

STRENGTHENING CONVERGENCES FOR HUMANITARIAN ACTION IN ASEAN

An ASEAN Institute for Peace and
Reconciliation Symposium
on International Humanitarian Law

Manila, Philippines | 2-3 October 2017



**ASEAN Institute for
Peace and Reconciliation**



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Reconciliation Symposium
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in collaboration with:



Norwegian Embassy



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ICRC

Federal Department of Foreign Affairs FDFA

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FOREWORD



2017, a landmark year of the 50th Anniversary of ASEAN under the Chairmanship of the Philippines, was also a year of 'firsts.' For the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR), 2017 was the year when it was formally operationalized with the recruitment of its first Executive Director. 2017 also bore witness to the first collaboration between the ASEAN-IPR and the International Committee of the Red Cross (ICRC) with the conduct of the Symposium on International Humanitarian Law entitled "*Strengthening Convergences for Humanitarian Action in ASEAN.*"

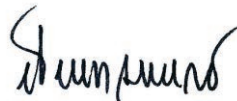
The 2-day Symposium held in Manila, Philippines in October 2017 was a first of its kind in ASEAN and enjoyed the support of the Governments of Norway and Switzerland. It welcomed policy-makers and peace practitioners from ASEAN Member States and from all over the world, to explore the convergences of International Humanitarian Law, Humanitarian Principles, Religious Norms and Customary Practices to address some specific humanitarian and protection challenges within ASEAN. And it could not have been more timely.

Beyond the all too frequent devastating news of hatred, violence and conflict in our world today, the Symposium gathered religious leaders, academics, humanitarian workers, legal and law enforcement officers, ASEAN officials, diplomats, health-care providers, educators and leaders of civil society organizations to exchange perspectives on a deceptively simple question: *How do we, as individual actors and as a region, ensure that the inherent dignity of human beings is continuously upheld in times of conflict?*

This publication documents the rich expertise that was so generously shared during the Symposium, both by resource persons and participants alike, and presents various perspectives in tackling the underlying question posed by the Symposium. It is an interesting read that I hope will serve as a useful resource for peace practitioners, humanitarian workers, government and non-government actors, members of the academe and students as they each strive to contribute to regional and global peace efforts.

The Philippines is truly proud to have had a hand in realizing this Symposium that brought together diverse perspectives, minds, and more importantly hearts, in interactive discussions that covered, among others, the protection challenges related to conflicts and ethnic tensions in the region. The Symposium also surfaced some real challenges faced in translating humanitarian principles and religious values into actual practice.

The meaningful exchange of ideas strengthened our collective resolve to uphold the dignity of every human being in whatever dire circumstances they may find themselves.



Elizabeth P. Buensuceso

Permanent Representative of the Republic of the Philippines to ASEAN
Chair, Committee of Permanent Representatives to ASEAN
Chair, ASEAN-IPR Governing Council



MESSAGE



"So then, let us pursue what promotes peace and what builds up one another."
-Romans 14:19

Since its inception in 2012, the ASEAN Institute for Peace and Reconciliation has been performing the mandate given by our Leaders as the ASEAN institution for research activities on peace, conflict management and conflict resolution.

Under the ASEAN-IPR umbrella and in support of regional efforts to foster peace-oriented values, the Philippines undertook a number of initiatives covering a broad range of peace related topics, such as *Peace and Reconciliation Processes*, *Strengthening Women's Participation in Peace Process and Conflict Resolution*, and *the Plight of Women and Children in Conflict Situations*. The results and recommendations of each of these initiatives have been published and disseminated to relevant stakeholders to further enrich the body of knowledge that underpins the on-the-field efforts of international peace practitioners.

Of late, the Philippines hosted the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) Symposium on International Humanitarian Law entitled "Strengthening Convergences for

Humanitarian Action in ASEAN" which was held on 2-3 October 2017, in collaboration with the International Committee of the Red Cross (ICRC).

The subject of humanitarian action is extremely important, not only to the ASEAN region, but to the entire world. As history constantly teaches us, the landscape of threats to our hard-earned peace is ever shifting. New and non-traditional actors emerge, new modes of inflicting unspeakable harm are committed and new technologies are employed to shake the foundations of peace. However, as daunting as the challenges to maintain the peace may be, equally impressive is what we, as a region, are able to accomplish in the true ASEAN spirit of unity.

The theme and spirit of the Symposium highlighted the convergences, both in schools of thought and of action, that are woven into individual fabrics of diverse actors - be it a humanitarian worker, a member of the military, a government official, a non-government advocate, or a religious scholar.

The Symposium underscored what we all have known and felt: *ASEAN nations and their peoples are rich in humanitarian spirit*. And with the wisdom borne of ASEAN's compelling journey over the past 50 years, ASEAN today is well placed to support peace in the global fora, as well as use its influence and experience to encourage more efforts in preventing and responding to conflicts in the region and beyond.

The Philippines thus takes pride in continuing to contribute to the ever-growing body of knowledge on peace and reconciliation through this publication chronicling the important exchanges during the Symposium. It is our hope that this publication will serve as a humble reminder that we, in our diversity, are bonded by our common aspiration for peace, prosperity and progress for all of our peoples.



Alan Peter S. Cayetano
Secretary of Foreign Affairs



Introduction

The world has become more complex and interconnected since the Association of Southeast Asian Nations (ASEAN) was first established in 1967. Many of the current health, environmental, and security threats are now beyond the abilities of any one nation to address. New challenges require ASEAN Member States to consolidate their commitment to good governance and the rule of law to safeguard the well-being of its diverse peoples.

Moreover, while states have ratified key international legal conventions, many people are still more bound by their religious and/or indigenous beliefs and traditions than the principles of International Humanitarian Law (IHL) and human rights, which are perceived as abstract and western-influenced. Some look to religious and community leaders for guidance and advice.

Acknowledging this fact, enhanced engagements among humanitarian workers, religious scholars, legal experts, policy makers, security and law enforcement authorities, researchers, civil society leaders and other personalities result in mutually beneficial and constructive exchanges to discuss humanitarian principles, legal, doctrinal and ethical aspects surrounding the protection of people in armed conflict situations, conflict prevention and conflict transformation.

It was in this context that the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR), the Philippines' Department of Foreign Affairs (DFA), together with the Philippines' Office of the Presidential Adviser on the Peace Process (OPAPP) and the International Committee of the Red Cross (ICRC), convened a Symposium on '*Strengthening Convergences for Humanitarian Action: An ASEAN-IPR Symposium on International Humanitarian Law*', on 2-3 October 2017 at the Manila Hotel in the City of Manila, Philippines.

The Symposium gathered around 170 participants from the ASEAN-IPR Governing Council and ASEAN-IPR Advisory Board, Ambassadors of Member States to ASEAN and their respective delegations, ASEAN Secretariat officials, representatives of ASEAN Sectoral Bodies, leaders of non-government organizations (NGOs), international organizations, United Nations agencies, think-tanks, universities, religious organizations, community leaders, representatives of the National Red Cross/Red Crescent societies, International Federation of Red Cross/Red Crescent and International Committee on Red Cross (ICRC).

The event highlighted the importance of promoting respect for rules that uphold human dignity of people caught in armed conflict situations, ensuring protection and humanitarian access to people in need, particularly in times of humanitarian crises and violent situations, as well as contributing to conflict prevention and reconciliation in ASEAN.

On this occasion, the remarkable role that ASEAN has played since its creation in maintaining peace across Southeast Asia and improving the lives of the citizens of its Member States, was acknowledged. With the increasing need to form partnerships in addressing humanitarian assistance and protection challenges, as well as ensuring respect for the principles of IHL, participants welcomed the establishment of the ASEAN-IPR.

The importance of the ASEAN-IPR for the region and at the global level was fully acknowledged, with its institutional role to conduct research, build capacity, harness networking, and provide a platform where individuals from different backgrounds can come together to share perspectives on key issues and contexts of conflict and peace, as well as adherence to the universal principles of IHL and human rights.



Summary Report

The Symposium opened with the acknowledgment of the wisdom of ASEAN's 50 years of existence. This fact makes it well placed to support peace in the global fora, as well as use its influence and experience to encourage further efforts in preventing and responding to conflicts in the region and beyond. ASEAN has had extensive experience in disaster management and humanitarian relief that makes it a natural partner for organizations such as the ICRC to ensure principled humanitarian action (assistance and protection) for those in need around the world.

Sub-national conflicts and inter-group tensions occur within ASEAN States. Aside from these, transnational challenges, such as terrorism, drugs and climate risks affect the region and can have serious consequences, especially on the more vulnerable sectors of ASEAN communities. The Symposium, therefore, focused on protection concerns in human-induced disasters, without intending to specify any particular contexts.

Four key aspects to improve people's protection and restore their lives to one of dignity, health, prosperity and hope, and their natural link with the vision of the ASEAN community were highlighted: (1) Humanity as a common value, (2) Principled humanitarian action as a distinct humanitarian response and valuable approach, (3) Partnerships as essential, and (4) Prevention of human-induced disasters as the preferred choice.

ASEAN nations and people are rich in humanitarian spirit and have deep experience, expertise and capacity in crisis management of all kinds. Engaging with ASEAN is, therefore, key to add its perspective to global debates on humanitarian affairs, to shape complementary approaches for the reduction of protection challenges around the world and to promote a culture of prevention.

Religious and indigenous traditions, including Islam, Buddhism, Christianity, Lumad and others have formulated, shared and promoted fundamental values and norms to protect lives, respect the environment, provide help to people in need, regardless of their background, both in times of peace and conflict in ASEAN contexts. Religious teachings, therefore, share many similarities with humanitarian principles and IHL rules. Convergences around universal principles such as "humanity" should be systematized, strengthened and maximized when addressing humanitarian challenges.

Humanitarian crises in ASEAN Member States, such as the tsunami in Aceh and the Marawi Siege in the Philippines, have given rise to faith-based humanitarian organizations that are motivated to take action because of religious imperatives. However, they often face

challenges when they adopt the principles of impartiality and neutrality in delivering assistance to people in need.

Confronted with the common notion that conflicts in Southeast Asia have a religious dimension, faith-based leaders concluded that intra-faith and inter-faith dialogues are actually the preferable means to promote common humanitarian values and to foster collaboration among different faith-based communities in order to address humanitarian challenges.

Humanitarian principles and IHL are also often perceived as western concepts, and are not easily understood by ordinary people in ASEAN. The principle of humanity, which is simple and universal in nature, underpins the teachings of religious and indigenous traditions which may be offered as an alternative framework guiding humanitarian action. Despite some resistance to adhere to them, in practice, these principles remain widely accepted and observed.

There is also the observation that during conflict and humanitarian crises, members of non-state armed groups and government security forces, particularly the lower-ranking troops on the ground, are often unaware of the role of humanitarian actors, as well as IHL norms, humanitarian principles and religious values. The need to step up information dissemination and education so that they are better able to appreciate and understand these principles is, therefore, necessary.

The ASEAN-IPR Symposium highlighted the importance to:

- harness interfaith initiatives across different sectors and promote common humanitarian principles;
- look at good humanitarian partnership practice demonstrated by faith-based and other humanitarian organizations from different religious and cultural backgrounds, which have expanded their networks and enhanced their cooperation with various stakeholders, including through mechanisms such as the Humanitarian Forum Indonesia (HFI);
- build relationships and establish trust among humanitarian actors, especially on the ground while humanitarian action is underway;
- alongside humanitarian actors, encourage governments and authorities to increase their efforts to disseminate IHL and humanitarian principles, including in peace time, to ensure preparedness and resilience within the communities; and
- In a context of increased religious polarization, ensure the preservation of a space for principled humanitarian action.

In terms of increasing the protection of vulnerable groups while addressing conflict and security - related challenges in specific settings, the discussions emphasized the following:



On the issue of health care:

This session was summed up with the statement that *“in a war without limits, the population pays the highest price.”*

The fluid and changing nature of conflicts and situations of violence, with their severe consequences, make conditions increasingly volatile for health care workers. The consequences of attacks on health care facilities have devastating effects, not only for patients under treatment, but also for communities who lose access to essential health care.

In recent years, health care facilities and workers, including military medical personnel and local volunteers have been increasingly targeted. Studies have identified that the top 3 perpetrators are international forces, state security forces and non-state armed actors. Attacks on health care facilities are either aerial or on the ground, with acts ranging from looting to killing, resulting in numerous violations of IHL.

The Symposium recalled the need to respect the United Nations Security Council (UNSC) Resolution 2286, which bans attacks on medical facilities and workers, calls for the protection of workers/facilities and provides for safe, unimpeded passage for medical and humanitarian personnel. Emphasis was also made on prevention efforts to support safe medical responses and the protection of medical practitioners in urban settings and conflict areas.


Speakers reiterated the call for better training, awareness and public education, as well as increased visibility of medical facilities. The need to consolidate efforts was also underlined in order to build a community of concern and foster a culture of prevention to better safeguard healthcare workers and facilities.

On children and education:

Participants were reminded of the importance of education in the Sustainable Development Goals (SDGs) and of education as a basic human right. The situation of children in armed conflict is, however, alarming as they are often out of school and far from achieving a complete education. The issue of child soldiers is particularly alarming. They are innocent victims trapped in difficult situations and are, oftentimes, recruited to form an integral part of the warring party.

The inspiring example of the Philippine Government’s efforts to make education accessible to all, including those in conflict areas, with quality education as a norm, was lauded, along with the positive approaches on access to education from Sekolah Cikal and Rumah Main Cikal (Indonesia), *Balay Rehabilitation Centre* (Philippines), UNICEF, Save the Children and ICRC.

A powerful statement was made that “no education” is far more costly than having a bad one. There was consensus that education is the best way to promote peace and prevent conflict, therefore, the necessity to start incorporating peace education in school curricula was underscored.



ASEAN is taking the issue of education very seriously, looking at root causes and moving forward on the issue of children out of school. It continues to strive against the severe consequences that can result from the lack of education - which eventually fuels the perpetuation of conflict across generations - and violations against children including sexual abuse or violent extremism.

There is no better choice than to fight disparities and poverty than with access to school in all contexts.

On the protection of vulnerable groups:

The session examined minorities/indigenous peoples (IP) and migrants in Southeast Asia as vulnerable groups. Indigenous peoples in conflict areas often face challenges to fully enjoy their rights, resulting in higher crime rates, violence, displacement, poverty, corruption and the like. The consequences of such vulnerabilities are handed down through generations in different parts of the ASEAN region.

Specific problems related to the issue of migration, particularly the missing and the deceased, as well as those in detention, should be addressed collectively. The ICRC, other international and local actors are working closely with relevant authorities and stakeholders, including within the Red Cross and Red Crescent Movement, to address these concerns and ensure the protection of vulnerable migrants.

On persons deprived of their liberty:

Persons deprived of their liberty face specific vulnerabilities, especially when confronted with situations such as overcrowding. Stronger partnerships between concerned stakeholders and governments are needed to improve the conditions of detention and the treatment of people deprived of their liberty.

The Symposium discussed extensively the ASEAN commitment to the SDGs, as well as international prison standards, legal frameworks and international conventions on human rights which have been ratified by Member States.

ASEAN was also encouraged to create a more cohesive and effective platform for exchanges on humanitarian responses that transcend disaster management. Enhancing data collection and analysis on protection - related concerns through the ASEAN Statistical Unit, was also mentioned.

Finally, it was proposed that ASEAN Member States explore mechanisms to adopt alternative measures to detention, such as "community care or service."

Beyond the all too frequent devastating news of hatred, violence and conflict in our world today, the Symposium gathered religious leaders, academics, humanitarian workers, legal and law enforcement officers, ASEAN officials, diplomats, health-care providers, educators and leaders of civil society organizations. Participants remained undaunted by the many



complex and brutal faces of war and conflict. Rather, they strengthened their resolve to uplift the human dignity and provide humanitarian assistance to vulnerable people.

Humanitarian actors agreed on the importance of more dialogues that could bring positive contributions in addressing humanitarian and protection challenges within ASEAN and the world that would lead towards conflict prevention, reconciliation, peace and stability.

Convergences between IHL, human rights and religious norms were affirmed, as well as the need to join efforts among key stakeholders to respect those rules surrounding human dignity and provide humanitarian assistance for those in need, whether in natural or human-induced disasters.

International and local organizations presented best practices to address humanitarian and protection challenges in ASEAN and called for other humanitarian actors to respond to crises by observing key principles of humanity, i.e. neutrality, impartiality, and independence.

Recommendations included the following:

1. Acknowledge the convergences that frame different humanitarian thoughts and actions to consolidate common efforts to provide humanitarian assistance to the most vulnerable, while avoiding duplications.
2. Build human connections and relationships to encourage cooperation among various stakeholders in the ASEAN region and beyond, through bilateral/multilateral discussions with concerned actors.
3. Adopt a comprehensive, multi-faceted grassroots approach in addressing contextual challenges. This could help ensure that the support is adapted to the actual needs of the beneficiaries (medical, psychological, legal, physical or economical) and that the assistance provided meets the circumstantial requirements.
4. Respect and adhere to international/regional agreements, standards and national laws, including local norms, when providing assistance to beneficiaries in times of armed conflict or other situations of violence. Emphasize the need to respect human rights, human dignity and provide appropriate capacity-building to relevant institutions, regulation enforcers, educators and social service providers in order to strengthen protection.
5. Encourage the ASEAN-IPR to play a role in increasing people's protection in national and transnational crises, through research, holding dialogues and concrete follow-up initiatives. ASEAN-IPR represents a platform where individuals from different backgrounds – whether humanitarian, governmental, religious or private – can come together to share perspectives on universal principles that transcend differences, joining in a culture of conflict prevention and reconciliation.
6. Encourage the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) to examine possible interventions in all types of humanitarian crisis, including human-induced disasters.



7. Systematize operational and thematic discussions with ASEAN Member States and bodies, such as the ASEAN Secretariat, ASEAN-IPR and AHA Centre to enhance coordination and further strengthen the discourse on key strategic issues in the region, in a timely manner.



Session I: Opening Ceremony

Welcome Remarks

MR. PASCAL PORCHET

Head of ICRC Delegation to the Philippines



Secretary Dureza, Excellencies, Ambassadors, Members of the ASEAN-IPR Governing Council and the ASEAN-IPR Advisory Board, dear representatives of ASEAN Member States, Ladies and Gentlemen.

On behalf of the ICRC, I would like to thank the Association of Southeast Asian Nations (ASEAN) and the Government of the Philippines for the positive dialogue and collaboration that led to this event. Particular thanks go to the Office of the Presidential Adviser on the Peace Process (OPAPP) and the Department of Foreign Affairs (DFA) which have been wonderful partners in organizing this milestone symposium on Strengthening Humanitarian Action in ASEAN. It is hosted by the ASEAN Institute for Peace and Reconciliation, the ICRC and OPAPP. I would also like to thank the Governments of Norway and Switzerland for generously supporting this Conference.

The ICRC sees the ASEAN-IPR as an important entity for the region - to research, build capacities and to network. It provides a platform where individuals from different backgrounds – political, security, humanitarian, religious, media, civil society, think tanks and corporate – have the opportunity to come together to share perspectives on universal principles, key issues and contexts. Such platform is more needed in today's world than it ever was.

We are committed to extend our full support to the ASEAN-IPR, which is in a privileged position to make valuable contributions to address humanitarian and protection challenges in ASEAN. Moreover, the ASEAN-IPR will actively contribute to regional and global efforts towards conflict prevention, reconciliation, peace and stability.

Let me extend our warmest congratulations to Ambassador Rezlan Jenie of Indonesia, for his nomination as the first ASEAN-IPR Executive Director, and thank His Excellency personally for his continuous support, wishing him lots of success for the exciting journey he is embarking upon with his team, the ASEAN-IPR and ASEAN.

Finally, I would like to highlight the importance of promoting respect for rules that preserve the human dignity of victims in conflict and other situations of violence, as well as the need to uphold the responsibility to act collectively. It is an immense pleasure and honor for me to welcome such a brilliant audience. We see this Symposium as a regional dialogue among stakeholders concerned with humanitarian access to people in need during complex emergencies, and as a contribution to conflict prevention in ASEAN.

Before opening the discussions, let me thank all panelists and participants for their readiness to explore International Humanitarian Law (IHL), humanitarian principles, religious norms and customary practices in ASEAN in order to address humanitarian and protection challenges.

I encourage your active participation on practical, legal, doctrinal and ethical aspects of conflict prevention and reconciliation which we will discuss during the first day of the Symposium. This should be a mutually beneficial engagement between humanitarian workers, religious scholars, legal experts, policy makers, armed forces, law enforcement authorities, researchers and other personalities in order to identify concrete challenges in contemporary conflicts and measures to address these challenges.

I further count on your valuable inputs and expertise on the second day of the Symposium, when we look at key issues relating to health care, children and education, the protection of vulnerable groups and persons deprived of their liberty.

I am confident that together, we will be able to agree on best practices and come up with a set of recommendations on which to work further in the coming months and years.



Please also note that the Chatham House Rules will apply for the duration of the Symposium. Therefore, all interventions made during the Symposium may be reported, but without explicitly or implicitly identifying the source.

Congratulating ASEAN for celebrating its 50th Anniversary, and for the remarkable role it played since its creation in maintaining peace across Southeast Asia, I would now like to give the floor to Her Excellency Andrea Reichlin, Ambassador of Switzerland to the Philippines, and His Excellency Erik Førner, Ambassador of Norway to the Philippines, and to my dear friend, Secretary Jesus Dureza, Presidential Adviser on the Peace Process, with again our deepest thanks for their support and cooperation. Thank you very much.



