The Workshop also lauded Myanmar's 30% reservation for women participation at various levels, although some would encourage even greater participation of women in the peace processes.

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Session 9

Best Practices, Lessons Learned & the Way Forward

X SESSION 9:

Best Practices, Lessons Learned & the Way Forward

To review and synthesise the best practices and lessons learned discussed throughout the Workshop, the Ninth and Final Session sought ways forward for: (a) the ASEAN-IPR in optimising its mandate and functions as the ASEAN Institution for research and capacity-building activities on conflict management and resolution; (b) deeper and enhanced cooperation between the ASEAN-IPR and the UN on the issue.

H.E. Marty Natalegawa, Member of the UN Secretary-General's High-Level Advisory Board on Mediation and Former Indonesian Minister for Foreign Affairs, recognised some cases where ASEAN and the UN have worked efficiently and effectively in managing and resolving conflicts in the region (e.g. Myanmar's democratic reform – especially in the wake of Cyclone Nargis, Thai-Cambodia border issues in 2008 and 2011, etc.). He identified two characteristics as essential in any efforts to manage potential conflict, or resolve on-going conflict in the region: (a) **trust**: where he recognised one of ASEAN's principle contributions throughout its existence as transforming trust deficit of its Member States into strategic trust; and, (b) recognise and promote **synergy** at the national, regional and global level – even more so with the reality of the 21st century conflict where the three levels become intertwined – with leadership to ensure such synergy is exercised. On the ASEAN-IPR, he acknowledged the Institute as one of the most important instruments in ASEAN. He further expressed confidence that the Institute could be more impactful in the region, namely in: (a) maximising its function to provide appropriate **recommendations**; and, (b) establishing a **roster/registry** of conflict/potential conflict in the region, as well as the expertise to address such conflict/potential conflict. He finally underlined again the notion of trust – hoping that Member States could entrust the very instrument that they have created (i.e. ASEAN-IPR) to tackle such issues, for their collective benefit.

It was also underscored during the Last Session that one of the reasons ASEAN has been referred to as one of the best examples of regionalism is because it has played its role in preventing inter-state conflict. Moving forward for the ASEAN-IPR, it was viewed that the Institute could maximise its role in providing a platform to **share experiences**. Through such platform, the Institute could further build trust, and subsequently build expertise of issues it has been mandated. Further, it was suggested that the Institute should advance its efforts in **expanding its network** – making its presence noticed and collaborating with other ASEAN bodies/entities (e.g. AHA Centre, ASEAN Intergovernmental Commission on Human Rights, etc.) to amplify its outreach.

Lastly, the Last Session sought to provide a perspective from outside the region, as well as that of civil society. With the current change in geopolitics, the importance

of an integrated and dynamic approach in conflict management and resolution was highlighted. As such, the need to explore beyond a state-centric approach was raised, mindful of the nature of conflicts today that has progressed beyond the traditional security issues, and beyond state boundaries. In this regard, it was viewed that the ASEAN-IPR could be a bridge between government and non-government, peer-to-peer learning – namely as a knowledge hub. The Institute could also consider creating civil society organisation (CSO) networks in the region. Ultimately, the regional ownership was recognised and it was stressed that it would be up to ASEAN how it would want to steer the Institute.

Discussions centred on how coordination could be increased in the region, especially to tackle on-going conflict with regional dimensions. Some participants highlighted that ASEAN had played its role, through its own way, in tackling such issues. Although sometimes deemed slow-paced, ASEAN – sometimes through its Member States – had nevertheless been proactive in addressing issues with regional effect and/or dimension. Some participants emphasised again the importance of political will in order to strengthen the coordination needed to address such issues more efficiently. Another suggestion was also brought up during the discussion; for ASEAN to consider establishing mechanisms for conflict management and conflict resolution – taking on the examples that had been shared by the UN, as well as other regional organisations. Thus, the Institute may consider exploring the following areas: early warning, early response system and crisis management mechanisms.

CLOSING SESSION

The Representative of Thailand and incoming Chair of the ASEAN-IPR Governing Council, **Dr. Darmp Sukontasap**, quoted Prof. Roger Fisher – who introduced the concept of principle negotiation and said that the only lasting settlement of disputes is a case where everybody wins. In that regard, he noted plenty of food for thought provided for the ASEAN-IPR's way forward, and was confident that participants and speakers alike would leave the Workshop with much clearer ideas of what a good peace process looks like and what to do to ensure everybody wins.

The Executive Director of the ASEAN-IPR **Mr. Rezlan Ishar Jenie** underlined that the Institute has taken note of the expectations and suggestions made during the discussions on what the ASEAN-IPR should consider doing in fulfilling its mandate and functions. He also highlighted that one essential takeaway is the amplification of network and friendships developed, and hoped that the engagement could continue in future collaboration between the ASEAN-IPR and various institutions represented in the Workshop.

Ms. Roxaneh Bazergan from the UN-DPA highlighted that the case studies discussed within the Workshop demonstrate the wealth of experiences on conflict prevention and management in ASEAN, which should be systematically shared with other regional partners and global institutions. Thus, she expressed hope that the ASEAN-IPR would emerge as ASEAN's platform for such sharing of experiences. She also reiterated the UNSG's commitment to engage with the ASEAN-IPR, and looked forward to exploring further steps aimed at substantively increasing the collaboration between the UN, the ASEAN-IPR and its partners.

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