Opening Remarks

HER EXCELLENCY ANDREA REICHLIN

Ambassador of Switzerland to the Philippines



Honorable Secretary Jesus Dureza, Philippine Presidential Adviser on the Peace Process, and friend, Assistant Secretaries from OPAPP and the Department of Foreign Affairs (DFA),

Distinguished members of the ASEAN-IPR Governing Council, Advisory Board and Representatives of ASEAN Member States,

Dear Colleague Ambassadors,

Esteemed representatives from religious and indigenous communities,

Dear Pascal Porchet, Head of Delegation, ICRC Philippines, ICRC delegates from Geneva and the ASEAN countries,

Dear members of the national and international Red Cross and Red Crescent movement,

Dear representatives of civil society and academia,

Ladies and Gentlemen, good morning.

On behalf of Switzerland, I congratulate the Philippines and the ASEAN Institute for Peace and Reconciliation for joining their forces with the International Committee of the Red Cross (ICRC) for this Symposium – a novel initiative bringing together various stakeholders from ASEAN Member States.

For all of us living in Southeast Asia, diversity is a fact and a way of life. The ASEAN institutions are ideally placed to provide a framework of exchange for multi-stakeholder topics, such as

promoting International Humanitarian Law (IHL), humanitarian principles, religious norms and customary practices with the aim to support each other and share good practices. It is thus my pleasure to join the welcome of the other speakers this morning: Welcome to all of you to this exceptional event.

Humanitarian law and Switzerland are longstanding allies, and as the depositary state of the universally recognised Geneva Conventions, Switzerland has a long humanitarian tradition. If we look at the world around us, including this region, no one can doubt the importance and necessity of the conversations that will take place during the next two days.

In contemporary conflicts with their ever increasing complexity, so many lines are blurred and humanitarian actors are more and more at risk. Ladies and Gentlemen, IHL is not about abstract legalese but aims to provide concrete protection for civilians, humanitarian actors and the most vulnerable groups in conflict situations.

We congratulate the Philippines and ASEAN-IPR in gathering such an important audience for these two days. The conversations will hopefully allow you to identify the core issues and significance of IHL and thus enhance your ownership of the underlying principles. By contextualizing and detailing those principles, you will breathe additional life into them. As you embrace them, they will become more meaningful and relevant by sharing them with your communities with more conviction.

In the end, IHL is not applied because it is a system of law and principles, but because it represents values and deeds shared and accepted by the communities to protect the most vulnerable, the victims and those laboring in their support: the humanitarian actors. The discussions ahead serve to share language and best practices that will lead to a set of recommendations. We are looking forward to those deliberations.

In 2016, Switzerland partnered with ASEAN-IPR on the successful Symposium on Principles, Mechanisms and Practices of Peace and Reconciliation Processes. And now, as an ASEAN Sectoral Dialogue Partner, we are pleased to continue the tradition by supporting today's innovative joint undertaking by the Philippine Presidency, ASEAN-IPR and the ICRC together with the Government of Norway. I would like to close by thanking all ASEAN members for their commitment to peace, the respect of diversity and all their efforts to prevent conflict and suffering.

Thank you very much.



HIS EXCELLENCY AMBASSADOR ERIK FØRNER
Ambassador of Norway to the Philippines



Presidential Adviser on the Peace Process, dear friend, Honorable Secretary Jesus Dureza, Delegates of the ICRC led by Dragana Kojic and Pascal Porchet, ASEAN Deputy Secretary-General, His Excellency Vongthep Arthakaivalvatee, the ASEAN-IPR Governing Council led by Ambassador Elizabeth Buensuceso, Excellencies of ASEAN Member States, my colleagues and my fellow ASEAN dialogue partners, Ambassador Andrea Reichlin of Switzerland and Norwegian Ambassador to ASEAN Morten Høglund, members of the diplomatic corps, ladies and gentlemen, dear friends.

Let me start out by expressing my gratitude and appreciation to our partners in ASEAN, ICRC Switzerland and the Philippine government for putting this event together.

It is a great pleasure for us to be here today, to take part in this conference on humanitarian action in ASEAN. I am pleased to see so many colleagues and friends here, from the Philippines and from the region.

We live in the age of uncertainty, armed conflicts, violent extremism, climate change and pandemics – these all pose challenges to humanity. These problems extend beyond international and regional borders. International cooperation is more important than ever, we need more of it, not less.

ASEAN continues to play an important role in regional and global discussions that hope to develop responses to these problems affecting peoples' lives. This conference is just one of the many examples, adding inputs from recent political fora, such as the East – Asia Summit (EAS) and the ASEAN Regional Forum (ARF).

Norway is very pleased to contribute to this conference. As a new ASEAN partner, Norway wants to demonstrate its firm commitment to the region. We appreciate the close political dialogue in ASEAN on regional and global matters. We also want to continue to take part in substantial cooperation in the many areas of mutual interest.

As most of you already know, Norway has a special engagement when it comes to peace and development. I will briefly reflect why this is so. We start at the basic. We feel we have the responsibility to contribute where we can help. More importantly, we see clearly that it is in our interest to help prevent and resolve conflict.

The topic of this conference is very much in line with what has been one of the most distinctive aspects of the region: what we call the policy of engagement. Our global engagement embraces not only peace and reconciliation efforts but those of development, humanitarian aid, human rights, democracy; and all of those are linked together.

Norway wants to contribute to the strengthening of the global public good and safeguarding of the rule of law. The important part of this foreign policy is aimed at saving lives, alleviating poverty, reducing disaster risks, and protecting those exposed to conflicts and unrest.

The world is, indeed, becoming smaller. Our policy of engagement is also based on the understanding that what happens far beyond our borders are becoming more important to us than before. Conflicts and crises that are seemingly unrelated can now shape global development with direct or indirect consequences for all of us. As a result, the policy of engagement is more than fighting poverty, creating peace and helping democracies in other countries. But it is also about building the foundations for effective local governance and about safeguarding security at risk. Humanitarian policy is in fact in our own interest.

Here in the Philippines, Norway plays an active role in efforts to promote peace. Norway has been a third-party facilitator of peace talks between the Philippine government and the communist movement since 2001. Norway also supports the Bangsamoro peace process between the Philippine government and the Moro Islamic Liberation Front (MILF). To this end, Norway is the Vice-Chair of the Decommissioning Committee and has personnel on the ground responsible for overseeing MILF decommissioning efforts. We have also participated in the ceasefire monitoring through the International Monitoring Team (IMT).

Dear friends, we certainly live in challenging times. The crises we witness are complex and many. The global order built from the World Wars is being challenged. More than ever, it is required that we cooperate and to continue to serve humanitarian values.



I commend ASEAN for coming together to take part to discuss humanitarian law and action. And Norway is honored to take part in this discussion.

I wish you all a successful conference. Thank you very much for your attention.



KEYNOTE ADDRESS**SECRETARY JESUS G. DUREZA***Presidential Adviser on the Peace Process and Chair, ASEAN-IPR Advisory Board*

I intentionally left the copy of my prepared speech so that I won't read it, because I have heard the same messages from Ambassadors Reichlin, and Pascal Porchet already; so let me just greet and welcome everyone to this event. May I greet our Ambassador, Elizabeth Buensuceso, and our Chair of the ASEAN-IPR Governing Council? Thank you very much, Ma'am, for honoring our invitation.

Your Excellencies coming from the different ASEAN countries, our co-workers for peace, all those who have been helping humanity in their own capacities, especially the ICRC, who is actually the prime mover of this event. Pascal's office has been overseeing the preparations and making sure that there will be a good attendance. My thanks also go to the team of the Department of Foreign Affairs for their help.

Most importantly, I would like to acknowledge our ASEAN partners, who have worked to bring about a united ASEAN, opening up borders in trade and in relationships. However, with the current problem that we face not only in ASEAN but also worldwide, which is the emergence of violence extremism, I'm afraid that there are no more borders to contend with. We should be working as one in addressing this problem.

As we know very well, new technologies have emerged, making war a very good business and a very effective one, at that. We see missiles, smart bombs, drones and the like used to destroy buildings and kill people efficiently and quickly. Innocent civilians' lives are on the line and we have lost our humanity!

It is good and timely, as we celebrate the 50th anniversary of ASEAN, and the Philippines, as the Chair of ASEAN this year, to hold a forum, with the participation of the private sector and government, to address the emergence of violent extremism which knows no territorial limits at all, as we have seen.

The recent experience in Marawi, as you all have probably heard, is a very good learning experience for us. It is really an eye-opener and it shows us the tragedy of man's inhumanity to man and I think we can draw lessons from this so that we can better improve how we jointly handle similar situations that may even be bigger and more threatening.

Those who have attacked our civilian communities have no rules at all. They don't go by this so-called humanitarian law, human rights, nor do they have respect for non-combatants. There are no bounds as to what they do. We should realize that we need to confront this emerging threat to humanity by working together as one ASEAN, as one global community, in dealing with this new scourge that will probably engulf all of us if we do not open our eyes today.

Here in the Philippines, we continue to engage the different armed groups. As you know very well, OPAPP is mandated to continue the peace processes so, in spite of the challenging situation we are in, we continue to see to it that we do not end the conflict by war, by killing, by fighting, by the use of armed force, but rather, by addressing the root causes of conflict.

In the Bangsamoro peace process, we are still trying to make the ways and means to implement the Final Peace Agreement (FPA) that we had signed with the Moro National Liberation Front (MNLF) in 1996. We have also signed the Agreement with the Moro Islamic Liberation Front (MILF) and now we are at the process of putting in place a law that will implement this signed Agreement. Mind you, signing of agreements is not the end of the work. In fact, the bigger challenge lies in the implementation of the agreements that were signed.

With the Communist Party of the Philippines – New Peoples' Army – National Democratic Front (CPP-NPA-NDF), we continue to honor the agreement signed in 1998, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, or CARHRIHL, even though the talks are cancelled or deemed suspended. Just a few days ago, in Davao City, we launched the opening of the Mindanao station of the GRP Monitoring Committee that will monitor violations of human rights and other related issues in the hope that we can also hold the other party responsible and accountable.

So there are many ways for us to do things. We cannot be stymied even when the other side of the table is not willing to do their share. Hopefully, we will be able to get the other side



also to work with us, and we are not stopping in getting them to continue working with us. It is a tragedy that Filipinos continue to kill fellow Filipinos or people in other ASEAN countries killing their own nationalities. There is no point in allowing this to continue.

So our work now here, to discuss convergence for humanitarian action in ASEAN, is timely for all of us. Please bring your learnings and experiences to the table during this conference, so that we are able to fine tune our strategies and be better equipped to address emerging issues. There is a lot of work to be done and it is my hope that this occasion will provide another venue for all of us to come and put our heads and hearts together towards a more united ASEAN.

Thank you very much and welcome once again.



KEYNOTE ADDRESS¹**SENATOR RICHARD GORDON***Chairman, Philippine Red Cross and Senator of the Republic of the Philippines*

Ambassador Buensuceso, Assistant Secretary Andot, representing my good friend, the Secretary of OPAPP, to all the delegates and representatives of ASEAN, a very hearty *Mabuhay* and welcome to all of you. It is a great pleasure to see my good friend from Myanmar, Dr. Shwe, and all the others who are here.

As you know, the Red Cross/Crescent is far older than all of us, it is a hundred and fifty-four years old. We belong to a very strong society, I think it is the foremost supporter of humanitarian discipline, and I am proud to be a member of that.

I am also proud to welcome all of you here, not only because I was Secretary of Tourism once upon a time, but also as a Senator of my own country and Chair of the Philippine Red Cross. Thank you for coming to our country to attend this wonderful conference.

As you know the Philippines is no stranger to disasters and wars. We have had a series of wars here in the past. When we worked for our independence, we tried very hard to join the Red Cross movement. However, since we had not yet achieved our independence, we were not recognized although the "*Krus na Pula*" or Red Cross was already organized.

¹ This keynote address was delivered by Senator Richard Gordon during the reception dinner on the first day of the Symposium.

After World War II, we were finally recognized when we achieved our independence. That was in 1947, so we are 70 years old this year.

I am happy to tell you that the Red Cross movement here, working as an auxiliary of the government, has maintained its values. An organization with neither values nor respect for its values is bound to fail. I can tell you that the Red Cross/Crescent movement has succeeded immensely because of its dedication to its values. Not only is it in pursuit for peace, but certainly it is a strong advocate in making sure that those who are no longer able or disqualified from the conflict, either because they were wounded or imprisoned, are protected by us.

That is why when our own country was not ready to ratify the Additional Protocol I to the Geneva Conventions, as Senator, I authored the bill that was eventually enacted in 2010 as Republic Act (R.A.) 9851, or an Act on Crimes against International Humanitarian Law, Genocide and other Crimes against Humanity. Two years later, the Philippine Senate ratified the international treaty.

We are now the only country with two laws, one international and the other, the domestic law. I don't know of any other country that has two (2) laws. Indeed, the Philippines is a very strong advocate and leader in terms of humanitarian law and assistance and promoter of peace and human dignity.

Not only have we done that, but also, in a recent conference held in Nagasaki, Japan, the Red Cross movement showed its leadership in humanitarian values, and, once again, came up with a statement on the non-use, prohibition and elimination of nuclear weapons. One week after I got back from Nagasaki, the Senate passed Resolution number 349, "Expressing the Full Support of the Senate of the Philippines to the International Red Cross and Red Crescent Movement in Eliminating and Prohibiting Nuclear Weapons at the Global Level."

Again, it is a manifestation of our effort and contribution. Again the humanitarian movements, particularly, the Red Cross movement has worked tremendously well here.

When the other countries had a problem in Myanmar, I remember I was sent to represent the International Federation, perhaps because there was a misappreciation of the presence of the ICRC International Federation and other western to movement. Being a long-time leader in ASEAN, I spoke with then Minister of Foreign Affairs, Mr. George Yeo, the Minister of Defense and the Minister of Education of Singapore so that we could find a way to deliver the goods from Western countries through the ASEAN governments, as well as the ASEAN Red Cross and Red Crescent movement.

The Red Cross/Crescent movement stands ready to extend its hand of friendship at all times, not because we are better than others, but because we know that Red Cross society is a brotherhood and sisterhood of people who try to alleviate human suffering and uplift human dignity.



We thank the whole world for their attention on Marawi. Our government is quite careful in creating any violations of humanitarian law in the area, and for this, I am very proud of our military. Because I always dialogue with the Secretary of National Defense and Chief of Staff, the ICRC and the Philippine Red Cross were among the first to go into the area so we could help the people.

From day one, the moment the exodus from Marawi started, the Philippine Red Cross (PRC) and the ICRC were there together - serving coffee and hot meals on highways, receiving people in camps and providing clean water in camps that were established. We prepared packages for 10 thousand families, 10 thousand meals, and we provided clean water. Aside from food, we also provided psychosocial support, taking care to alleviate the suffering of families and restored family links for people who lost their way and were able to make sure that they were put together again.

This is a country that is intent on attaining peace and reconciliation. We try to make sure that, peace agreements, whether in Mindanao or with the NPA follows and adheres closely to our Constitution. This representation went directly to the MILF in Camp Darapanan, a few years back, without any escort and engaged in a dialogue with the MILF, who was then considered as the enemy of our country. We talked and agreed that so much blood has been spilled and treasure spent, and that it was time to talk peace.

We support the peace process because there are no Christians nor Muslims here, there are just human beings who want to have dignity; who want to help one another, especially when there is suffering.

That is why in ASEAN, we help each other, such as when there were disasters in Aceh in Indonesia and Thailand. In our recent problem, Indonesia sent a helicopter as well as a shipload of food. This is the beauty of ASEAN; it is really a brotherhood of countries. That is why I am so happy that you are all here to discuss and elevate the discussion on humanitarian vision towards peace and reconciliation.

ASEAN has found it so important that it created the ASEAN Institute for Peace and Reconciliation. That is something that, I think, we should all applaud. Because we are showing our definition, our identity as a people. Sometimes the world loses its identity because it is really fear that paints the picture of people, so to speak. It is up to the leaders like you to paint the picture of the kind of character and values that we must have. To do that, it is easier to talk peace and bring about peace and reconciliation, at all times.

It is in this spirit that I come here this evening and thank you all for coming to our country. I hope you have a good stay here, have a great discussion and dialogue. Don't leave here and forget what has been discussed. You know, I always tell my colleagues in the Governing Board of the International Federation of Red Cross and Red Crescent Societies in Geneva, in Congress or whenever I attend international gatherings, that I always make sure that I have something to bring home for my people - something that they can digest, something that



will change them and their attitude as well as invigorate and fill them with that kind of spirit that will cause unceasing devotion to peace, reconciliation and the humanitarian vision.

It is my hope that you also can bring this when you go back. It is my hope that you gain friends here for life and, at the same time, gain experience as well as learning, and to realize that we are acting together as one human race irrespective of what we believe in, of which God we worship, or which political side we are on. I hope that we never forget who we are, human beings who love another.

Thank you all very much.





Session II:

Protection Challenges Related to Conflicts and Communal/Ethnic Tension in The Region

The presentation and discussion was led by Ms. Dragana Kojic, Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva and moderated by Mr. Christoph Sutter, Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste.

MS. DRAGANA KOJIC

Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva

Your Excellencies, ladies and gentlemen, it is a great pleasure for me to be with you today in this regional symposium. Thank you all for coming, thank you all for filling this room with your commitment and concern for the topics that we will be discussing for the next two days.

I would like to extend my thanks to ASEAN, the Government of the Philippines, to the other ASEAN States, also to the Norwegian and Swiss Governments for partnering with the ICRC in this conference.

It is especially good to be working so closely with the ASEAN Institute for Peace and Reconciliation, which is a symbol of the great progress that ASEAN has made in forming a community of peace.

I would like to start by congratulating ASEAN on its 50th anniversary. ASEAN has achieved so much. You represent a wonderful community of nations based firmly on the values of different religions and the wisdom of many different groups and cultures. You are shaping a community of peace and prosperity, blessed with diversity, ingenuity, extraordinary hard work and the rich talent of clever and well-educated peoples.

This achievement is all the more remarkable when we remember where you started 50 years ago. For many who are present here today, memories might still be fresh of the people of the ASEAN community suffering the horrors of war in the past. Most of you will remember the long internal suffering brought about by the American War and your respective nations' struggles against colonial powers across Southeast Asia.

Many of your countries were ravished by war. Millions of your people were killed and hurt, their livelihoods destroyed. But you all won in the end and you have created ASEAN.

Only last month the Secretary-General of ASEAN came and spoke in Geneva, and his first point was, indeed, to be so proud of ASEAN's achievement in ending interstate armed conflict in the region.

He is right. ASEAN's example is extremely important today, when so many States are once again directly or indirectly engaged in international armed conflicts, especially in the Middle East, which as we all know is suffering so much.

With the wisdom of its 50 years, ASEAN is well placed to support peace in global fora and use its influence and experience to encourage international and regional efforts to reduce conflict and increase peoples' protection in armed conflicts.

Your region's great experience in disaster management and humanitarian relief also makes ASEAN a natural partner for organizations such as the ICRC, who are working with States to ensure principled humanitarian action, and protection of those in need around the world.

In many international fora where the ICRC works on humanitarian diplomacy with states, we have important contacts with ASEAN States. Last year, for example, Thailand, Indonesia and the Philippines each played critical roles in the diplomatic process leading to the Habitat Summit in Ecuador, which produced the UN's New Urban Agenda. Each of these ASEAN States worked closely with us to ensure that the issues of armed conflict, international law, displacement, urban violence and people's protection and safe access to basic services, secure their place in this international agreement.

This was ASEAN Member States' humanitarian spirit in action at the global level and we are deeply grateful for it! The important processes today, like the compact on migration and refugees, the renewed mechanisms of Agenda 2030 and weapons agreements, also benefit greatly from ASEAN's experience and expertise.

Now, what do we actually mean by protection? We mean, a human being who enjoys a quality of life with dignity, that is guaranteed by ethical, religious, humanitarian and human rights norms, or humanity at its best.

I can perhaps best illustrate the meaning of protection by describing the terrible reality of the many millions of people in our world who are not protected.

Every day, around the world, the ICRC sees people who are brutally disrespected, wounded, hungry, forcibly displaced, devastated by sexual violence, detained for long periods in overcrowded cells, reliant on badly damaged services which deliver dirty water, limited medical care, and no schooling for their children. We meet vulnerable people who are engaged in extremely dangerous journeys as migrants, in search of a safer and better place to live. We meet people who have lost their families and desperately searching for their missing relatives.



These people all need protection - the protection of the law, and the protection of the relevant authorities who are responsible for the way they are treated and for the basic services they need. These people also need all of us to reach out to them, to help them have their protection, and restore their lives to one of dignity, health, prosperity and hope. We also need hope; we are all human beings.

Today, I want to focus on four (4) aspects of protection and to think about the important place they have in the common vision of the ASEAN community. First of all, humanity as a common bond. Secondly, principled humanitarian action as a distinct and valuable approach. Thirdly, partnerships as essential to us all. And fourthly, prevention as the preferred choice for us all.

As we think together about these 4 challenges on protection for today, I ask you to reflect on the various protection crises that exist within ASEAN States and transnationally. There are areas of subnational conflicts that create tensions within ASEAN States. There are large transnational protection challenges around migration, terrorism and climate risk that affect the whole region and can render many people being extremely vulnerable. It will not help us to speak in detail of some national conflicts today. These are States' concerns. We in the ICRC would like to focus on the general concerns of conflict and protection in human society and the challenges to our work.

We are all human and we all struggle with the reality of conflict and violence in our personal and political relationships. All religions within ASEAN know this to be true. Each one of them calls us to seek the path which frees us from violence and walks us towards peace.

So, I will start where we all start - with humanity because we are all humans. The essence of the whole Red Cross and Red Crescent is driven by the fundamental belief in the value of every human life. This value is both our purpose and our first principle.

Whenever you meet a Red Cross or a Red Crescent person there should be fundamental focus on this goal and at least to prevent and alleviate human suffering wherever it may be found, with the purpose to protect life and health and to ensure respect for the human being.

The first statement of this commandment is universal when we regard all suffering equally. Suffering is always a challenge to us, for everyone, everywhere.

The second statement in our purpose has two (2) aspects. One is the biological and the physical protection of body and life. The second is more spiritual and biographical, it is about respect for the person and the importance of individual dignity as human beings.

This principle of humanity is shared deeply by States and peoples all across ASEAN. It is obvious that, reading the ASEAN Declaration, the ASEAN Charter and all ASEAN documents, that belief in the value of humanity is fundamental to your vision and your peoples.



Security, stability, peace, prosperity are good because they make your life better. You are aiming to create one caring and sharing community which puts the well-being, livelihoods and welfare of the people that is central to the ASEAN community-building processes.

We see the principle of humanity and protection alive in thousands of ASEAN communities every day - the state services, religious organizations, national Red Cross and Red Crescent Societies and community groups - as they help vulnerable people after disaster, migration, and violent acts. We also see compassion and solidarity. We see communities helping one another assisted by governments and international agencies. We see families reunited, medics caring for people, engineers keeping water flowing, people sharing food, prisoners visited. This is humanity in action. Indeed, the principle is very much alive in ASEAN!

Humanitarian services across ASEAN are frequently brought at the highest standards. The military forces of the ASEAN countries have a long history in engaging humanitarian operations at home and peacekeeping operations abroad. The humanitarian energy, commitment and cooperation in ASEAN States are striking. There is certainly an ASEAN way in developing the humanitarian missions.

The value we all place on humanity itself, across ASEAN and across the world, shows that any human life is precious and needs to be protected whenever and wherever possible. A commitment to humanity means a commitment to protection - protection of the human body and protection of human dignity. We know this to be true, but we also know that it is not the whole truth, because sometimes, we hate each other. People hurt us deeply or they destroy our peace and challenge our stability. Enmity is real in our world. Conflicts are heartfelt and fierce. We humans can be very violent.

This brings me to my second point about protection, the particular value of principled humanitarian action. Here, I will speak frankly about the unique practice of the ICRC. In the course of our history, the ICRC has developed a certain way of working which enables us to address all parties of armed conflict. We are not just committed to the principle of humanity, but also to the principles of impartiality, neutrality and independence. When enmity is strong, fighting is fierce, and the political stakes are high, the ICRC approaches all parties discreetly with the commitment to neutrality of action and transparency of operations. We talk with all sides and do not work behind anyone's back. We inform all parties about where we are working and what we are doing but we state confidentially about the things we see and discuss with each other.

Humanitarian dialogue based on confidence and discretion is essential to the way we work. In crisis, humanitarian access is essential. This means people's access to protection and to life-saving services, such as health, water and food. It also means access to vulnerable populations by impartial organizations, like ICRC, who can work with authorities to ensure that aid is being delivered on the basis of the needs of all.

Over the years we have found that these principles of humanity in action works well for states, warring parties and victims alike.



Our commitment to neutrality is written in our third fundamental principle. In order to enjoy the confidence of all, the ICRC may not take sides with hostilities or engage, at anytime, in controversies of political, religious or ideological natures. Our operational concerns and our public statements are only humanitarian and guided by International Humanitarian Law, the rules of war, universally agreed by States in the Geneva Convention and the Additional Protocols of 1977. Incidentally, these Additional Protocols, which are 40 years old this year, were direct results of the wars in your region and in other liberation struggles around the world in the 60's and the 70's.

New rules in these protocols emerged around the protection of civilians by setting clear principles to the conduct of hostilities, a clear distinction between military and civilian actors, proportion and precaution in attack and defense, as well as special care for women and children.

All these rules from the 70's bear the scars of suffering from several of your countries and are intended to prevent the indiscriminate and brutal conduct of war. ASEAN nations might, perhaps, be expected to champion these rules more than most because they are borne from your pain. So, with International Humanitarian Law (IHL) and with our commitment to neutral and impartial humanitarian aid, the ICRC has the unique role to play in the protection of men, women and children in armed conflict.

We play this principled humanitarian role in international and non-international conflict alike and stand ready to offer our services to all States, and to work with them on humanitarian diplomacy at the regional and global levels.

This brings me to the third point in my talk, and that is the importance of humanitarian partnerships. No single State nor humanitarian organization can solve humanitarian problems alone. Protecting people better today in times of conflict and crises needs humanitarian cooperation at the operational and diplomatic levels, as well.

ASEAN countries are now rich in community-based humanitarian actors, especially on disaster management. Humanitarian action is also finally decolonizing across the world. International organizations and non-government organizations (NGOs) need to work with national partners, and humanitarian response should be well-coordinated by States and relevant authorities.

In global humanitarian fora, the new policy of localization is now shaping humanitarian response. This is not only great work, but it is also a good idea. Humanitarian response in ASEAN States and other parts of Asia have often led the way in this new trend where national humanitarian capacity is emerging so strongly.

This is why the ICRC is so pleased to join in partnership with the ASEAN-IPR and the AHA Center. Both these regional bodies can play important roles to increase peoples' protection in national and international crises. The AHA Center plays a useful role in the situation in



Marawi where the ICRC is also at the forefront of humanitarian assistance through its offices in Mindanao.

The ASEAN experience is not confined to disasters and transnational challenges, such as migration. ASEAN States also have experiences of subnational conflict and communal tensions and have important experience and expertise to share on protection in these settings.

Later in the conference, there will be discussions on particular protection needs of internally displaced people, children, and people deprived of their liberty on the basis of detention. In each of these fields, the ASEAN experience can add great value to global policy-making and improve protection practices across the region.

Humanitarian response often functions more as an ecosystem rather than a single well-oiled chain. The principle of humanity calls many different groups to respond and play their part in protecting and assisting people who are suffering and are vulnerable. Faith-based organizations, businesses and neighborhood groups are often the first to reach out and respond when a state of humanitarian crisis hits the world community. This rich ecosystem in ASEAN needs to be celebrated and supported by government and international agencies. First responders are essential, as well as good humanitarian policies about achieving the right complementarity among local, national and international mandates and skills. The dominant phrase in the international fora at the moment is that humanitarian action should be as local as possible and as international as necessary.

The ICRC experience suggests that international action that is neutral, impartial and independent can be of great value to governments and vulnerable communities when tensions are high and aid is contested by different sides of the conflict.

Again, this kind of principled humanitarian action, working closely with relevant authorities, is the best way to ensure that people in need get access to protection, get access to basic services on health, food, security, livelihood, even power supply and education.

My final point about improving protection is to focus on prevention. The ICRC puts prevention at the heart of our mission. We work with all parties in the conflict, to create an environment that is conducive to the respect for International Humanitarian Law and the basic guarantees of human rights. This means supporting and giving advice to security forces, detaining authorities, and those responsible for facilitating humanitarian action to the civilian population.

Our prevention work functions on three legs. First is the real-time prevention on the ground. We work with relevant authorities to prevent violence and to reduce humanitarian consequences of armed conflict - displacement, detention and the use of force. Here we are focused on people's steady survival at the frontlines. Second is destruction prevention in which our teams work with authorities to support the supply of basic public services.



This ensures that vulnerable people have access to the means of survival and so prevents the collapse of infrastructure and services or the further deterioration in living conditions, human dignity and life chances. Here, the task is to move beyond aids and handouts to resilience, a policy insight and practical approach that was pioneered in Asian disasters.

Our third means of prevention is diplomatic leverage. This leverage is our network of 80 delegations around the world and our confidential access to state authorities and non-state armed groups to bring our humanitarian influence to bear on the conduct, policies and practices of all parties in this process.

ASEAN is well placed to support each level of prevention that I mentioned - so as to increase peoples' protection in all forms of crises. Individually, ASEAN Member States are often well placed to influence major actors on the ground and in high places in international arenas. As a group at the global level, ASEAN can use its influence and experience in the organization of states to engage in its own humanitarian diplomacy on major thematic issues.

Let me stop here and conclude, I hope I have given some insights in the challenges of protection and show how efforts to protect people better in crisis across ASEAN and beyond must be built on the four (4) foundations of humanity, neutrality and impartial humanitarian action, partnerships and prevention. I hope that these building blocks may help to frame our discussions over the next two days.

ASEAN nations and peoples are rich in the humanitarian spirit and have deep experience and expertise and capacity in crisis management of all kinds. All of us engaged in humanitarian diplomacy need ASEAN to add its weight in solving and reducing protection challenges around the world today.

Yours is a region that suffered terribly fifty years ago and has come through to shape strong, independent societies that are focused on peace and prosperity. The world will become a better place as ASEAN continues its influence to ensure humanitarian norms among its own States and in places which are today suffering from the same horrors of war that your own people experience before. The ICRC is honored and delighted to work with you in this Symposium today and in the years to come and always. Thank you very much for your kind attention.

Open Forum and Plenary Discussion

The moderator of the open forum and plenary discussion, Mr. Christoph Sutter, Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste, posed the following questions to the audience:

1. What do we see, as governments, to further strengthen the convergence for protection and people - centered ASEAN?
2. What would be the contribution of the ASEAN-IPR to strengthen people - centered communities living together in mutual respect and peace?



Ambassador Arisman, Permanent Representative of Indonesia to ASEAN

Thank you very much. I think we just listened to a lucid and interesting presentation from Ms. Kojic. We witnessed that there have been many conflicts in the ASEAN region. A key aspect of humanitarian action is accessibility, regardless of the structure of the humanitarian system existing in one country. That is why the vision of ASEAN to promote the level of development of ASEAN countries and be at par with the rest of the world is significant, because it seems to me that the level of development of one country has a tremendous impact, in terms of accessibility to humanitarian and basic services, including education, democracy, human rights and others.

Dato' Dr. Ahmad Faizal Mohd Perdaus, President, MERCY Malaysia

Coming from what was presented, what does ASEAN need to do as a collective to increase the level of protection in this region? I appreciate very much the Ambassador's comment on development. I think that it's a very important one, because we can talk all day about the goodness of human nature and interaction, but the reality is that the more developed you are, the more educated you are, the more open you are, the more democratic you are, the better everything else will be.

We appreciate very much that the ASEAN Secretary-General spoke in Geneva two (2) weeks ago, ASEAN is very good in delivering actions outside of the region. However, inside the region, there have been some success stories, but there have also been some failures. As an NGO, we are very interested and engaged in the movement for localization of aid. What is ICRC's stake/advice/counsel on localization when you meet with government/s in ASEAN? The mantra is "local always and international when necessary." Is that what you tell the governments in ASEAN all the time? We are very much interested to know that, because, if you do, then we think some of the problems that we're having in the region could be easily solved.

Ms. Kojic, Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva

Not only does the ICRC say that about localization, but we also show examples by working in partnership, in many countries in Asia, where we are present. We not only work with the national Red Cross societies, but also other local partners that provide expertise or additional support that can complement each other's actions.

Mr. Sutter, Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste

The fact that the ICRC right now is engaged in a very comprehensive dialogue with different institutions in ASEAN, is a living testimony that the current strengthening of dialogue can lead to purposeful actions and potential partnerships with ASEAN communities, Member States and its peoples.

I am quite optimistic about the future of this dialogue with ASEAN institutions that will actually result to stronger communities living in dignity and peace.



Mr. Pou Sovachana, Representative from the Cambodian Institute for Cooperation and Peace

I am really impressed with the four (4) aspects of protection mentioned. Without wanting to sound like an *agent provocateur*, I wish to discuss about the nature of engagement with the state and people. Usually, the state is difficult to engage with. Can you give some examples of how you engage, especially in the light of the situation of the Rohingyas in the Rakhine State?

You mentioned about ASEAN as a champion of peace and stability in its 50-year history. But there is also the ASEAN way, that is, the policy of non-interference and respect for sovereignty. How do you deal with this when a crisis has caused suffering? We all know that the statement from ASEAN on the situation in Rakhine came months only after the issue first occurred. It's good to help humanity, but are the States willing to do it? This position might come from the thinking that if they allow other actors to come in, it might create more problems. Can you give us some examples of how you deal with such issues?

Ms. Kojic, Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva

This is a very difficult question to reply to, but also a fair one. Governments can be difficult to deal with because, usually, they're dealing with political issues. In ICRC, we're interested in the humanitarian impact. We look at the needs of the people. With our neutral and impartial action, we try to convince the government about the added value of supporting and respecting all norms of International Humanitarian Law. It's not easy. It's always a process.

I'd also like to mention about the example that you raised regarding the issue in Myanmar and note that there has been progress with the government. There has even been space provided for humanitarian action and we appreciate that. We don't engage in political discussions; it's not up to us and it's not our business to discuss that, but when it comes to the humanitarian impact of different situations that we have seen across the world, this is where we step in and this is the approach that we apply.

Mr. Sutter, Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste

Just to add more information to the situation you were referring to, we've had positive and encouraging discussions in Myanmar. We see progress now and there are humanitarian responses that have been set up by the Myanmar Red Cross and the ICRC. We can also mention that there have been close dialogue and coordination with several governments of ASEAN, including the governments of Indonesia and Singapore. They have been helpful in supporting the humanitarian actions on the ground.

Ambassador Min Lwin, Permanent Representative of Myanmar to ASEAN

I would like to respond to the question of the gentleman from Cambodia. You are right that ICRC should be involved in humanitarian assistance in one country and engage the State and the people. I would like to say that the issue in the Northern Rakhine state is very complicated; it is a conflict between two communities. I'd like to be very clear that it has nothing to do with religion; it's not about Buddhists against Muslims. I am a Christian. In

Myanmar, we have communities with many ethnic nationalities. If the ICRC involvement is favorable to only one community, I'm sure the other one will raise its objection with the ICRC.

We have our Myanmar Red Cross representative here and I'm sure you are going to work with them. The feelings of people are very important to consider. On the part of the State, our Government has already announced and invited all humanitarian assistance to that part of our country.

Everyone is aware that there is the ASEAN Chair's statement issued in a side event at the UN General Assembly in New York, inviting the involvement of the ASEAN Humanitarian Assistance (AHA) Center to respond to this issue. As we are all aware, the AHA Center was created for natural disaster response and not for conflict. We have heard that the Center is already involved in the conduct of humanitarian assistance in Marawi. How far is the involvement of the AHA Center in Marawi? How does the ICRC see the role of the AHA Center, because it is mandated to respond only to natural disasters, but not in armed conflict? Do you recommend that the role of the AHA Center be transformed to provide all forms of humanitarian assistance?

Mr. Sutter, Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste

A guiding principle of ICRC is to have close coordination with the government of countries when providing humanitarian assistance to their people. The ICRC, of course, welcomes the support of the AHA Center or any possible partner to provide humanitarian response in conflict situations. It is for ASEAN Member States and Institutions to decide on what the role of the AHA Center should be. If it is decided to expand its role, the ICRC would be happy to lend its support and expertise in that direction.

Secretary Dureza, Presidential Adviser on the Peace Process and Chair of the ASEAN-IPR Advisory Board

Since Marawi was mentioned, let me inform everyone that the Philippine Government has created the Task Force Bangon Marawi (TFBM), which is a convergence of agencies to rebuild Marawi, take care of the displaced evacuees and to find out how we can move forward. But, I think it's worthy to mention that one of the important work we are doing in Bangon Marawi is not only to rebuild physical structures that were destroyed, but also to rebuild broken relationships that conflict always brings about.

Healing social wounds of the victims is a difficult thing to do. The social fabric that was torn by conflict needs a lot of work and we're working on that.

If we don't listen to their anger and pain, if there is no opportunity for them to undergo some kind of a "de-stressing process", they cannot return to their old selves again, it will be a step towards incubating all this anger and make them turn to violent extremism.



Mr. Kyaw Myaing, Representative of Myanmar to the ASEAN-IPR Advisory Board

Rakhine has been mentioned, I would like to give some of my views. First of all, I support what Ambassador Lwin has said, it's very complicated. If we are willing and eager to dump all the problems, accusations and criticisms on the present government, I don't think, as an outside observer, that it would be fair. The problem started even before the British came to Myanmar. The conflict has a very long and complicated history; and because two religious communities are involved, emotions are high.

If we look at the present situation, people have been talking about the empowerment of individuals. Most of the people in the world now have smartphones and it's very easy to set up YouTube channels I've monitored the internet and cyberspace and see that there's a lot of falsehood and hatred going on in the world, which is not conducive to peace. I would like to suggest to create more voices of peace and reconciliation in the internet and cyberspace.

Ambassador Buensuceso, Permanent Representative of the Philippines to ASEAN and Chair of the ASEAN-IPR Governing Council

People, and you, Mr. Sutter, have mentioned new mechanisms and developments in ASEAN in response to complicated crises and challenges that have come upon us today. I would just like to mention that, indeed, ASEAN, in its slowness, is developing new mechanisms, and one of them is ASEAN-IPR.

We are a fledgling organization. We don't even have a Secretariat yet. We've been operating on the basis of self-motivation from among the members of the Governing Council and the Advisory Board. We don't even have funds. Yet, this Symposium, gathering participants from all over the world, talking about humanitarian action in ASEAN, is living proof that ASEAN is evolving and developing new mechanisms. Despite the fact that we don't have resources, we have organized five (5) symposia, including one on the role of women in peace processes and reconciliation, mostly with the help of Norway and Switzerland, and also Japan. Thank you very much for your assistance.

ASEAN-IPR is a very new organization and yet, we accepted the challenge of talking about this sensitive, but very important topic of this Symposium, because we are responding to the challenges of the times.

On the role of the AHA Center, it is something new to us and we are responding the very best way we can. Yes, they were involved in providing humanitarian assistance in Marawi. This leads me to mention that ASEAN has different funds. One is called the ASEAN Development Fund which supports so many other causes. It is really very limited, and yet, despite its limitations, ASEAN responds to humanitarian crisis, such as the one in Marawi.

ASEAN also put up a fund on illegal migration. Right now, we have about \$800,000. It is a small amount, but it is an effort by ASEAN to converge to respond to these new challenges that are facing ASEAN right now, in addition to the traditional and non-traditional security threats.



Mention has also been made about the Ministers' statement in New York. I think ASEAN has been unfairly criticized for seemingly not responding to what has been happening in the Northern Rakhine State. I will tell you right now that the nine (9) Ministers closeted themselves in a room and agonized over how to help; and, of course, they have to do this in concert with one another.

I'd like to quote Minister Vivian Balakrishnan of Singapore, who is an ophthalmologist. He said, "As a doctor, I take care to make precise surgical incisions and not make the wounds worse." This is what ASEAN is doing; we are looking at the most precise way to address the humanitarian situation and the best way is to look at the people and find ways to help them without making the situation worse.

So, we are emerging, we are growing. Help us to become more responsive to the very complicated challenges that ASEAN faces and in the years to come.

Ambassador Hung Seng, Permanent Representative of Singapore to ASEAN

Just to take that point a little bit further, I think my Minister had also emphasized, that on that particular issue of the situation in Northern Rakhine, there was ASEAN consensus on, at least, three (3) very core issues. The first is that, the violence must stop. Humanitarian assistance must be conveyed to all victims without discrimination; and ASEAN should play a role, with the agreement that the AHA Center should be activated. I think it is important to look at the issue in its proper context.

I like the theme very much because it says strengthening convergences for humanitarian action in ASEAN. I must compliment whoever thought of this theme, with the emphasis on convergence, which implies the meeting of minds, approaches and objectives. In the next two days, when we discuss how to strengthen our collective action in this area, it is important to keep in mind the word. In this respect, the ICRC needs to be commended because you have been very careful in your approach.

Dr. Rahana, Conference Participant

I was a member of the Kofi Annan Advisory Commission that conducted a visit to Rakhine several years back to study the causes of the conflict that had been going on there. We found out that the conflict is very complex and goes back centuries. It is difficult to grasp, even for me, as a Myanmar national.

ASEAN has helped Myanmar in many of its disasters, particularly, during Cyclone Nargis, when the Myanmar Red Cross, which I headed at that time, worked with the government and the UN agencies to provide relief to those affected by Nargis.

However, the conflict in Rakhine is not the same as Nargis. The Myanmar Red Cross, together with the ICRC and IFRC are working together to provide aid to all people affected by the conflict in Rakhine. My advice to ASEAN, including the AHA Center, should it decide to undertake humanitarian mission in Rakhine State, is to work closely with the ICRC.



Mr. Chandra Yudha, Director of ASEAN Political-Security Cooperation, Ministry of Foreign Affairs of Indonesia

I just want to underscore that now that the ASEAN-IPR has already elected its new Executive Director, it can now move forward with the task to do research and analysis on peace and conflict prevention, strengthen local mediation capacities, taking advantage of the experiences of ASEAN Member States and bodies, and also taking into account the local wisdom, because, in the end we need to work with local people.

When the conflict in Northern Rakhine broke out, I was also bombarded with questions by the media about why ASEAN has not issued any statement. I told them there is a need to go beyond a statement and find the solution on the ground to resolve the conflict. I am happy that ASEAN has found a way to help and hope that steps towards the resolution of the conflict can be found.

Ms. Amina Rasul, Executive Director, Philippine Council on Islam and Democracy

I want to ask about the convergence between humanitarian action and the U.N. Instrument on the Right to Protect (R2P). We've had discussions about R2P with Muslim civil society organizations in Mindanao. Would this instrument be relevant to help the protection of communities?

Mr. Sutter, Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste

As a member of the team that helped organize the program for the Symposium, I can say that no formal link was made between the ASEAN Humanitarian Action and the UN instrument on the concept of the responsibility to protect. The latter can of course be a source of inspiration. We would welcome any contribution that would lead to additional convergence towards a more efficient and enhanced humanitarian action in ASEAN

Ms. Kojic, Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva

I hope that for the next two days, we can share about the rich experiences on protection efforts that are found in ASEAN. The ICRC, on the other hand, would be willing to share its expertise with the hope that the collective insights would lead to the formulation of appropriate recommendations to address the challenges to the protection of people that could be relevant within the context of the ASEAN region.

Ms. Husein, Vice-Chair, Muhammadiyah Disaster Management Center, Indonesia

I would like thank you for recognizing the convergence approach, particularly giving emphasis on localization efforts. I just want to share that for Indonesia, fourteen (14) faith-based organisations have banded together to work closely with our Ministry of Foreign Affairs in providing humanitarian action for people who are affected by the conflict in Northern Rakhine.

A new initiative was also born because local faith-organizations in Indonesia are now working in partnership with local organizations in both Myanmar and Bangladesh. I am



wondering if these new forms of partnership could lead to positive trends in the hope that ASEAN could be strengthened

Insp. Gen. Yohanes Agus Mulyono, Director, ASEAN Chiefs of Police (ASEANAPOL)

I can say that police forces in ASEAN now follow democratic principles and adhere to humanitarian law and human rights. The situation is definitely improving and there is now high level of awareness about human rights among law enforcement officers.

We are concerned, however, that some groups use the issue of human rights to advance their political and ideological agenda. We hope that we could arrive at the same level of understanding with mutual respect to international humanitarian law.

We would like to know more about best practices on protection of people and how humanitarian standards can be followed.



Session III:

Exploring Convergences Between IHL, Religious Principles and Customary Practices to Enhance Respect for Humanitarian Law

The moderator of the session, Mr. Rezlan I. Jenie, Executive Director of ASEAN-IPR, started with a summary of key points discussed during the morning session, which provided a good introduction on the issue. The ICRC also provided updates on the global humanitarian situation, the approaches and challenges encountered.

Executive Director Rezlan also identified key points which surfaced during the discussions:

- Majority of the conflicts that we have now in the world are happening in Muslim countries. The refugee crisis that we are witnessing now involves people from these countries fleeing their homes to find safety and shelter in other countries;
- Those involved in these armed conflicts are new actors – terrorists groups participating in the fight, and non-state actors acting like regular armies and occupying large territories;
- Development of modern weapons that are more dangerous and make the indiscriminate killing of people much easier; and
- Increased activities of humanitarian organizations in these conflicts help alleviate the suffering of the people.

Executive Director Rezlan encouraged the panel to go deeper on how to leverage the convergences on humanitarian action, specifically on the following:

- Exploring the convergence between IHL, humanitarian principles and religious principles and customary practices;
- Relevance of engaging religious circles and actors;
- Provision of humanitarian assistance by religious groups during crises; and
- Promoting IHL through inter-faith dialogue.

DR. AHMED ALDAWOODY

Legal Adviser for Islamic Law and Jurisprudence, ICRC Headquarters, Geneva

Good afternoon everyone, I am very pleased and honoured to be here today and very proud of the success of my ICRC colleagues in this region.

The title of my presentation today is, “Enhancing Respect for International Humanitarian Law through Islamic Law.”

Despite the atrocities committed by us since the dawn of history, humanizing armed conflicts remain a part of our innate human nature. Major world religions, cultures, legal traditions have attempted to restrain and humanize the use of force throughout history.

International Humanitarian Law or IHL, an “embryonic” field of Public International Law, has become the universally accepted legal regime for alleviating the suffering of the victims of armed conflict.

Established in 1863, the mission of the International Committee of the Red Cross (ICRC) is to protect the lives and dignity of victims of armed conflict and other situations of violence and to “prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.”

Since the 1990s, the ICRC has been engaging with Islamic institutions and scholars to support the protection and assistance of victims of armed conflicts in Muslim contexts.

It would be counterproductive to achieving the mission of the ICRC if universal humanitarian principles developed by earlier legal, cultural and local traditions are disregarded, out of the fear of undermining the universality of IHL.

Simply speaking, this would be, at least practically and pragmatically, impossible. More importantly, IHL principles are not in essence in contradiction with its preceding attempts by various legal, culture and local traditions. And therefore, on the contrary, I strongly argue that the universality of IHL will be reinforced by, first, explaining that its humanitarian principles and philosophy are universally intuitive. Second, stressing the fact that it is the most comprehensive/specialized and up-to-date legal regime that is capable of humanizing contemporary armed conflicts.

This means that religious principles and customary practice can play a significant role in enhancing the respect for IHL. In my presentation, based on my previous experience in academia and my current experience in the ICRC for the last year, I will share with you some thoughts on enhancing respect for IHL through the case of Islamic Law.

But, before I commence on this, I would like to thank the Symposium organizers for arranging this session and its insightfully suggested issues for discussion. More importantly, I would like to emphasize the great responsibility on our shoulders – the speakers in this session – to continue to contribute our respective expertise, regions etc. to enhancing respect for IHL. Failing to fulfill our shared responsibility means further suffering of current and potential victims of armed conflicts in this region and beyond.

It’s quite remarkable to see how seventh, eighth and ninth centuries Muslim jurists discussed, deliberated, negotiated and developed regulations on the conduct of hostilities of the



Muslims during both non-international and international armed conflicts with the same IHL objectives of alleviating the suffering of victims and protecting certain persons and objects.

Almost all comprehensive legal manuals of all the different schools of Islamic Law contain chapters on the Islamic Law of War and other directly or indirectly related issues. According to the Islamic *weltanschauung* or Islamic worldview, God creates humankind as His vicegerents on earth and entrusted to them with the mission of 'imrāh al-ard (roughly translated, creating civilization).

The Qur'an stresses human dignity (17:70; 2:30-33; 45:12-13) and human unity (4:1; 7:189; 30:22; 49:13), that is, all humans belong to the same nation or family. Article 1 of the Cairo Declaration on Human Rights in Islam, adopted by Foreign Ministers in the organization previously called as the Organization of the Islamic Conference, now the Organization of Islamic Cooperation (OIC), on 05 August 1990 reiterates the Islamic view as follows, "All human beings form one family, whose members are united in their subordination to Allah, and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, color, language, beliefs, sex, religion, political affiliations, social status or other considerations. The true religion is the guarantee for enhancing such dignity along the path to human integrity."

The Islamic influence is quite clear both on the thoughts and wording of this article. The point here is that religion, Islam, is stressed as the guarantee for enhancing human dignity. Partly based on this Islamic worldview and in a wider legal attempt to Islamically regulate all Muslims' actions, classical Muslim jurists impressively succeeded in providing a legal framework that humanizes armed conflicts through the following eight (8) principles:

1. Protection of civilians and non-combatants

Recognizing the fact that during wars, atrocities are committed against the most sacred of God's creatures, al-nafs al-bashariyah (human soul, i.e, human life), Islamic law makes it crystal clear that fighting is permitted only against enemy combatants. War in, and of itself, is against the very objectives of God's creation of humankind 'imrāh al-ard (creating civilization) and it is only permitted for defending the same objective. Hence, only defensive war is permitted in Islam. Civilians and non-combatants cannot be intentionally harmed during the course of hostilities. Therefore, several categories were specifically protected against any harm during the primitive war situation in the seventh century, which included women, children, the aged, the clergy, the 'usafā,' (slaves or people hired to do services for the enemy in the battlefield, but obviously do not take part in actual hostilities), the sick, the blind, the incapacitated, insane, farmers, traders, and craftsmen. However, any from such categories could lose the right of protection if they take part in hostilities. Retrospectively, this is a 7th century Islamic application of Articles 48 and 51(2) of the Protocol Additional I to the Geneva Conventions which call upon the parties to the conflict to distinguish between the civilian population and individual civilians and combatants.



Therefore, scripturally and distinctively, the IHL principle of distinction is recognised in the Islamic legal tradition since the seventh century.

2. Prohibition on indiscriminate weapons

To limit the effects of war and minimize the possibilities of endangering the lives of civilians and avoid the destruction of property, classical Islamic law placed restrictions on the use of certain methods and means of warfare. As for the means of warfare, classical Muslim jurists investigated the permissibility of using two (2) primitive and indiscriminate weapons, namely, mangonels and poison-tipped or fire-tipped arrows, because these may cause accidental harm to protected persons and objects.

3. Prohibition on indiscriminate attacks

Regarding the methods of warfare, classical Muslim jurists also discussed the permissibility of two (2) methods of warfare that could result to indiscriminate killings of protected persons and causing damage to protected objects, namely: al-bayāt, which means attacks at night; and al-tatarrus, which means shooting at human shields. Simply because these two (2) methods of warfare, shooting at the enemy at night during the 7th century and shooting at the human shield could cause incidental harm to civilian persons and objects.

It is important to mention here that classical Muslim jurists developed contradictory rules regarding the permissibility of the use of primitive methods and means of warfare, as a result of the balance and/or struggle between the humanitarian principles of distinction, proportionality and precaution with the principle of military necessity.

4. Protection of property

Stemming from the Islamic view that everything in this world is the Almighty's, any wanton destruction during the conduct of hostilities is totally prohibited in Islam.

The eighth-century jurist, Al-Awza'i, emphasized that "it is prohibited for Muslims to commit any sort of takhrīb, wanton destruction, during the course of hostilities in enemy territories." Such destruction was forbidden because it constituted as the crime of terrorism does under Islamic law. The criminal act described metaphorically in the Qur'an as *fasād fi al-ard* (literally, destruction in the land). In other words, this *fasād fi al-ard*/wanton destruction is a heinous crime because it is against the very objective of God's creation of this universe, *'imrāh al-ard*. However, classical Muslim jurists did not develop specific punishments for the perpetrators of the crime of wanton destruction of enemy property during hostilities.

5. Prohibition of mutilation

Islam prohibits mutilation and considers it a sin and a disgusting act because it constitutes a violation of the human dignity bestowed by God on all humans as stressed in the Qur'an which reads: "We have honored the children of Adam." Qur'an 17:70.

6. Treatment of prisoners of wars

Concerning the treatment of the prisoners of war during captivity, Islamic law guarantees humane treatment and that shelter, food, drinks and clothing must be provided to them. During captivity, members of the same family should not be separated. Cruel treatment or torture of prisoners of war to obtain military information is prohibited.

But classical Muslim jurists differed on the Islamic position on the termination of captivity. While a group advocates that they are to be set free graciously or in exchange, others put their fate in the hands of the head of state who is to decide what serves the best interest of Muslims whether setting prisoners of war free, executing some or all of them, enslaving and/or exchanging them for Muslim prisoners of war for money.

7. Quarter and Safe Conduct

The *amān* system (quarter and safe conduct) proves beyond doubt that fighting in Islam is restricted only to enemy combatants during hostilities. In the case of quarter, if during the hostilities, enemy combatants ask for a quarter verbally, in writing or even through a gesture, then they have to be protected until they return to their home country. Partly similar to the *hors de combat* status, the rationale behind the *amān* system in the words of classical Muslim jurists is *haqn al-dam* (prevention of the shedding of blood, protection of life). Safe conduct refers broadly to any non-Muslim nationals of an enemy state who temporarily live or visit the Muslim state for business, tourism, education or other peaceful purposes.

They also receive the same protections and enjoy certain rights and are exempt from the payment of taxes unless they decide to stay in the Muslim state for more than four months, according to the Shāfi School of law or for more than one year according to the other schools.

8. Human Dignity

Human dignity is God's bestowed right and this dignity must be protected whether a human is either alive or dead.

Prophet Mohammed instructed Muslims to avoid deliberately targeting enemy combatants in the face as a sign of respect to human dignity. Based on the tradition of Prophet Muhammad, Muslims must return the dead bodies of the adverse party and if they do not take them or bury them, then it becomes an obligation on the Muslim army to do so. This is because if Muslims do not bury the dead bodies of the enemy, the bodies will decompose and will be eaten by beasts which, in any of these two cases, will be tantamount to mutilation, the Andalusian jurist Ibn Hazm (d. 1064) affirmed.

This brief presentation shows the compatibility and complementarity between IHL and Islamic legal humanitarian framework. Understandably, because of pragmatic considerations, classical Muslim jurists tried to ensure that the humanitarian restraints



on the use of force would not lead to the defeat of Muslims in war. These result in a host of contradictory rules in many cases, between those jurists who gave priority to humanitarian imperatives and to those who give priority to winning the war, even if the protection of certain persons and objects would be threatened. Any casualties in such cases where this protection is threatened is justified as collateral damage or because of military necessity.

Many people feel more bound than motivated to follow their own religious and indigenous traditions and Islamic law is a prime example. If a certain group of arms carriers attempt to limit their use of force on the basis of other traditional frameworks which do not violate IHL, they should not be discouraged to do so. This may be the most effective means of achieving the objectives of IHL, through alternative frameworks to which a group is willing to adhere and respect. Recognizing however the challenges this might present, due to the fact that not all frameworks are necessarily identical or in complete compliance with IHL. Therefore, coordination is necessary with concerned parties to ensure that within these alternative frameworks, no violations of IHL are subsequently endorsed where some contradictions may occur. However, despite the potential of some areas of divergence with IHL, the Islamic legal tradition will continue to be used, regardless of whether we choose to engage with it or disregard it. Therefore, it is imperative that we recognise and interact with this rich body of law in order to prevent its abuse, a price that we cannot afford to pay.

In conclusion, echoing President Obama's view of his faith as "an active palpable agent in the world", I believe that every religion, culture, ideology, set of beliefs or ways of life, should take part in the human endeavor to make the world a better place. In the words of the Michael Jackson song, "build a better place for you and for me, and the entire human race," or to fulfill the mission of *'imrāh al-ard*, according to the Islamic worldview. Thank you.

DR. HILMAN LATIEF

Deputy Rector, Faculty of Islamic Studies, Muhammadiyah University of Yogyakarta, Indonesia

Islam, Customary Practices and Humanities Principles

Assalamualaikum Warahmatullahi Wabarakatu!

I would like to share my thoughts about the convergence between IHL and Islam in the Indonesian context.

More than 80% of the population in Indonesia are Muslim and it is the world's largest Muslim country. Lately, Indonesia has witnessed an unprecedented development of humanitarian NGOs, especially Muslim NGOs working on a wide-range of post-disaster social development projects. Starting from the disaster that took place in Aceh in 2004 and 2005, there is a new



consensus within Muslim communities and Muslim organizations about their role in society especially in disaster - affected spots.

Before that, it was hard to find any Muslim humanitarian organization in Indonesia. But after the tsunami in Aceh, Muslim NGOs and humanitarian organizations flourished in the country.

The task of these philanthropic or humanitarian associations in Indonesia is to deliver aid. They collect funds from society and run development projects in the communities and neighborhoods. But now, they are attempting to expand their roles by engaging in humanitarian relief, not only in areas affected by natural disasters, but also in armed conflicts.

If we look at the history of Indonesia, when President Suharto stepped down in the 1990s, we faced a lot of communal conflicts taking place in some regions such as Moluccas, Borneo, Aceh and others. At that time, to my personal knowledge, there were only a few organizations involved in humanitarian activities in those affected areas. It is, therefore, surprising that after the tsunami in Aceh, the situation changed considerably.


In 2013, we organized a workshop, in partnership with ICRC, inviting some Muslim scholars from Indonesia, Malaysia, Philippines and Thailand to share their knowledge about humanitarian principles and how they formulate the Islamic perspective of humanitarianism. What is interesting, is that, fundamentally speaking, there is no gap between the Muslim perspective and international humanitarian principles, despite the fact that in Muslim societies or even within Muslim organizations, we don't have a precise code of conduct that can be practically implemented in the field.

From this, we can see that there was a change in the Muslim perspective of humanitarian principles. They are no longer limited by a narrow perspective, but opened up to concepts and principles introduced by the international community, including the ICRC.

It is interesting to note that years after the tsunami in Aceh, the collection of *zakat* - which is the voluntary giving in Muslim societies where everyone is obliged to pay 2.5% of their income; and *sadaqah* - which is the concept in Islam where everyone can contribute some portion of their wealth for the sake of humanity, increased in comparison to the donations coming from the international donors.

This is not surprising when we see the increase in the number of Muslim philanthropic and humanitarian organizations in Indonesia.

There were issues raised by the communities when we discussed humanitarian principles. First is the gap between the west and the Muslim world. Conflicts that are taking place in Muslim countries and the role of the United States and some European countries in the Middle East, became part of this discussion. Questions were also raised on the meaning of the universality of humanitarian principles and how these concepts could be translated in religious communities. The ideas of neutrality and impartiality were also discussed.



An idea that we have explored is the concept of citizenship. In Muslim communities, we have the concept of umma and there are different interpretations on the meaning and scope of umma, which we could relate to the concepts of neutrality and impartiality.

Muslim scholars have also introduced the concept of maslaha, which means public benefit, a concept found in the Shari'ah, or Islamic Law. Related to this are the concepts of masalih al-'ibad (the welfare of people) or al-maslaha al-'amma (the common good). I have observed that members of Muslim philanthropic and humanitarian organizations often refer to one Hadith (or teachings of the Holy Prophet) that reads, "The best human being is one that serves humanity." However, we need further interpretation of how they translate this teaching into action.

I have mentioned before that the number of Muslim philanthropic and humanitarian organisations, with the task of collecting funds, helping communities and delivering aids to disaster zones, have increased over time. Some research suggest that their numbers have reached over one hundred thousand (100,000). There is a vibrant engagement in Muslim communities on the matter of humanitarian action in the field.

There is a new discourse, not only the level of substance and principles, but rather, on the use of symbols. For a long time, Indonesia has adopted the symbol of the Red Cross since the Dutch colonisation and continued to do so, even after independence. At the grassroots level, however, there is a demand to change the symbol. We found that communities and organisations have adopted symbols that are similar to the Red Crescent. The Minister of Foreign Affairs, who in the past, prohibited the use of the Red Crescent as symbol, is now open to the idea, at least informally.

How do we reconcile/converge Islamic principles and IHL? Muhammadiyah, which is an Islamic humanitarian organization, has made the effort to mainstream the SDGs into our activities. We reconcile the goals and targets of the SDGs with the eight (8) zakat beneficiaries. From this, we see the convergence between religious teachings and international humanitarian standards and translate these in great detail, the output of which becomes the code of conduct to which everyone can refer. Beyond this, it is hard for the communities to understand what IHL is and how it can be translated into practice.

VENERABLE DR. PHRAMAHA BOONCHUAY DOOJAI

Lecturer, Mahachulalongkornrajavidyalaya University, Chiang Mai, Thailand

I think you are aware that in our region, particularly in the Southeast Asian mainland countries such as Thailand, Laos, Cambodia, Myanmar and also Viet Nam, the religion of most of the population in these countries is Buddhist. This morning, we mentioned about the conflict in Rakhine. In the southern part of Myanmar, there are the Karen Buddhists who have conflicts with Christians living in the area.

In my presentation, I will refer to Buddhist principles and its convergence with IHL. There are cases of violence cited in Buddhist scripture. One is about King *Vududabbha*, which started

out as a criticism against him for not being born as a member of the King's family, so fighting ensued after that. The other case is about the fighting among Buddha's relatives over water for agriculture, where Buddha had to intervene to stop the fighting. There is also the history of King Ashoka who tried to conquer India.

Upadana (Clinging) relates to violence: there is *Kamupadana* (sense-pleasure clinging), *Ditthupadana* (wrong-view clinging), *Silabbtupadana* (rites and rituals clinging); and *Attavadupadana* (self-doctrine clinging). There is an interdependence of these clinging types - from self – doctrine clinging to the wrong view clinging that stems from two types: (1) rites and rituals clinging and (2) sense pleasure clinging.

In Buddhism, all things are equal in terms of suffering; we are also equal in having the ability to free ourselves from suffering.

Buddhist morality is based on principles, not rules. Buddhist principles are those expressed in the five (5) precepts and the four (4) immeasurables.

The five (5) Precepts are the following:

- to abstain from taking life;
- to abstain from taking what is not given;
- to abstain from sensuous misconduct;
- to abstain from false speech; and
- to abstain from intoxicants as tending to cloud the mind.

The Four (4) Immeasurables in living harmoniously in society are: 1) loving kindness, 2) compassion, 3) appreciative joy, and 4) equanimity. Buddhist principles also include fairness, gentleness, mercy and tolerance.

The four (4) Principles from Saraniya Dharma, which could be applied into our own customary practices are the following:

- ✓ Everyone should act, speak or think with loving kindness, wishing goodness and prosperity towards one another;
- ✓ Each one should help and support one another, collaborating all benefits so that all works could give success to yourself, others and the nation.
- ✓ Everyone should live and act honestly, within regulations, conventions and orders in the equal way for all.
- ✓ Each one should try to correct his/her own opinion to always be righteous and reasonable.

There is a common misunderstanding when it comes to war and being a warrior. It was widely believed that, if you were a warrior, you would go to heaven. The Buddha himself explained that there are only two ways for you, if you are a warrior: either you go to hell or are reborn in animal form.



Then, there are verses in the Dhammpada on how to deal with violence:

- He abused me, he beat me. He defeated me, he robbed me. In those who harbour such thoughts, hatred never ceases;
- He abused me, he beat me. He defeated me, he robbed me. In those who harbour not such thoughts, hatred finds its end;
- At any time in this world, hatred is never ceased by hatred, but through non-hatred it ceases, this is an eternal law;
- There are those who do not realize that one day we all must die. But those who do realize this settle their quarrels.

On the relevance of engaging with religious circles and actors, let me refer you to Buddhadasa, the most prominent Buddhist scholar in Thailand, who expressed the three vows or resolutions:

- 1) "To do everything in my power is to help others to realize the heart of their own religion;"
- 2) "To work for mutual good understanding among the religions;" and
- 3) "To cooperate in dragging the world from under the power of materialism."

On humanitarian assistance by religious groups during crises, we conducted intra-faith dialogues on Buddhism majority and minority coexistence in Thailand. This was organised by the Institute of Human Rights and Peace Studies in Mahidol University with the support of the Swiss government.

On promoting IHL through interfaith dialogues, if you look at Buddhist scripture, you will come across a place called Mallikaram, where people of different beliefs at that time, 2600 years ago, came together for a discussion. We also conducted peace education founded on Theravada Buddhism. We try to bring together Buddhist scholars coming from different countries to cull out Buddhist principles in peace education.

In my own work, we have the Interfaith Network on HIV/AIDS in Thailand and the Thai Interfaith Foundation for Social Development. The latter is a collaboration of people coming from different faiths – Buddhists, Christians, Protestants and Muslims, to work together to respond to the development needs of people.

MS. NORMA MAPANSA GONOS

Former Director, Institute for Indigenous People's Education, Philippines

To Draw the Line of Convergence between IHL: Respect and Recognition of Indigenous Peoples' Humanitarian and Religious Beliefs and Customary Practices

At the onset, let me greet you with peace and a good afternoon. It is indeed a pleasure and an honour for an indigenous person like me to be invited to this prestigious forum.



My presentation is rather based on actual knowledge as an indigenous person who, through the years, has been involved in the settling of disputes, working for the recognition of indigenous peoples' rights and helping the government bridge relations among communities to participate in peace and development processes. In passing, let me just cite some of the international instruments and local laws that recognise the rights of indigenous peoples

The indigenous peoples of the Philippines are interconnected with other indigenous peoples in the globe through the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. We also have the International Labour Organization's (ILO) "Tribal Peoples Convention No. 169 of 1989, that also recognizes the rights of indigenous peoples.

The local law - the Indigenous Peoples Rights' Act (IPRA), which was enacted ten years ahead of the UNDRIP in 1997, is known as the only local law in the world that comprehensively recognises the rights of the indigenous peoples to: a) ancestral domain, b) cultural integrity, c) self-governance and empowerment and d) social justice and human rights. These are the four (4) bundles of rights, but each of these bundles contain rights within. As an example, the right to ancestral domain includes the right to natural resources and everything that can be found within it.

What indigenous customs and practices can we draw convergence with international humanitarian law? Since I am only one out of the one hundred and ten (110) tribes among the indigenous cultural communities in the Philippines, I will mention only those of my tribe, which is Mandaya, and the terms referred to by the eighteen (18) major tribes in Mindanao. Rest assured that we may differ in culture and language, but we share very similar humanitarian principles and practices to uphold human dignity.

First, let me refer to respect to kawtawon (human dignity) and the nation or banwa, inged or bangsa. Every human being is sacred and everything that gives and sustains life is Magbabaya's ininang (God's creation). The human being is the most sacred of all God's creations and is assigned in each of our banwa, inged, bangsa (place/or nation).

How do we interrelate with the environment and other people? What is our view on land and the sanctity of life? We believe in Magbabaya, or in the other tribes Manama, Telus or Kabunyan - the giver of life and God of all creations. Life is a gift for us; thus it has to be protected and nurtured so that man will grow up believing and respecting the giver of life. As with life, we value so much the importance of land. Land is a gift from Magbabaya. We are all interconnected with the land, environment and ancestral domain because this defines our integrity as people. Without that, there is no culture to talk about; and without culture, our race will vanish. Land, nature and ancestral domain are not commodities for the indigenous peoples. These are conserved and protected for the sugno (coming generations) because we owe that to them and that is the only way our race will thrive and flourish.



Our spirituality is intertwined with the understanding of everyone's responsibility to the coming generations. Cruelty to the environment and people are prohibited. We do not get what is more than necessary to sustain life; doing so is an act of cruelty and gluttony, so it is not pleasing in the eyes of God.

Next is on respect for individual and community properties. We believe that all *ininang* (creations) around human beings or the environment have spirits, and thus, deserve respect. This is apparent in rituals or in simple gestures of asking the spirit or deity to allow their use or ask for forgiveness for transgressing the sacred grounds. We believe all *ininang* found in our environment have spirits.

Our life is engraved in our fabric. We carry the representation of the environment in our dress, woven fabric and rituals. It is forbidden to take away what one does not own. When it is inevitable to take, as in the taking of food in the farm where a conflict is taking place, the same must be replaced in its form or in its equivalent. Replacement and restitution should be more than the number of what is taken or damage done.

On dealing with *Dagsa sam Banwa* (stranger to the place), *Dagsa* is a general term for somebody who enters the community or group, from an unknown place or group of people, whether as a captive or as a hostage or with the intention to transgress the community as a result of conflict and war. This person must be accorded with basic needs. Whoever finds the *dagsa* must turn the person over to the community leader for safety and find out the reasons why he became a *dagsa*.

On respect for territories and boundaries, every member of the community observes each of his/her *paglikdan* (boundaries/territories), and is responsible for making sure that these boundaries are observed and respected. It is important to respect or uphold *kabu-ut* (good relationship).

On justice system and conflict resolution, there is no conflict that a *Mangkatadong* cannot resolve or settle. The *Mangkatadong* for our community is the elder or leader, but in other communities in Mindanao, they are called *Timuey*, *Igbuyag*, *F'lung Hawudon* or *Datu*. The *Mangkatadong* follows the indigenous justice system, the *gantangan*, *palabiyon woy gantangan* and *kesefanangwit*. This means that the penalty to be imposed must be commensurate to the offense committed. The degree of offense may be classified as major and minor, but both can be a cause of capital punishment if justice is not carried out immediately, wisely and justly.

When erring parties belong to the same community, the *Mangkatadong* of the guilty party takes the first step to assume the responsibility by sending an emissary to the *Mangkatadong* of the aggrieved party to prevent war.

Sincere repentance, immediate acceptance and a sincere gesture of reconciliation are big factors to end the conflict and settle the dispute. Offenders are always expected to tell the truth, because it is only the truth that will save him from capital punishment of death. In case

of punishment of death, it will be done in a strict consultation with the family. But nowadays, the resort is to go to court because of available laws recognizing the indigenous justice system, which is also enshrined in the IPRA.

When erring parties belong to different communities, the Mangkatadong or Datu in each community involved in the conflict should make the first step to sit down and dialogue, because that is the indigenous way of settling the conflict – we sit down and hold a dialogue first before going to war.

The administration of justice by the Mangkatadong, Timuey, Igbuyag or Datu carries with it the process of healing of both parties. A corresponding ritual of Sapa is done where both parties make promises to Magbabaya, God of justice, not to commit the same mistake to anyone and not to offend any person or the same person again. This carries with it an expression of total cleansing and forgiveness. The Sapa is a sacred vow or promise that cannot be broken, as it has already restored sacredness and wholeness of life of both offender and the offended party. Once this promise is broken, it shows the offender is already willing to take the capital punishment of death.

Since time immemorial, the indigenous peoples' responsibility is to take care of their banwa, especially women, children and the territory. We also have community properties, which will cause conflict if these are taken without free, prior and informed consent (FPIC).

To conclude, I wish to underscore the importance of drawing convergences and the need to respect indigenous culture and make the conscious effort to stop waging wars in the indigenous cultural communities so that we are not displaced or dislocated. It is also important to recognize the indigenous political structures and to emphasize that we sit down first for dialogue before going to war.

Thank you for the sharing this afternoon and for understanding that, we too, as indigenous peoples, contribute to the weaving of the entire fabric of international humanitarian law.

MOST REVEREND FERNANDO CAPALLA²

Former Archbishop of Davao, Founder and Co – Convener of the Bishops Ulama Conference (BUC), Philippines

Relevance of Engaging Religious Circles and Actors

In a 2015 statement on the 70th UN anniversary theme “United Around Humanity”, the President of the International Committee of the Red Cross (ICRC) said he saw humanity wonderfully expressed during and after physical calamities, and promised to promote it in the ASEAN region and beyond.

² Speech read by the Moderator

My brief presentation will show that humanity can also express itself in other situations, other than during the devastating effects of calamities in the environment. As examples, I will present two region-wide projects of the Bishops-Ulama Conference (BUC), a prominent religious circle in the region of Mindanao, Southern Philippines. This 21 year-old group is composed of 24 Catholic bishops, 24 Muslim ulama and 18 Protestant bishops and pastors.

The bishops and ulama agree with the organisers of this Symposium on the relevance of engaging religious circles and actors toward respect for humanitarian law.

Our first example was a professionally-done series of consultations involving more than 5,000 individuals which we called Konsult Mindanao (KM). We launched it towards the end of 2009 till early 2010 at the request of then Philippine President Gloria Macapagal Arroyo.

The KM team was composed of academicians and professional researchers from Catholic, Muslim and Protestant universities, some of whom are indigenous peoples (IP). In hundreds of focus group discussions, participants were asked to answer four (4) questions: 1) What is your personal idea and experience of peace? 2) What can you recommend to the peace panels of the Philippine Government (GPH) and the Moro Islamic Liberation Front (MILF)? 3) What is your broader idea of peace for Mindanao? and; 4) What can you sacrifice for or contribute to peace in Mindanao?

After analysing and interpreting the responses from the group, KM came up with a book entitled, "Voices, Values and Visions: Peoples' Peace Platform for Mindanao."

The entire process was an expression of humanity's desire for peace, their joy in being consulted, their enthusiasm in mutual collaboration, their respect for ethnic and religious differences; and, on the part of the academicians and researchers, their gratitude for newly acquired skills for dialogue.

Another example of a peace-loving humanity in action is the Mindanao Week of Peace (MWP). By engaging all religious circles of Christianity and Islam in the region and their respective leaders, we began holding this event in 1998 with the encouragement of then President Fidel V. Ramos. In a presidential directive he asked all local government units, churches, schools, NGOs, businesses, the military and police, as well as media, to coordinate with the Bishops-Ulama Conference (BUC) in the celebration. The response was unprecedented and overwhelming. It seemed that all public and private institutions throughout Mindanao actively participated as parades, symposia, church rituals, mosque sermons, peace tree plantings, art exhibits, new peace groups and the like mushroomed as expressions of people's human desire for peace. This was done without difficulty because all Christians and Muslims are widely spread in the region and are members of our respective communities.

The peace week started from the last Thursday of November, and this was fixed henceforth. Months before the event, the BUC provides the theme and our youth affiliates create a logo symbolizing it. Then we send it out to all our respective institutions which use the theme as motif of their celebrations.



This has been happening since 1998 till now. This year's theme is: "Owning Mindanao History towards Peace and Development." There is one very important reason for this event every year which, if I am not mistaken, seems to be unique and has no comparison elsewhere in the whole world.

I refer to our people's understanding that peace is not just ceasefire or the absence of war and conflict. Peace is not just the duly signed peace accord on paper. It is friendly human relationship which expresses itself in mutual respect and mutual collaboration which is rooted in the holistic concept of a peaceful person as Shalom, the Hebrew word for peace, and whose cognate word is Salam, the Arabic word for peace and the root word for Islam, the religion of peace.

It is for this reason that I recommend to the organisers, especially the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) and the ICRC to request and support the organisation of a Southeast Asian religious circle whose actors will be the Buddhist gurus, Catholic bishops, Muslim ulama and Protestant bishops and pastors who will engage themselves in interfaith dialogue and become peace partners of ASEAN. I believe the Buddhist, Catholic, Islamic and Protestant understanding of peace have something in common. We in the BUC can help in this plan.

I end this brief discourse by sharing some lessons we learned from interfaith dialogue which are positive characteristics of our common humanity:

1. Humane and respectful dialogue, however long and tedious, is the only human way of resolving conflicts;
2. The bottom line of dialogue is human friendship;
3. To dialogue is to understand others as they understand themselves so that they can understand us as we understand ourselves;
4. "Without silence, words lose their meaning. Without listening, speaking may no longer heal. Without solitude, community cannot save." (Henri J.M. Nouwen)

Thank you.

Open Forum and Plenary Discussion

Two participants raised the following questions:

- Is there anything in the IHL framework or within international humanitarian standards about leaders inciting their members to violence using hate speech?
- While Islam, as well as other religions, seeks to promote peace, there are certain elements that aim to pursue war. Accordingly, this conflicts with humanitarian principles. How can humanitarian actors address this issue?



Venerable Dr. Phramaha Boonchuay Doojai, Lecturer, Mahachulalongkornrajavidyalaya University, Chiang Mai, Thailand

Buddhism has a very long history since it originated from India. Since then, there have been different strands, with some, sad to say, promoting Islamophobia using hate speech. However, from whatever religion we believe in, this should not stop us from continuing to promote social development. We continue to do this with our interfaith community, with the support of the Thai government.

Dr. Hilman Latief, Deputy Rector, Faculty of Islamic Studies, Muhammadiyah University of Yogyakarta, Indonesia

Hate speech is everywhere, not only among Buddhists but also among Muslims promoted by a small group of preachers in Indonesia. In the context of Indonesia, there are attempts to try to engage those who stimulate radical opinions. The Muhammadiyah Movement continues to promote interfaith dialogue and cooperation, which was a strong recommendation pushed in our National Congress, interfaith is part of the recommendation. We also continue to teach our members the concept of religious tolerance and respect for local culture.

Dr. Ahmed Aldawoody, Legal Adviser for Islamic Law and Jurisprudence, ICRC Headquarters, Geneva

I submit that the concept of international humanitarian standards is a problematic in itself because it tries to humanize the approach to armed conflicts, which is controversial. This issue/problem of hate speech, the lack of acceptance of others and intolerance to pluralist ideas is largely due to the soft word and hard word problem. What I mean by this is through the use of words, we start to hate others. What I see is that you will find that universal humanitarian values are in common with all faith and religious traditions. That is why we need to focus on the soft words – what unites us and values such as respect for others and alleviate the sufferings of others.

Summary by Executive Director Jenie

The session presented many interesting views from the different presenters. From Dr. Aldawoody, the eight (8) principles of the Islamic Law which are relevant to international humanitarian law. The discussion of Dr. Latiff on Islamic Law as applied in the Indonesian culture. Dr. Doojai also introduced the Buddhist principles and precepts, while Ms. Norma Gonos, presented the perspective of indigenous peoples, vis-à-vis the convergence between international standards and local laws.

The conclusion to be drawn in this session is that there is really a convergence between universal humanitarian law and Islamic Law, Buddhist teachings and local traditions. The important thing to do now is to promote this idea to local communities and organizations.



Session IV:

Challenges Faced in Translating Humanitarian Principles and Religious Values Into Practice When Assisting and Protecting Victims of Conflicts

H.E. Morten Høglund, Ambassador of Norway to ASEAN, served as moderator of the session. He explained that the speakers of this session will look into the field experiences and the challenges faced when one translates humanitarian and religious values into practice when one assists and protects victims in conflict. The specific issues to be discussed are humanitarian perspectives from the field, including the challenges with regard to access and proximity to victims of conflict and principled humanitarian action to better assist and protect victims of conflict.

MS. RAHMAWATI HUSEIN

Vice-Chair, Muhammadiyah Disaster Management Center, Indonesia

Challenges in Practicing Humanitarian Principles and Religious Values in Assisting and Protecting Victims of Conflict: Muhammadiyah's Experience

Muhammadiyah is more than one hundred (100) years old and is considered as a non-government organization (NGO)/peoples' organization (PO)/civil society organization (CSO) with branches in thirty four (34) provinces in over four hundred seventeen (417) districts and three thousand two hundred twenty one (3,221) sub districts and eight thousand one hundred seven (8,107) villages/neighborhoods with thirty five (35) million members, throughout Indonesia. It is like a government, with twenty (20) councils and agencies.

Muhammadiyah has six hundred thirty five (635) orphanages, with nineteen thousand nine hundred fifty one (19,951) Islamic schools and one hundred seventy six (176) universities/colleges, including Muhammadiyah University and one hundred three (103) Islamic boarding schools and higher institutions, as well as four hundred fifty seven (457) hospitals and clinics.

With these kind of resources, how are we trying to mobilize humanitarian action? The first humanitarian actions were started in 1917, when we established free hospitals for the poor, and the principle of helping the needy became the value and norm within the Muhammadiyah organisation. The funder established free hospitals, as well as free schools and orphanages. The organisation became independent in 1945.

I will focus on the different challenges faced by the organisations in translating the principles of humanitarian values and norms into practice.

The first challenge is understanding and comprehending the compatibility of humanitarian principles (including humanity, impartiality, neutrality and independence) with religious values, particularly in conflict situations. As a large organisation, not many leaders and members understand humanitarian principles. Even national civil society organizations do not know the principles.

The concept of “helping,” which is a religious value, is embedded in the day-to-day operations of Muhammadiyah, particularly for victims of natural disasters. There is resistance in using international standards and principles as these are perceived as “western interests,” particularly in the case of social conflicts. Therefore, to show that there is no contradiction between humanitarian principles and religious values, we start with the teaching that constitutes the “Fiqh of Disaster,” the Islamic guiding principles on disaster. “Fiqh” here means not solely about concrete rulings - law (sharī’ah), but also covers aspects of theology (‘aqidah), and morality (akhlāq) or ethics. This was launched in 2015. Doing good, is a must; so if you are a Muslim, helping others is a must.

The second challenge is standing firm by the humanitarian principles when intervening in areas of so-called “religious conflict.” Not taking sides, but to secure access to affected communities, is a continuing challenge. Some organisations may favor one side in the conflict and may selectively choose beneficiaries and prioritise members of their own faith community. There is a tendency to help your family relatives or network first.

Then there is the issue of why one should even help those who are from different sects, such as the Shi’as or Ahmadiya, since majority of the Muslims in Indonesia are Sunnis. This happened when the Muhammadiyah Disaster Network Center (MDNC) responded to a disaster in Madura Island, where many are Shi’ites. Many members of Muhammadiyah protested on why help was extended to them, when they are not of the same faith.

There is also the issue of religious competition, especially when members see that other religious organisations that are providing assistance are also proselytising.

Currently, we have a work in progress, the One Muhammadiyah One Response, an initiative to ensure the implementation of humanitarian principles on the ground. This is done through awareness raising, training, and institutional capacity building, making our members understand the importance of humanitarian action on the ground. We also founded and are working through the Humanitarian Forum Indonesia to build a mutual understanding among humanitarian actors, especially faith-based organisations (FBOs). There are fourteen (14) members, including Catholics, Protestants and Muslims. We also promote humanitarian values, norms, standards and principles through advocacy.

We have also helped the Indonesian Humanitarian Alliance in Myanmar that is reaching out to the Rohingya refugees in Myanmar and Bangladesh. This is being supported by

five (5) ministries, including the Ministry of Foreign Affairs, Ministry of Natural Disaster Management and the Ministry of Education. This has become the backbone of local faith-based institutions working together and sharing resources.

ATTY. OSCAR PALABYAB

Secretary-General, Philippine Red Cross

Good afternoon. I am pleased to stand before you today to expound on the challenges that the Red Cross has experienced, in the context of existing conflicts.

There have been so many agreements developed through the years. You may recall that the Red Cross was born out of war. And out of the Second World War came the Geneva Convention in 1947 with the Additional Protocols approved in 1997. For lawyers like me, the field of International Humanitarian Law (IHL) is *Lex Specialis*, a special set of laws that may not be easy to understand. That's why there is such an advocacy on the part of national societies to really work for the promotion of IHL.

Moving directly to the challenges today, when we talk about the Second World War, we can easily determine who the protagonists were - it was a war between and among nations. After the Second World War was the onset of the Cold War. There were different sets of conflicts happening around the world, and, maybe, they were based on race or religion, but still they were identifiable, such as what we have witnessed during this war for liberation in Palestine and similar movements. We did not hear about the challenges faced by humanitarian workers, such as *Médecins Sans Frontières*, United Nations and the ICRC.

But look what happened to the rest of the world after 9/11. It changed the entire geopolitics of the whole world; it became a war against terrorism. "It's either you are with me, or against me!" – that was the cause of the United States. The consequence there was the subordination of IHL to anti-terrorist policies. That became a problem all over the world. They say now that the emergence of ISIS was a direct reaction to this very strong and high-handed war against terrorism. I would like to bring you over to the context of the Philippine Red Cross and how we faced these challenges in Mindanao.

Of course, there are cultural challenges. These are probably easy to understand. In the context of the different local government units (LGUs) in Mindanao, we had to deal with them to deliver services.

The IDPs were Maranaos who were forced out of Marawi and fled to other places, such as Lanao del Norte and Lanao del Sur. We found out that our own volunteers do not even speak Maranao, so we had to depend on the Maranao-speaking students, who were themselves displaced, so that's how we crossed borders. Now we can be understood. The next thing was people were asking them why they were wearing the Red Cross. Isn't that contrary to being a Muslim? It became a very important platform for the Philippine Red Cross to really convey to them that it is not a religious symbol. That's a by-product of getting more Maranao volunteers into our fold.



But the more serious issues had to do with delivery of services in the conflict areas. In the Philippines, our agreement was that in conflict areas, ICRC would take the lead. We do not want to put our people in harm's way. The only time we entered Marawi was with the ICRC. There was a time when the military did not allow us to go in, except that our water tankers had to go there everyday, with our volunteers risking their lives, to provide potable water to people everyday, otherwise, they would die of thirst.

The emergence of family terrorism, for example the Maute family, is a strange kind of terrorism, because it is family-based. It is fostered by ISIS because it is the easiest way to gain adherence. So they get the entire family to be part of ISIS. However, the worldview is entirely different; it is to create a caliphate – their own kingdom in this part of the world. So everything else is fair game - they can kill, burn houses or commit rape – all in the name of their ideal to create an Islamic society in this part of the world, that is, Southeast Asia.

So, with that context, how do humanitarian workers like the ICRC and Philippine Red Cross safely move inside conflict areas in Marawi? Even if volunteers wear the Red Cross/Red Crescent emblem, they are fair game – they can be shot! So when does IHL come into play? These new groups of terrorists – who are not bound by any law -- are far from the imagination of IHL. They negate everything that we know about IHL, about being humanitarian, being impartial and being independent. Those do not mean anything at all to non-state actors who believe in carrying out their worldview with impunity, because for them, the end will justify the means.


So, I'd like to put that in perspective, because it means that the battle against extremism cannot be won by arms alone. There is a need to ensure that all military workers respect IHL. The Red Cross and Red Crescent Movement, with all other stakeholders, will keep promoting the values of IHL. In the long term perhaps, we will educate all the communities so that we will have less people attracted to terrorism. This is the kind of ideology that attracts young people because they know that there won't be any difference in their lives. It is necessary to counter this with a counter-ideology or a counter set of ideas that will take them away from the path of violence.

In the end, what do we want to say here? The fundamental principles are more than an ideology from a poster hanging in our offices. Together they provide an effective guide through processes, communication, decision-making and practices that will increase acceptance and security. Thus far, these are the challenges that we face in the delivery of humanitarian services in a conflict area where no one is respected and arms are key.

DATO' DR. AHMAD FAIZAL MOHD PERDAUS
President, MERCY Malaysia

Challenges in Translating Humanitarian Principles and Religious Values into Assistance

Very quickly, let me say that I don't usually do this, but I have learned in my fifteen (15) years of working in Mercy Malaysia, the worst thing that you can do is to say the right thing, at the



wrong place, at the wrong time, to a wrong audience, on behalf of a wrong people. That's why I was asked to come here.

I am the President of Mercy Malaysia, starting from 2009 to the present. MERCY Malaysia works in natural disasters, complex emergencies, disaster risk reduction and preparedness, climate change adaptation and conflicts. I have been the Chair of the International Council of Voluntary Agencies (ICVA) since 2015 and a standing invitee to the Inter-Agency Standing Committee (IASC) Principals. ICVA's main focus is advocating for principled humanitarian action and protection, that is to say International Humanitarian Law (IHL).

Mercy Malaysia is also a founding member of the Asian Disaster Reduction and Response Network (ADRRN). However, let me just say that ADRRN works primarily in disasters and not during conflicts. While Mercy Malaysia serves as the Secretariat of the ADRRN and one of my deputies sits on its Board, we don't claim to speak on behalf of ADRRN. I am also the Chair of the Professionals in Humanitarian Assistance and Protection (PHAP), which conducts trainings on IHL.

I come from Malaysia, a multi-cultural, multi-faith country. It is a middle-income country, where there are political divisions across many lines. It also has its share of racial and religious issues. So far, economic development and political accommodation have helped keep the peace, and that's the truth. We have, over the last 50 years, in our borders several hotspots in Asia, including Southern Philippines and in the past, Aceh. Malaysia is not a signatory to the 51st and 61st conventions on refugees and stateless people, therefore, we have contradictory and difficult migrant and refugee issues, because we are both a transit country, as well as a country of destination, and that's a very important point, I believe.

I will give some examples of how we work in several countries and why IHL is a very important context and how it can be respected.

We've been working in Afghanistan since November 2001, with major operations in Kandahar since 2005. If you know Kandahar, that's the home of the Taliban. We have not been attacked by any party, state or non-state actors, since we began our operations in late 2001. The only religion that matters in Afghanistan is Islam, but, there are many interpretations of Islam. Of course, "Taliban" comes from the Arabic word "talib" which means students; and they came from madrasahs around the borders of Pakistan. We have found that constructive engagement with all parties helped. It also helped that Malaysia, in the early 2000s, had a positive image with the local actors. Our former Prime Minister was highly respected in the Muslim world across sectors, and we used that advantage to the fullest. We worked with our partners to do work with respect to IHL. We tried to engage the non-state actors and was quite successful in getting the Talibans to limit their actions and to understand that IHL actually works for them as well.

On the conflict in Syria, we've been working since late 2011 in Jordan, Lebanon, and Turkey. Inside Syria, we have access to both rebel-held and government-controlled areas. We have made an effort to work in all three geographies - outside Syria, inside Syria; in both rebel-

held and government-controlled areas. Now, in Syria, we have found that the biggest issue is to show impartiality when we do our work. It's not easy because, while the conflict was initially political in nature, it became religious and sectarian after 2013. We had to portray ourselves as ready to help, whether you're Sunni or Shi'a, and because you are in need of help. Again, we try to engage people and tell them that it is in their interest to respect IHL.

In Mindanao, we worked in the Philippines in many natural disaster contexts in the last thirteen (13) to fourteen (14) years. In both Christian and Muslim areas, engagement and building trust before we worked in conflict settings was key. Due partly to certain sensitivities, we started work late in the Autonomous Region of Muslim Mindanao (ARMM), and only after the peace process was more solid in 2012-2013, when the peace agreement was signed between the Government of the Philippines and the Moro Islamic Liberation Front (MILF). We met with both parties, the ARMM Government and the whole leadership of the MILF headed by Chair Al Haj Murad. We gave aid to all and we also worked with credible partners, such as the Bangsamoro Development Agency (BDA), which is recognized by all parties.

In Myanmar, we have been operating since 2008 and in Rakhine since 2012. The key here is that we give aid to both sides. Our colleagues from Myanmar know us very well; we are registered in the country. However, we don't hide or apologise and we say it in the right way and make them understand. We explain that there are communities that are in more trouble and there is a need to channel more aid to them. We also acknowledge that the other side has its own problems and if necessary, we will channel aid to both. But protection is honestly an issue inside Rakhine and we're trying to work with partners to see how that can be resolved.

In Bangladesh, we are focusing on emergency aid at the moment and we have solid partners there. We genuinely try to see the policy from the host government's perspective. The issue there, however, is the confusion whether government wants refugees to stay or to leave; or whether it wants aid or doesn't. So, we engage them to tell them that it is in their interest to allow access to aid for the people.

Thank you, ASEAN for organizing this Symposium. I heard that you are building a strong partnership with ICRC; and that's very good. The ASEAN 'consensus' approach is very good; and as our ASEAN-IPR Governing Council Chair illustrated this morning, the consensus process works best behind closed doors. It has also tried to promote 'equality' among Member States unlike other regional groupings where there is one superpower state. However, it has this clause that has been in the ASEAN Charter since 1967 that is the 'non-interference' policy clause in its internal affairs. Now, in 2017, we have to see. ASEAN has succeeded in the realm of natural disasters, such as AADMER or the ASEAN Agreement on Disaster Management and Emergency Response, which is the only working and operational disaster management agreement among states in the world, although much less in conflict situations.



The question now is if it is time for change. The world is changing, becoming more globalised. Information is no longer under the total and absolute control of governments. But even if more change is to come, will it have the desired positive effect?

On my propositions, I fully support the policy of local always, international as necessary. The ICRC has to be there in conflict areas. Civil society engagement must be widespread and affected populations at the center of the work, paying close attention to more inter-faith work. The question on whether the AHA Center needs to go into IHL, as well as International Disaster Response Laws is a big one, and we need to convince governments in ASEAN that it is in their interest to do so.

I will end with these quotes from the Holy Scripture; and even if you don't understand religion well enough, it shouldn't be a problem here:

"We have created you all and have made you into nations and tribes, so that you might come to know one another..." Note that there was no mention about killing one another. "...bear witness to the truth in all equity; and never let hatred of anyone/others lead you into the sin of deviating from justice. Be just!

HON. DIOSITA T. ANDOT

Undersecretary for the Peacebuilding and Development Cluster and Executive Director of the Office of the Presidential Adviser on the Peace Process (OPAPP), Philippines

Making a Case for Conflict Sensitive and Peace – Promoting Humanitarian Actions

Excellencies, participants of this forum, good afternoon and warm greetings of Kalinaw (peace) from my island-region of Mindanao!

On 23 May 2017, 132 days ago, the city of Marawi was rocked to its core by the entry of armed terrorists and violent extremists. The death and destruction it has brought to the city continue to this day. The armed conflict has resulted to 78,4660 families or 359,680 persons displaced as of 2 September 2017 data. It is estimated that more than PHP50 billion is needed to rebuild Marawi due to its massive devastation.

The Marawi crisis brings to the fore the urgent need to truly understand and address the root causes of terrorism and violent extremism that have spawned humanitarian crisis in different parts of the world, including the Philippines now. But while violent extremism is recognised as a driver of conflict, armed conflict can also give rise to violent extremism. Our security analysts have traced the beginning of the dreaded Abu Sayyaf Group (ASG), for instance, to the early campaign for recruits among the Moro rebel fronts in the 1970's which lured many young Moros to join the Moro National Liberation Front (MNLF) and other Mindanao-based insurgent groups.



In recent times, the emergence of violent extremists in Lanao del Sur, known as the Maute Group, had been linked by some sectors to the unresolved grievances raised and fought for by their elders in the Moro Islamic Liberation Front (MILF). There is, therefore, a unique context and dynamics at play here. This needs to be understood by humanitarian actors in dealing with this crisis.

Against this backdrop, I would like to center my insights on the challenges of mainstreaming conflict-sensitivity in humanitarian actions in the context of the Marawi crisis situation. A lot has been said about the Marawi Crisis since this morning, but I hope you will bear with me. There are many things that you need to understand, especially if you are concerned with delivery of human rights-based humanitarian action. My sharing in this session is also informed by the experiences of our people borne out of the more than four decades of strife that has characterised particularly the southern part of the country. Our government is a signatory to international instruments that uphold the sanctity of human rights and the inviolability of humanitarian law to govern states' actions in times of crisis. The Philippine Government has consistently espoused this law and its principles in all peace agreements that it has signed with different rebel groups.

Notable of these agreements is the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law or CARHRIHL between the Philippine Government and the National Democratic Front. Today, even as the talks are cancelled, government continues to pursue the peace process, through the Office of the Presidential Adviser on the Peace Process (OPAPP) that I represent, and sustains the adoption of conflict-sensitivity and peace-promoting approaches to prevent, manage and transform conflicts.

In response to the Marawi conflict, our agency actively supports the recovery, reconstruction and rehabilitation efforts of Marawi as a member of the Task Force Bangon Marawi (TFBM), or Arise Marawi, where we have tasked ourselves to mainstream peace lensing in the assessment, planning and implementation of post-conflict interventions.

All humanitarian actors face the usual challenges of ensuring timely response to any crisis where we are called to save lives, alleviate suffering, protect civilians and, at the same time, maintain human dignity during and after such disaster. However, we in the peacebuilding sector are confronted with a far greater challenge of containing and arresting the formation or occurrence of new sources of tension that may arise from the current conflict situation. How shall we establish and sustain an enabling environment for peacebuilding to thrive, even in conflict situations, when and where there are existing armed groups that continue to radicalise individuals and communities leading towards violent extremism? Actually, there's an ongoing debate within TFBM on how we shall call our interventions after the war is over in Marawi. Do we treat them as post-conflict interventions, when it is very clear that the conflict may not be over even when the last guns in Marawi are silenced?

Faced with the reality of continuing insurgency and violence in Mindanao that aggravate the situation of extremist emergence, it is critical that the emergency response, recovery,



rehabilitation and reconstruction efforts we undertake for the city of Marawi and the affected localities be done in a manner that is conflict-sensitive and peace-promoting.

This means that all those involved in humanitarian efforts must avoid creating or exacerbating issues, factors, and elements that divide people and generate tension; and instead work towards strengthening or fostering commonalities, factors, and elements that connect people so they can serve as local capacities for peace. To be conflict-sensitive entails that both government and non-government organisations seek to provide services must first, understand the context in which it is operating, particularly intergroup relations. There was a reference to family and clan conflicts made by Atty. Palabyab awhile ago. Second, understand the interactions between its interventions and the context; and third, act upon the understanding of these interventions and interactions, in order to avoid negative impacts and maximise positive impacts.

In the case of the internally displaced persons (IDPs) from Marawi, initial assessments have identified concerns and challenges that need to be sufficiently addressed.

First, the need to improve and to make camp management and facilities conflict-sensitive and peace - promoting-compliant in order to make the situation in the camp more humane and dignified.

The challenge here is to, at all times, treat the IDPs with respect and utmost consideration for their specific vulnerabilities. Among others, there must be proper water, sanitation and hygiene (WASH) facilities for males and females that assure privacy and protection, especially for women and girls; cultural considerations like provision of prayer rooms for Muslims and special assistance for persons with disabilities (PWDs), the sick and the elderly.

Second, it is important to address the needs, not just of the IDPs in evacuation centres, but also that of home-based IDPs and host families/communities.

Inclusivity and non-discrimination are the main principles that should guide when rendering assistance to the IDPs. Those who are staying outside of the evacuation camps are often neglected because they cannot be fully accounted for. The challenge here is putting in place a process and database for effectively and efficiently accounting and keeping track of home-based IDPs so that service providers are able to give them access to appropriate goods and services, in the same way as their counterparts in the evacuation centres. This is a continuing struggle that we face at present in our response to the crisis.

Third, the need to improve and make coordination mechanisms more responsive and inclusive so that government agencies may be able to harness the vital support that can be extended by CSOs/ NGOs, religious and the traditional leaders for a more coherent and complementary engagement with the survivors and their families in the task of recovery and rehabilitation.



While government is primarily responsible for relief, recovery and rehabilitation, it should encourage an all-nation ownership of the task to help the victims and survivors in crisis situations. The challenge here is how to manage non-government assistance in such a way that charities and donations from external sources are matched efficiently and effectively with government resources, without discarding or neglecting government accountability.

Fourth, there's a need to provide protection for the vulnerable groups, especially the youth and children who often fall prey to abuse from unscrupulous elements in our society.

The challenge here is adopting and maintaining a peace lens in the conduct of conflict and post-conflict assessments, such that specific vulnerabilities and contexts are factored in the planning and implementation of response, recovery and rehabilitation interventions. Vigilance and early warning systems installed in evacuation and relocation sites as intrinsic parts of civilian protection should be seriously considered by government and non-government responders.

Fifth, the need to strengthen conflict resolution mechanisms and processes to promote healing, reconciliation and bridging of social divides.

The challenge here is in being able to monitor, manage and arrest the escalation of violence associated with family and group conflicts that may be triggered or aggravated by the death of a family member and the destruction of family properties. Unresolved and unattended disputes between and among already tense groups may erupt, that may heighten the unstable conditions in the evacuation camps and host communities.

How do we make sure that the well-being of the people we are trying to help is the focus of our efforts and that our interventions do not create conditions that negate our very own good intentions? The underlying principle here is a peace-building - practice that is familiar to many of us. This is referred as "Do No Harm." We can now say that there are distinct patterns of positive and negative impacts resulting from the provision of aid programs in conflict areas.

The first is through the transfer of resources, which include money, goods, skills, food, shelter and advocacy in a conflict-affected and resource-scarce environment which could have negative unintended effects on the local economy, on security and peace and order, on legitimacy of aid providers. For instance, in violent conflict settings, relief assistance affects prices, profits, and wages and can reinforce the war economy by enriching people whose activities are war-related.

The second is through patterns of behavior displayed by staff members of aid agencies that can either reinforce the moods and modes of destructive conflict or promote ethics that strengthen peaceful coexistence. There are four categories of desirable behavior patterns: Respect, Accountability, Fairness, and Transparency, all of which are self-explanatory. HOW the staff of service providers interact with each other, with other organisations and with local people is just as important as WHAT an organisation provides.



At the end of the day, we can only say that our initiatives have had positive peace-building impact when it has helped to bring members of the affected communities together, not just because they are the victims or survivors but because they share with us our common aspiration and resolve to achieve just and lasting peace. A conflict-sensitive humanitarian response, recovery and rehabilitation approach enhances inclusion and rebuilding of social cohesion. These elements are necessary for a truly united and peaceful humanity.

MS. TOMOKO MATSUZAWA

Head of Cotabato Office, ICRC Delegation to the Philippines

Good afternoon ladies and gentlemen, my name is Tomoko Matsuzawa and I head the ICRC-Cotabato office in Mindanao. Our office is covering the central part of Mindanao which includes Marawi City, the provincial capital of Lanao del Sur where the conflict started this May between the ISIS inspired group and the Philippine Army. I am here to present the challenges faced by the ICRC in translating humanitarian principles and religious values into practice when assisting and protecting victims of conflict in the Philippine context.

Since the conflict in Marawi started, hundreds of thousands of people have been displaced. Many people lost their homes. Many people have difficulty to access potable water, food, medicine and education.

The ICRC, together with the Philippine Red Cross, has been in the field in order to assist the people until today. My team is now in Lanao del Sur, so I came directly from Marawi to attend this Symposium and I am also going back to Marawi tomorrow.

So today I am very happy to share with you our field experience including the challenges that we faced from the beginning of the crisis, and also the field perspective on what we believe are the most important actions or approaches that we should bear in our mind in order to alleviate or solve the challenges that we faced on the ground.

So to start, the first challenge was the accessibility. Ensuring the security of the team is an ongoing challenge. Sometimes the situation changed not just day by day, but hour by hour. The presence of IED (improvised explosive device) and UXOs (unexploded ordnance) further hampers our team's access to the most affected areas.

Second, lack of information on the ground also presents challenges especially at the beginning of the crisis. Because Lanao del Sur has this culture of hospitality, the people are very much kind to each other, so they try to accommodate the IDPs into their homes. Even if the government had identified evacuation centers, not all people go there and they choose to stay with their relatives. Actually, more than 90% of the IDPs are staying with their relatives. This makes it difficult to get the figure on how many people are actually displaced. It's not simply about visiting the evacuation centers and counting them, because they were all scattered.



The weak coordination among stakeholders was also a challenge. When the crisis started, the government, OPAPP, army and the police, governors, mayors and the humanitarian actors - each of us tried our best to accommodate the needs of the affected people. However, due to the lack of a systematically formulated coordination mechanism among us, it was quite difficult to know, at the beginning, who was doing what.

Of course, acceptance is also important. We could not just go there to provide support. We had to be accepted by the community, particularly, the affected people. In order to be accepted, it is important that the people have the right perception of us. For example, the Army and the Police and their officers on the ground do not have an appreciation of the ICRC principles of impartiality, neutrality, independence, and confidentiality. Sometimes, we encounter difficulties in checkpoints because they think we are supporting the enemy. This is not the case, however, with the top-level officials who have quite a good understanding and knowledge of the ICRC. They know that we are a neutral humanitarian agency, but on the ground level, especially the young ground personnel, whom we encounter often, not all of them necessarily understand humanitarian principles.

The perception issue can also come from a religious perspective. Many Muslims still think that we are a Christian organisation, because of our emblem, which is not the case indeed. However, still many in Muslim communities tend to think that we are a religious organisation and feel uncomfortable receiving aid from a so-called "Christian" organisation. It is also ironic that many Christian communities tend to think that we are pro-Muslim because assistance is given to Muslims, simply because they are more affected. Thus, we have the dilemma about this perception towards us on the ground. We often discuss in our team regarding how we can overcome this particular challenge. There are certain points that we agree on - the most important thing is to continue to reiterate who we are, what we do and how. We always have to make it clear that we are a neutral, impartial and independent humanitarian agency. We always try to make sure to "Do No Harm," as mentioned by Madame Undersecretary during her presentation.

Coordination to avoid duplication is also key, especially in the beginning when we encountered the issue of lack of coordination among stakeholders on the ground. But we do not want to overstep on the government's approach. We believe that, at the end of the day, the government has the primary responsibility to protect its citizens. But if there is a gap in the field, and government has difficulty in filling the gap, ICRC will be happy to consider and see where we can fill in the gap. In order to know that, close coordination and communication among all stakeholders, including government and other humanitarian agencies, is also important.

Transparency in our action is also very important. We always make sure to notify our movement to everybody. We are quite open in informing how many trucks will approach a particular area, especially if their operations are still ongoing, just so there is no surprise at the ground level. Thus, everybody, including the government forces, knows by the time we reach there.



Maintaining confidentiality in a bilateral dialogue, especially over sensitive issues, is also important. Any information should be kept confidential. Even in our team, not all people know about sensitive information, which is a very important when we engage with sensitive groups in order to build their trust and confidence in us.

In order to make these elements clear, we believe it is important to dialogue, not only at the ground level, but also at the capital or senior level; and also networking, particularly, during peace time and not wait until the conflicts have started. It is too late to do the networking, when the conflict has started since, naturally, people do not feel comfortable to share important information with strangers. ICRC has been doing this since peace time, even during my predecessor's time. This enabled us to gain direct access to the sensitive areas from the beginning of the Marawi crisis, as well as in the lakeside areas of Lana, where no other organizations could manage to go.

At the end of the day, it was the human to human connection that worked for us and will continue to do, in the future. In this way, we hope that the ICRC, together with the Philippine Red Cross, continue to be the fast responder, to reach out to the most affected people on the ground.

Thank you very much for your attention.

Open Forum and Plenary Discussion

The moderator of the session, Ambassador Høglund, first gave a summation of the presentations. He noted that all the presentations complemented each other and conveyed the same messages such as the importance of the following: (1) Non-discrimination; (2) Do No Harm; (3) Acceptance; and (4) Human to human connections. He, then, opened the floor for questions, comments and views.

Insp. Mulyono, Director, ASEAN Chiefs of Police (ASEANAPOL)

From my perspective, the real challenge is how to make humanity a universal value. We all know that religion offers the best way; and so does culture in every society. In practice, however, there are some members of society who bring some people to a position to see other as "enemies," because they have different religions and identities. How then could we harmonise or synergise our efforts on humanitarian actions in the region regardless of religion, race and political background?

Ambassador Lwin, Permanent Representative of Myanmar to ASEAN

My special thanks to Dato Perdaus when he gave the example of assisting Myanmar and made reference to the Northern Rakhine state, he tried to avoid a very sensitive usage of the term. I appreciate that very much. That said, I have my responsibility to explain a little on this term and also to set the record straight. The term "Rohingya" is very sensitive to our country and for our people. That's why we tried to call them "Bengali." But the other country does not like this term as they think this applies only for people from their country.



Actually, Bengali represents those that are found around the Bengal region, such as the Bengal tiger, which could be found in India, Myanmar and Bangladesh. Our State Counselor wisely selected the term “Muslim in the Rakhine state.” Again, this is different from Muslims all throughout Myanmar.

Also, taking this opportunity, I’d like to express my gratitude to the Indonesian government. With the guidance of President Joko, Foreign Minister Retno who shuttled between Myanmar and Indonesia to give assistance to victims of the conflict, as well as to Foreign Minister Vivian who delivered a statement.

I came to know just now, that your organisation, Muhammadiyah, is the prime mover in providing assistance to the people involved in this conflict. Thank you for that.

One of the challenges you mentioned in your presentation is religious and ethnic conflict. Actually, as was mentioned this morning, it has nothing to do with religion. I’d like to beg your indulgence and understanding to use the term, “communal conflict” instead of religious/ethnic conflict. Thank you

Ms. Husein, Vice-Chair, Muhammadiyah Disaster Management Center, Indonesia

On how to harmonise and synergise humanitarian actions, in Indonesia we experience differences and we have to acknowledge the diversity that we face. We try to do that by strengthening interfaith dialogue. To prevent conflict, dialogues are very important. We conduct interfaith dialogues during peace time with other religious groups through the Humanitarian Forum in Indonesia and through our President in Muhammadiyah who takes the lead in addressing the humanitarian needs of the victims of conflict. The issue of religious conflict in Indonesia is very complex and working towards humanitarian development is very important as conflict usually comes from many social issues that happened through time. All members have different perceptions on the conflict. This is why even within the same organisation, we have to educate and give more information on health, education and peace and reconciliation to let the members understand the complexities, in partnership with other international organisations.

On the issue of Myanmar, we are aware of the situation, so we worked through the Indonesian Alliance for Myanmar, as we have experienced similar cases. We are committed to work in Myanmar for two (2) years from funds contributed by Indonesian NGOs.

Atty. Palabyab, Secretary-General, Philippine Red Cross

I’d like to comment briefly on how we harmonise to bring about greater understanding of humanitarian values. My take on this is that it is not easy to conduct a dialogue in a state of conflict. We must move towards a state of comprehensive peace that will settle things down so that we can start talking to each other. It is difficult for any humanitarian actor to be accepted in the community in a climate of fear, in a climate of uncertainty, in a climate of economic disadvantage. These are very important for humanitarian organisations like the ICRC and the Philippine Red Cross. My only suggestion, perhaps, in the more practical



aspects, is that we need to work for the acceptance of the community, beyond the symbol of the Red Cross and the Red Crescent and beyond the colour of the uniforms we wear. The people we are helping need to understand that we are there to help and we are not there to take sides, but to take care of the most vulnerable. That's a very big challenge, but there's no other way to do it.

On Myanmar, may I just inform His Excellency that we have been approached by the Myanmar Red Cross to help and our chair, Senator Gordon, has promised to go in two (2) weeks' time and see how we can help Myanmar.

Dr. Perdaus, President, MERCY Malaysia

On universal values, there are two (2) levels. First, is that there has to be more interfaith work at the ground level, and there has to be more collaboration among different faiths. Internationally, there are works done by Islamic Relief International, together with ACT, or Alliance by Protestant and Methodist groups. It is very important to have that on the ground. There is no substitute for people-to-people interaction.

Within the ASEAN context and also globally, I sincerely believe that governments have to be responsible and be positive in advocating IHL, and it has to be done in peace time. It is very difficult to talk about not bombing somebody, when somebody has just bombed you. You need to talk about this before someone bombs somebody else. It has to be ingrained that women, children and non-combatants have to be spared. That is actually a tenet of Islam. The Prophet strictly forbade, not just the killing of women and children, but also the harming of trees and livestock. That is something that most people don't know about.

On the issue of Myanmar, I'm very appreciative of your gratitude. On the other hand, as a humanitarian organisation, we do not deny that there is a problem, and we will continue to give aid, as positively as possible. We, together with our partners and the UN System, sincerely hope that at some point, there will be work towards the solution of the issue, whether or not it is the issue of the Bengali, Muslim or even, Rohingya. The reality is that there is a crisis, and that crisis is subjugated, perhaps, to the fact that it is linked to a political problem, which needs to be resolved.

Hon. Andot, Undersecretary for the Peacebuilding and Development Cluster and Executive Director of the Office of the Presidential Adviser on the Peace Process (OPAPP), Philippines

On the aspect of different religions, I could say that there is no overnight solution to this problem. The key here is to not stop dialoguing. I understand that NGOs may find this difficult while there is conflict ongoing on the ground as there is mistrust and fear. However, governments should not withdraw from such an environment and do whatever it takes to make sure that people continue talking to each other, sectors keep sharing and conversing.



I would also like to say that our country is multi-cultural, but we have celebrated these differences in our cultures, because they make us unique from one another and we draw strength from this uniqueness. We really don't have to focus on our differences, but on our commonality. For instance, the love and respect for life is the common aspiration of everyone regardless of creed, religion or culture.

In fact, I could say that the Marawi Siege has even strengthened the Muslim and Christian relationship in Mindanao. You have probably heard stories about Muslim Maranaos protecting and hiding their Christian workers and neighbors in their homes at the height of the conflict, even lending their own garb to cover the Christian women so that they could somehow have some protection when faced by the terrorists. There was no distinction anymore as they had a common enemy, which was the terrorist group, who would kill anyone, whether Christian or Muslim. I think we need to share this narrative. We need to let more people know that, indeed, we can transcend these differences and work for peace and greater understanding towards peaceful co-existence.

Ms. Matsuzawa, Head of Cotabato Office, ICRC Delegation to the Philippines

I agree with the Undersecretary. Even before the Marawi Crisis started, there were many Christians living in Marawi, where there was peaceful co-existence between Muslims and Christians. Even when the crisis was caused by the ISIS-inspired group, it never managed to divide the people.

It is really important to hold interfaith dialogues during peace time. It will take time, but, still, it is not impossible.





Session V:

How to Increase The Protection of Vulnerable Groups While Addressing Conflict and Security - Related Challenges in ASEAN?

Session V.1: Health Care

Dr. Alistair D.B. Cook, Coordinator of Humanitarian Disaster and Relief Programme, S. Rajaratnam School of International Studies in Singapore, served as moderator of the session which aimed to increase understanding of and support for initiatives for the protection of vulnerable groups vis-à-vis the provision of health care.

DR. JOSE AMIGO

Health Coordinator, ICRC Delegation to the Philippines

Health Care in Danger: It's A Matter of Life & Death

I am a medical doctor and have been engaged in humanitarian work since 1991, since the First Gulf War and my father is in the military. In the past twenty five (25) years, I have engaged with him in many discussions in coming to terms with the realities of war and I have learned from him about the code of honour in the military.

In the last five (5) years of humanitarian work, the most remarkable and impressive changes have been the attack on medical facilities, patients and ambulances. The attacks on facilities are ugly. This is the beginning of an atrocious chain reaction that exponentially increases human suffering. Patients being killed is only the tip of the iceberg. You can imagine that the whole population who has benefited from that facility is suddenly left without this vital service. The impact is not only to those killed and wounded, but also many more: the pregnant woman who is in need of caesarian section, the thirteen (13) year old boy with acute appendicitis, the motorcycle crash victims, even old men with angina or diabetes. They all lose access to health care. But it's not only them. In worse situations, such as the intense experience we had in Syria, a few health professionals, doctors and nurses who chose to stay, they were the ones who were killed in these attacks. It was a selective killing on the most committed doctors who could have treated a lot more people.

These hospitals and facilities are the last bubble of humanity. In the midst of war and in an extremely traumatic situations, you go to the health facility. And if hospitals are respected,

suddenly you feel that bad things won't happen and you are surrounded by people who are taking care of each other. It is a unique place with a high symbolic value, a symbol of hope for humanity. But for those who decide to target these facilities, they do so knowing it will have an enormous damaging impact against the populations, destroying one of the last symbols of hope.

The relation of ICRC to the protection of health facilities is not by chance. It is in our roots and is in the core to the ICRC and to the Red Cross Movement. It started in 1859 in Solferino, where there were thousands of soldiers from both sides, screaming in pain and abandoned by their armies. A Swiss gentleman - Henri Dunant - passed by, shocked and appalled thought this was not acceptable. He organized volunteers to take care of them, and from there, he helped to ensure that during the fighting, health care is steered away from it. He managed to generate something that, today, serves as the framework of ICRC and the basis of all the current humanitarianism. It came from an effort to steer the wounded and health providers away from the horrors of war.

You may say that this is a Swiss invention. That is historically inaccurate. We think that the Geneva Conventions encapsulated and gave a pragmatic shape to something that existed in history across all civilizations. To illustrate, Saladin, or Salahudin to his people, who was the leader of the army that conquered Jerusalem in 1187, seven hundred (700) years before Solferino, issued very specific and strict instructions to his troops about what to do with women and children. He also gave forty (40) days for prisoners to leave the city unharmed. It is a proof of a code of honour that has existed across civilizations to contain the brutality of war. The Geneva Conventions transformed these into something that is applicable in modern times.

What do the Geneva Conventions say about protecting health care? Basically, it says that patients, health care professionals, health facilities and ambulances/transport or medical supplies, should not be damaged by the war. The patients should not only be cared for, they should be cared for by the occupying force which controls a particular area. Health care professionals should be facilitated to do their work. Health facilities should be spared from the combat and avoided in the conduct of combat. Vehicles should be facilitated in the transport of patients and goods.

But, does it work? Unfortunately, not completely. Despite the clear protection of health facilities established in IHL, these continue to be attacked. In the Rwanda genocide in Kigali, the Red Cross hospital was in the middle of the site and, luckily, was respected. Thousands of people sought refuge in the hospital and survived by staying inside the hospital which was spared. However, it does not always work this way.

Certainly it has not been working lately. Between January 2012 and December 2014, in eleven (11) countries alone, the ICRC documented almost two thousand four hundred (2,400) attacks against health care personnel, facilities, transport and patients, by a range of perpetrators. It is a serious problem. As far as I know, in the last two (2) weeks in Syria, four (4) hospitals have been bombed and rendered useless. So, it is an acute and serious



problem, that we thought our conventional approach was not enough. We have to enhance the response to this situation.

ICRC decided to launch an integrated campaign and invited various actors from the academia, legal and health care community, state armed forces, non-government and civil society organisations to join forces in pushing to ensure the protection of patients, health facilities and health care professionals. That was how the Health Care in Danger initiative was born in 2011. It was adopted by the Red Cross and Red Crescent Movement and has been carried out, not only gathering momentum in terms of advocacy and reflection on the matter.

In 2014, the ICRC organized a series of experts' consultations with various stakeholders that helped define a clear set of priorities and recommendations. Each of the sets of recommendations is compiled in a booklet that is extremely useful. They're not sophisticated guidelines. They have very inspirational elements to work with. Among the recommendations were the following:

1. Strengthening domestic legislation for countries;
2. Incorporating the protection of health care into the operational practice of armed groups, promoting the rights and responsibilities of health care and adherence to the ethical principles of health care;
3. Supporting the rights and responsibilities of health care staff in conflict situations;
4. Ensuring the preparedness and safety of health care facilities; They lose their advantage for protection if they engage in hostilities. In a more pragmatic way, health facilities can be built and managed in a resilient way. In more ways than one, they should be identified;
5. Ensuring the preparedness and safety of ambulance and pre – hospital services;

For the health professionals, it becomes very evident that IHL has a close relationship with medical ethics, particularly with the duty of impartiality for patients. Even military doctors are bound by medical ethics to take care of enemy combatants.

What can states do? From adhering to IHL and human rights treaties, to developing national legislative frameworks and accountability mechanisms to ensure that challenges to health care are properly addressed. It is in this context that I invite government officials to make their enormous contributions to the collective efforts of those organisations that are promoting health care in the world.

What can armed and security forces do? Ensure safe access of the wounded and sick to health care facilities and the protection of health-care providers during the planning and conduct of operations by: (1) ensuring that military doctrine, education and training specifically incorporate the protection of health care during armed conflict; (2) ensuring that practical measures to protect the wounded and sick, health-care personnel, facilities and means of transport are included into the planning and conduct of operations; and (3)



promoting knowledge and respect of the Ethical Principles of Health Care in Times of Armed Conflict and Other Emergencies that have been developed by academics in the medical profession and the International Association of Military Medicine.

This is part of the awareness campaign that we did in the Health Care in Danger campaign.



Photo credit: ICRC

There's a lot to do. Journalists in a press conference told me just a month ago that the attacks on health facilities in war are unavoidable. No, they are not unavoidable. Efforts have to be made to protect them. I finish with a plea to ASEAN governments to please embrace the international Health Care in Danger campaign, because it's a matter of life and death for millions of human beings who are trapped in war zones in the world today. Thank you very much.

DR. MARIA GUEVARRA

Regional Humanitarian Representative to ASEAN, Médecins Sans Frontières

Words to Action: Closing the Gaps and Protecting the Medical, Humanitarian Space

Magandang Umaga, Bonjour, a very warm good morning to everyone. Before I start, I just want to take this opportunity to thank the ASEAN-IPR, with the Philippines at the helm, and the ICRC for organising this event and putting such an important issue on the table to begin a real reflection on how we can collectively gain traction on respect for IHL, as well as to translate words into action, which is the title of my talk. I come here as a medical doctor and will try to bring you some aspects on issues and MSF perspective, in two parts. The first part, I will show you some pictures, because as they say a picture speaks a thousand words and the second part will not bore you with words and, hopefully, spur you into action.

Two (2) years ago, on this very day, MSF experienced one of its darkest, if not the darkest day in MSF History. Today is the anniversary of the Kunduz Attack, so it's very appropriate.

At two (2) o'clock in the morning, on October 3 2015, precise and repeated attacks for over an hour from a US Air Force AC-130 gunship destroyed the MSF Kunduz Trauma Centre in Northeastern Afghanistan. The strikes killed forty two (42) people, including fourteen (14) staff and patients, burned in their beds. This is the ICU where those patients died. Some were shot from the air as they fled from the burning building:



Ruins of the Kunduz Trauma Centre in Afghanistan, 3 Oct 2015
Photo credit: MSF

Since the hospital opened in 2011, it was providing high quality free medical and surgical care to victims of trauma with a hundred (100)-bed capacity. It already performed fifty thousand (50,000) free surgeries from the day that it opened. It served over a million people in the coverage area. As part of the MSF security measures, GPS coordinates had been shared on a regular basis since its opening with all parties, to all its contacts, just few days before. A strict no weapons policy was in place, and weapons were systematically and, without exception, dropped off at the door. All patients were treated on the basis of medical needs alone, without distinction to race, gender, religion or political affiliation, which is something we do everywhere. There was no reason or justification for it to be legitimate target for attack.



Following the attack in Kunduz, we asked for an investigation by the International Humanitarian Fact-finding Commission. We engaged ourselves in an in-depth internal review of the incident. We were not happy nor content with their explanation that it was a mistake and we requested access to the results of the US internal investigation which was partially declassified and seven hundred twenty one out of three thousand (721/3,000) pages were publicly released.

The summary of their investigation released by the United States Central Command October 2015:

“The comprehensive investigation concluded that this tragic incident was caused by a combination of human errors, compounded by process and equipment failures. Fatigue and high operational tempo also contributed to the incident. These factors contributed to “the fog of war,” which is the uncertainty often encountered during combat operations.”

For MSF, we believe that what happened to our trauma hospital in Kunduz is a terrible illustration of the disrespect of the laws of war. This is why the bombing in Kunduz has consequences beyond Afghanistan. MSF is performing its duty under the Geneva Conventions, by treating any and all patients in the area. Sadly, Kunduz is not an isolated event. When I say attacks happening today, I mean that almost literally. Chances are high that somewhere around the world, a medical facility or hospital has been attacked in the last twenty four (24) hours. In the last twenty four (24) years, MSF is negotiating protection of its facilities in conflicts around the world. We are only able to count attacks to facilities to which we are connected. Many more being attacked are not reported. That same month in October 2015, seventeen (17) MSF-supported medical structures were bombed in Syria, which represented only a portion of all reported attacks that year in Syria alone and which

resulted in the death of twenty three (23) staff members and injuries of fifty eight (58) others. September of this year, there was intensification of bombing over northwestern Syria. Hospitals were closing, either because they have been bombed or because they fear being bombed. This leaves patients with ever-decreasing options for life-saving care at the time it is needed most.

There is a study done on the topology of attacks even before the Kunduz event. Basically, it itemizes and categorizes the perpetrators, intention of trigger and types of attack.

On the top three, perpetrators being the international forces and coalition, which means there is a collusion of responsibility, state security forces and armed non-state actors. The reasoning or intention being either counter-terrorism policies, military strategies or political strategies. The different type of attacks being against the wounded and sick, medical personnel and health care facilities. It is important to note though that attacks do not always come from the sky but also from the ground where our facilities are targeted, looted, invaded by armed groups, systematically destroyed and where staff or patients were either killed or injured.

South Sudan was one of those places where I visited last year. One notable attack that happened in July this year was when unidentified gunmen carried out armed robbery in one of our clinics. In Myanmar, we have already spoken about the humanitarian crisis in the northern Rakhine state today. We know as well that two (2) of our clinics were burned down. In Central African Republic, also this past July, two (2) armed men came into the hospital, threatened a family and shot at them. A baby was hit and died in her mother's arms while in the medical facility. Imagine, those were supposed to be two (2) safest places for a baby to live.

In May 2016, with ICRC's President Peter Maurer, Dr. Joanne Liu, MSF International President, delivered an impassioned speech calling out to UN members that "Medicine must not be a deadly occupation. Patients must not be attacked or slaughtered in their beds. The doctor of your enemy is not your enemy." She also highlighted that four (4) of the five (5) permanent members of the Security Council have been actively engaged in conflicts and continue to show their disrespect. As we know, the UNSC unanimously adopted the UNSC Resolution 2286 which strongly condemned the attacks and the looting, threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities.

The Council also demanded that all parties of armed conflict comply fully with their obligations under international law, including the Geneva Conventions. Followed by recommendations for its operationalisation in August 2016 by then Secretary-General Ban Ki-Moon, which provided that States should ratify IHL, review domestic laws, standard of procedures, rules of engagement and develop accountability mechanisms. Despite these commitments, attacks continue today, which brings us to many questions. How do we move beyond empty rhetoric and put words into action? How can medical practitioners provide

care safely when hospitals are concerned at being targets? How can we treat wounded from all sides, if state authorities are allowed by domestic law to arrest or attack wounded and sick enemies in hospitals and to accuse doctors of complicity or support to criminals?

The national security threats or interests of the state open the doors to wars without limits, it is the population that pays the highest price. So what is the real impact of hospital damage by airstrikes, but also, the loss of their lives and of access to care? How do we stop this current normalisation of events and business-as-usual attitude?

About MSF, it is a movement, an association with an international office, five (5) official centers and about twenty five (25) section offices. In 2016, we ran four hundred sixty eight (468) projects in seventy one (71) countries around the world, fifty six percent (56%) are in armed conflict, internally unstable or post conflict settings and nearly forty thousand (40,000) staff, eighty percent (80%) of them are locally hired. We have about 1.5 billion Euro budget, about ninety five percent (95%) are private funding coming from 6.1 million donors. And one of our more important values is financial independence. We are small cousins of ICRC and we do not have their international mandate as guardians of IHL. We do practice medicine and perform humanitarian medicine, which is a set of practice of medicine. We are not a formal institution, we are a civil society organization and we have to stay that way. This is how we gain our informal legitimacy that is rooted in our action and the support from public opinion.

If one were to consider the security triangle - acceptance, protection and deterrence -- acceptance is the preferred mechanism of MSF. That has already been discussed by ICRC. The intangible sources are the trust, integrity, reputation, personal relationships built through our operations and activities. It's hard to maintain this when you are bombed from above and it's done by drones.

We did a publication a few years back in 2011 on perception called, "In The Eyes of Others: How People in Crisis Perceive Humanitarian Aid," and what came up was the quality of care as the main criteria in judging MSF's work.

We, medical doctors, also have a code of conduct. We take our Hippocratic oath that claims we will not do harm and follow the code of medical ethics which is meant to guarantee quality and principled care - autonomy, beneficence, which is doing good, non-maleficence, which is Do No Harm, and justice. It is also mentioned in the Additional Protocol II, Article 10 of the Geneva Conventions, but, unfortunately, this is subject to national law, therefore highlighting the importance of incorporating protection and adherence within national laws. Also on these common core ethics, there was an initiative to launch by ICRC, together with the international federation of medical students, international federation of nurse's organisations and world medical associations, to highlight and remind that ethical principles exist already. They do not change whether in times of conflict or peace aimed to empower providers and make them feel safe that there are legal rights and protection due to them.



There are also ethical dilemmas – the duty to care that medical individual practitioners have the duty of care for institutions and to provide for their staff, and the duty and moral obligation to protect patients. These are hard when they are all parties in conflict.

A word on operationalisation, we carry out our work through humanitarian principles and medical ethics but it is not enough. Without policies and laws that are enforceable, especially in this age of uncertainty, not only are we facing increasing complex humanitarian emergencies but also crisis in humanity. How do we stop these attacks? How do we operationalize UNSCR 2286 and regain the respect for IHL?

MSF presented the ‘APP’:

- **Awareness:** knowledge is power. It helps us to act smartly through proper data monitoring, to bring evidence-based and reality-based experiences on the ground for proper action and to motivate action;
- **Practice** – pragmatic application, that is, applied security – we continue to improve our security policies and procedures. Part of that security is also understanding culture and the importance of listening and also training internally, as well as externally;
- **Partnerships** and alliances – it’s also working with governments, academia, research centers and joining forces with strong supporters and bringing in the community. This is about finding convergence with those who are most affected.

Just a word on the good, the bad and the ugly. The good is the notion that innovation is not everything, it is more about doing the right thing. Yes, we have proper databases. We can measure the impacts swiftly and always try to understand why this is happening to the world. At least within MSF, we try to systematically investigate any attacks.

The bad and the ugly are, while technology tends to be good, it can be used for the bad. There’s a sense of dehumanization, especially when you use drones to kill remotely. Social media is also useful for connectivity, but, it also distances us from human-to-human connections.

A word on ASEAN: Being a representative of MSF in ASEAN in the last five (5) years, I can only say I am extremely encouraged at the openness of the discussions here these past two (2) days and the increasing willingness to discuss sensitive issues, such as the Rakhine situation. I fully support the expansion of the role of AHA Center in such situations. I also want to highlight the importance of a people – centered narrative and how to put that into action.

Dean Kishore Mahbubani published a book called, “The ASEAN Miracle: A Catalyst for Peace.” He is the Dean of the Lee Kwan Yew School of Public Policy in the National University of Singapore. He described that one of the strengths of ASEAN was its sense of community among the ten (10) nations despite the remarkable diversity. But this is only at the government levels. In fact, he highlights that the key weakness of ASEAN is that the ASEAN man on the street does not feel the same sense of ownership. Without bringing them on the table, ASEAN will not survive until 2067.



Collective Humanity: Whatever it is, listen to the multiplicity of voices, listen to the anger, cultural practices and norms, as well as harness the collective intelligence that we have everywhere. As we address the issues to lessen the impact on humanity, in conflict settings and more, we look to governments and those in positions of power to heed our call for action. Actors in MSF and civil society organizations do not have the solution to these issues. The answer is on the political stage to address the root causes of the issue. In the end, we need the policy and decision-makers to ensure that these laws are in place and put into practice, as well as help us all to collectively stay safe in our humanitarian efforts to save lives, alleviate suffering and promote dignity. Thank you.

PROF. LUBNA BAIG

Pro-Vice Chancellor, Dean, APPNA Institute of Public Health, Jinnah Sindh Medical University, Pakistan

Preventing Violence Against Health Care: Operationalization of Research Based Strategies in Karachi

My presentation will build from the presentation of Dr. Amigo and Dr. Guevarra. I come from Karachi, which is actually not a war zone. It is a beautiful megacity with around twenty five (25) million people and is the most populous city in Pakistan. It has issues very similar to many megacities that experience violence. The photo of an ambulance burning from the presentation of Dr. Amigo was taken from Karachi. Obviously, we have lots of problem and lots of issues.

Generally, the media reports about doctors being killed. Sectarian violence often happens. In 2010, the emergency department of a hospital was bombed because one sect of the population who were victims of the bus bombed in the city were brought there, so the other sect blasted the emergency department of the hospital and the doctors had to flee from the scene.

When ICRC contacted us in the academia and a couple of other partners, they wanted to go into interventions, so being a researcher and a public health physician, I thought we needed to know what is happening on the ground to have some baseline information.

The ICRC, within the framework of its global project, Health Care in Danger, sought to improve the protection of patients, medical personnel, facilities and vehicles from violence through humanitarian diplomacy, advocacy, promotion of law and practical interventions. These things come into the picture when I talk about the work that we've been doing in Karachi.

The main objectives of our research were to identify: a) what are the types and quantum of violence against health care personnel? b) who are the perpetrators? and c) what are the strategies used that actually target the victims?



We have a poster in our public health institute with this message that says, “I did not die because I was hit by a bullet. I died because the doctor who was going to treat me had been killed.” So that was one of the things that started this project.

From the research, we understood the situation better. We got the baseline data and for all the interventions that we did, we were able to identify the outcomes so that we were able to gauge how we are working and assess the impact of interventions.

In the study design, there were over one thousand (1,000) people involved to really understand the situation on the ground. We involved all the major hospitals, non-governmental organisations (NGOs) working in health, the communities that may be coming in as perpetrators or victims, and all the partners of ICRC. Based on our interviews of the stakeholders including doctors, paramedics, nurses, guards, even drivers, we found out that 66% had either experienced or witnessed violence. If you are a male physician, security or ambulance staff working for more than six (6) years, you have a significantly higher risk of being targeted, verbally or physically abused. Somehow, females were being spared.

Major perpetrators were mainly patients’ attendants, meaning their family members and friends who were accompanying patients, who would violate the physicians or health workers for various reasons. Other perpetrators were the people who were just there to create trouble and not related to either the hospital, physician or the patients.

What happened to all these people that were targeted? Among these five hundred forty two (542) people who had been targeted, 2% died, 20.5% were injured, two-thirds (2/3) of those targeted thought that the violence could have been prevented and 60% had repeated disturbing memories. If I may mention, we don’t have in our hospitals, as of today, a “No Tolerance to Violence” policy. We do not have any laws to protect physicians. A Health Commission was created through legislation in 2011, but as of today, it has not been implemented. Some of us had just recently been named members of this Health Commission, but so far, it has not been operationalized.

60% did not report the incidents for fear of negative consequences, so we asked them why they did not do so. Some of the people who had targeted these physicians were politically connected people, so the victims felt that nothing was going to happen.

In our country, unfortunately, there is no law protecting the general public. If you’re someone who is not politically connected to anybody, it is better not to report violence. Therefore, there is a high level of tolerance. In one of our groups, I interviewed the head of the emergency department and she said that it was okay for people to be verbally abusive, but if somebody hits her, then that’s not good. Another one said that it’s okay if someone slaps him, as long as he does not suffer from a broken tooth. When we asked the police about it, they said that cognisable offences, which one can report, are if you had lost your tooth or broke a leg.



Based on all these results, we held major consultative meetings with our partners and all the other stakeholders; and we developed ten (10) interventions. One intervention was a training for health care providers. We developed this manual which included the following components: communication skills, including techniques in breaking bad news. When we did a post-training research, we were informed by those who had undergone the training that they had better coping strategies with stress. So training improved the confidence of health care providers and they were better able to deal with violence.

The other manual and training that we developed were for physicians because they did not have good communication skills. They did not know how to counsel patients. So the manual was addressed specifically to nursing and dentistry students, as well as physicians.

We also adopted a tool on physical violence which was downloaded from a website and pilot-tested a safer access tool and shared this with the staff of the hospitals so that they can better assess how safe their hospitals are, as well as the people in their communities. These tools are being shared with the Health Department.

The other campaign was for ambulances. We had billboards over the city and developed videos with the message calling on the public to give way to ambulances because they may have someone very dear to them riding in one. These videos were shown in national channels. People could relate to it because it was based on a real life incident where a girl died because of a VIP movement in traffic. The media campaign actually did bring the change and we found out there was a 19% increase in vehicles that were giving way to ambulances. We had a baseline survey where we had all these observations in six (6) different spots of the city during rush hours, mid-rush hours and non-rush hours and the major reasons for blocking of ambulances included traffic interruptions by VIP movement and minibuses stopping without indication.


Then we said that we need some legal interventions, so we worked with the Research Society of International Law (RSIL) and other partners to form a consortium in developing legislation on the protection of health care staff and professionals, which would include doctors, which we hope to take up to the Assembly in 2018. Let me just say that this partnership with ICRC and other partners has created this sensitisation among all stakeholders and people are talking about it. Probably in 2018, we could include the schools and start the sensitisation when the kids are really young and they can work with their parents and guardians, with the hope that they will grow up responsibly.

DR. THA HLA SHWE

Honorary President, Myanmar Red Cross Society

Strengthening Protection of Health Care: Myanmar Experiences

I have been with the Ministry of Health for thirty eight (38) years and I have worked with the Red Cross for ten (10) years. In the course of those experiences, I have come across many dangers that our Red Cross volunteers and health workers have faced in the line of duty.



After looking at what we have done and comparing these with the two (2) excellent manuals produced by the ICRC, namely "Health Care in Danger" and "Protecting Health Care", I found that they are, more or less, in there. However, the manuals covered in much more detail many aspects that we couldn't do.

Let me walk you through what we have done.

Our country has been through a lot of conflicts since we attained Independence from the British in 1948. Most of them were in the form of insurgencies against the government forces. Lately, in 2012 in Northern Rakhine, we came across this communal conflict and not a religious conflict. However, it has now escalated into acts of terrorism against the State in 2016, and again, early of this year. If you look at all the international media reports, this has not been reflected.

Instead, what has been reflected is the plight of the Muslim population that has crossed over to Bangladesh. I do sympathise with them, being a humanitarian worker of the Red Cross. The latest incidents brought on by the terrorist attacks against the security forces and the villages of a Hindu population where hundreds of them were killed and their houses were burned down, those were also not reported in the international media.

These are examples of dangers that our health care workers have gone through. Some of them, especially doctors and nurses, were abducted and made to work for the insurgents/opposition armed groups, sometimes for years and then they were released. But once they are repatriated and returned to their places of origin, it becomes a bit of problem. The government and intelligence community now tend to look at them with suspicion that they may have been brainwashed.

Some health care facilities were attacked, although these facilities have been clearly marked out. Some facilities are in higher ground so that they become primary targets of people who are shooting from the other side and become part of the collateral damage.

Health-care workers were being killed. The recent incident was in Northern Rakhine where one health care personnel was killed. Our Red Cross volunteers (RCVs) are in the frontlines of any response to emergency situations, either armed conflict or natural disasters. They are also being targeted by armed groups. In this incident in Northern Rakhine, four (4) of them were abducted, with three (3) put in solitary confinement while one (1) was immediately killed. We had to negotiate for three (3) months before they were finally released. However, Article 17.1 of the Penal Code says that anybody who contacts outlawed organizations are liable to legal action, so that when we approach these armed groups, we are at risk of being seen as contacting insurgents.

In addition, our RCVs who are required to transfer displaced persons to safe zones are being shot at. Even when our convoy was clearly marked with the Red Cross flag and our volunteers were wearing the Red Cross apron, they were still shot at one (1) of them was



killed and three (3) were wounded. We had to use the good doctors of the ICRC to get word to the other side not to shoot at the Red Cross convoy.

Immunisation programs were disrupted because of rumors and false news that the health workers are trying to kill the patients. They prevented the immunisation workers from entering the village, sometimes even threatening them with bodily harm.

For the health-care facilities, we try to secure fencing around the facility. How secure can it be? We put highly visible sign boards in front of our hospitals and clinics, as well as the Red Cross emblem for first aid posts. We put security guards at the entrance to prevent any unruly elements from entering, but if any person with a gun/weapon will try to get access inside, we are not able to prevent them from doing so. We do ask our medical facilities to stock up on medical supplies needed for at least a week. All our facilities have fire extinguishers, as well as communication equipment in place. Of course, we cannot afford satellite phones, but now cell phones have made communication much easier.

Our medical personnel are all trained in emergency care management, including stress management. They are also trained in communication skills. Of course, all our staff are well informed about medical and professional ethics. They have insurance coverage, but still not 100%, I think. They are knowledgeable about the referral system and they follow the standard operating procedures that we have in place. All of these health workers undergo regular stress relief and management programs.

Ambulances and vehicles are well maintained and they have Red Cross or health-related symbols/logos visible from afar. They provide service impartially and promptly, even in the camps of Northern Rakhine, and they prioritize the safety of patients and people at all times.


We try to disseminate information on the Geneva Conventions and IHL to the armed forces, but it is quite impossible for us to reach the non-state armed groups. In Myanmar, we have to ask ICRC to disseminate this to the other side. Then, there is also the work of developing a culture of responsibility among all stakeholders for safeguarding health-care.

You will notice that I have not mentioned anything about patients' care because it is embedded in all of that. In medical and health facilities, the patients are put in the safest place and their treatment is based on priority and urgency of need. Thank you so much.

BRIGADIER GENERAL JOSEPH M. ACOSTA

Surgeon General, Armed Forces of the Philippines, International Committee on Military Medicine (ICMM)

Excellencies, Ladies and Gentlemen, good morning. Thank you for giving me this opportunity to talk about this timely and relevant topic on how to increase the protection of vulnerable groups while addressing conflicts and security-related challenges in ASEAN, primarily on health care. In ten minutes I am going to talk about increasing the understanding of support for initiatives for the protection of health care.



On October 1, two days ago, I retired from military service as a doctor and as a surgeon general. When I was invited to talk in this Symposium, what readily came to mind in my thirty (30) years of service as a doctor is that, for me, our military medical personnel or military health workers are vulnerable.

During conflicts, the military medical or health personnel are an integral part of military forces. They are deployed in conflict areas, such as the recent Marawi siege, which is still an ongoing operation, and they are there from the start until the end of the conflict. These military medical personnel are vulnerable because they are exposed to various direct and indirect threats, placing them at great risk.

In Marawi, we have six (6) complement teams in six (6) medical stations: one (1) from the Philippine National Police (PNP) and five (5) from the Armed Forces of the Philippines (AFP). In these teams, two (2) are fixed aid stations and four (4) are mobile. When the troops maneuver, the four teams maneuver also.

We have more than one thousand seven hundred (1,700) wounded in action (WIA) and less than 10%, or about over one hundred fifty (150) killed in action (KIA). Compared to the number of troops deployed, the less than 10% killed in action shows us that it's a very good armed forces and a very capable military. Senator Gordon commended our armed forces, and I too am very proud of them, especially our health service workers. When the more than one thousand seven hundred (1,700) personnel wounded in action, whether they are severely wounded, injured or bleeding are brought to the collecting points, these wounded soldiers become the responsibilities of the military health workers. They can immediately apply basic treatment - vessel clamps, tourniquets and pressure bandages, splints applied to broken bones and tubes inserted to pierced chest wounds. The over one hundred fifty (150) killed in action were mostly due to bullet wounds to the head.

However, this talk is not about how good our military health system is but rather, about how vulnerable and at risks these health workers are – being hit and wounded and getting sick of diseases acquired in the areas of conflict. A lot of fighters in Marawi contracted dengue and a lot of other diseases. These are spread to our health workers, as well. Bullets from the enemies hit the two (2) fixed aid stations in Marawi several times. Even our armoured ambulance had several bullet marks.

For specifics and clarity, a medical personnel is defined in Rule number five (5) of International Humanitarian Law (IHL) as a personnel assigned by a party to the conflict, to include:

- medical personnel of a party to the conflict whether military or civilian;
- medical personnel of the National Red Cross /Red Crescent;
- medical personnel made available to a party to conflict for humanitarian purpose by a neutral or other state not a party to the conflict.

However, a medical person is defined as under the command of a commander. Generally, all military commanders consider these as foremost: 1) accomplishment of the mission, and 2)



the welfare of their personnel. Health workers are part of the personnel. Truly, we recognise the vulnerabilities, threats and risks that the military personnel are facing including our health workers, when they are deployed in conflict areas, such as Marawi. Also we recognise the changing nature of conflicts in the world:

- Conflicts are predominantly intra-state, often between a government and armed opposition groups, such as in Syria, Libya and South Sudan.
- Belligerents, such as ISIS, Syrian Government, Rwanda, have little, if any, respect for IHL.
- International stabilization and integrated UN missions that combine peacekeeping and political missions with humanitarian response, like those in Haiti and Afghanistan.

With that as a backdrop, health workers are faced with challenges that have to be addressed. These include:

- Keeping the staff and beneficiaries safe;
- Staying to deliver the services;
- Gaining and maintaining access to health care;
- Adherence to humanitarian principles

Attacks against health providers have also been noted, putting into question the concept that a humanitarian flag or emblems still guarantees safety. Based on the Statute of the International Criminal Court (ICC), "intentional direct attacks against personnel using the distinctive emblems constitute war crimes." According to aid workers' security reports, major attacks against aid workers in 2010 until 2015 result in almost two thousand (2,000) victims. The ICRC reports that, from January 2012 to December 2014, more than four thousand two hundred (4,200) people were victims of violence against health care. Over 50% of the attacks were around or inside the targeted health care facilities. Almost six hundred (600) health care workers were killed or beaten and over seven hundred (700) of medical transports were attacked directly or indirectly. Fortunately, there have been no reported medical health workers killed or wounded in conflict areas in our country.

A hundred (100) page ICRC publication, "Health Care in Danger," shows the rights and responsibilities of health workers working in armed conflict and other emergencies. The International Institute of Humanitarian Law, "Rules of Engagement (ROE) Handbook," the ROE card, referred to as the Soldier's Card, provides the summary of key rules of engagement principles regulating the use of force by individuals for a particular mission.

The use of force in self-defense by individuals is governed by the domestic laws of their nation. Cards issued to individuals must not authorize the use of force beyond what is permitted by their domestic laws. In the Armed Forces, we have the Human Rights Office (HRO), headed by Brig. General Motril, who is in the audience. His office looks into the adherence of AFP members to IHL and human rights.



Generating respect and adherence to ethical principles of health care are:

- Autonomy - the right of the patient to remain in control over his body;
- Beneficence - health care providers must do all they can to benefit the patient in his situation;
- Non-Maleficence - simply means "Do No Harm." Medical providers must consider whether people or society will be harmed by the decision they make;
- Justice - there should be an element of fairness in all medical decision. Fairness in decision as well as equal distribution of scarce resources and utilities.

All these are geared towards generating respect and adherence to the ethical principles of health care and must be communicated, taught, reiterated, stressed, and regularly tested with crisis scenarios simulated across the whole organisation, in our case, the Armed Forces of the Philippines (AFP).

Incorporating the protection and provision of support services for health care personnel in the operational areas states are some things that we should plan. The AFP has a medical support plan and military health care providers are updated periodically to maintain their efficiency and effectiveness, combat operations stress management teams are also available, individual personnel protective equipment including preventive medication of diseases and vaccines are also provided.

The operating environment that we are in has evolved into an era of persistent conflicts, and this has translated to various health threats that haunt human existence, including here in the Philippines. We would like to thank the National Red Cross for their assistance to the overflow of wounded soldiers in Marawi. At the moment, we have a small military hospital somewhere near Marawi.

At the moment, peace is still elusive in Marawi, but I believe it is still achievable. Wherever that brings us, I myself will continue to be a peacemaker. With this, I give you my peace. Maraming salamat po.

Open Forum and Plenary Discussion

There were two questions posted by the participants to the speakers of the session:

Mr. Zosimo Lee, Professor, University of the Philippines

It really puzzles me why non-state actors would attack the medical facilities and health care workers. What could be the reason for doing so?

Mr. Pierre Kremer, International Federation of Red Cross and Red Crescent Societies

My question is focused on volunteers. We have five (5) million volunteers in service. How do you protect the volunteers, in particular, the local actors? Isn't it time to look at standards of protection for these health actors?



Dr. Guevarra, Regional Humanitarian Representative to ASEAN, Médecins Sans Frontières

In MSF, we do have protection mechanisms and security regulations for all the volunteers that we have and it goes with the training. It's not enough. We do need to also increase our understanding of the international laws and how that falls within medical ethics and principles and how these collide together. There are lots of efforts to do that and as I've mentioned, we've been partnering in these trainings to highlight where each of us could be a voice to each other as part of our protection.

To answer the first question. That, I think is a million dollar question, we don't know and that's a very sad situation. I think attacking medical facilities and workers is a means, a war strategy to take away any support and to paralyse the community. It's really a siege kind of tactic. I'm not a war specialist, but I think that's the impact. There is a need to do more, in terms of analysis, to understand and actually investigate why these things are happening so that we can better protect ourselves.

Prof. Baig, Pro-Vice Chancellor, Dean, APPNA Institute of Public Health, Jinnah Sindh Medical University, Pakistan

Based on our research, what we found out was that it is more related to sectarian violence. So if one particular sect was brought to the hospital, then these people from the other sect would not want them to survive. We've had this incident where a patient was brought into the hospital for treatment of his injuries and was being treated in the emergency department and people from the other political party came in and killed him in that hospital. The ambulances were attacked because of the perception that they belong to the enemy.

Dr. Acosta, Surgeon General, Armed Forces of the Philippines, International Committee on Military Medicine (ICMM)

I would liken this shooting at medical personnel or facilities to the stoning of vehicles running through our highways. What the government authorities did was to put up high fences in the areas where the stoning occurred. I don't know if I'm right but these people who are shooting ambulances and health/medical workers are terrorists that do not follow IHL or any law on any land.

Dr. Amigo, Health Coordinator, ICRC Delegation to the Philippines

Based on my experience in ICRC, the non-state actors are a very diverse group. It ranges from near criminalities to sectarian violence to political motives. What I can add to the discussion is that on a number of occasions, constructive dialogue help them to understand. In my own experience, I've had the opportunity on two (2) occasions where we were able to successfully interact with the armed groups. I'm not saying that this is the norm; it's rather difficult. It's important that we dialogue with them on the principles of humanity.

Dr. Shwe, Honorary President, Myanmar Red Cross Society

You brought out the issue of protecting local volunteers. In one instance, when we were transporting IDPs, our convoy was shot at. I was asked by BBC what protection can the Red Cross have for its volunteers. The only protection that we can give them is the symbol of



the Red Cross that is printed on the flags and aprons of the volunteers. The BBC interviewer further asked if we supply our volunteers with bullet-proofed vests and helmets. I said no because that would make them seem like soldiers. The symbols are the only protection that we can give. What we do is to give the information to both sides and tell them not to shoot at Red Cross.

Dr. Guevarra, Regional Humanitarian Representative to ASEAN, Médecins Sans Frontières

I'd just like to reiterate that it's not only the non-state actors who are engaged in these attacks. It's also done by coalition forces and the state, so we need to reflect on that and to understand why.



Session V.2: Children and Education

MS. MONIQUE NANCHEN

Child Protection Adviser, ICRC Headquarters, Geneva

Mr. Chairperson, Excellences, Ladies and Gentlemen.

The International Committee of the Red Cross (ICRC), through its presence in over 80 countries, bears witness on how education has too often been a victim of armed conflict.

I will start my presentation by reminding of the importance of education, then I will speak about how education is impacted by armed conflict, then say a few words about the legal framework and the way the ICRC addresses some of the challenges, and will end with some recommendations.

Education is seen as a top priority, alongside food, shelter and water, by a vast majority of children and their parents in crisis situations.

Safe, functioning schools in areas affected by conflict and violence have a protective role and often give children and youth access to life-saving information, assistance and services. Not only do schools provide children with secure locations and protective structures, but they also teach children essential knowledge for survival and safeguard the future of children and communities. Indeed, education can save children's lives during emergencies.

Lifesaving awareness on landmines and unexploded devices can be taught in schools. Without knowledge on hygiene that children can learn in school, some children might die of disease. Female education is linked to substantively lower rates of child mortality. School attendance can also keep children from joining armed groups.

Education, as an essential public service, plays an important role in enabling people, especially those caught in conflict, to live in dignity and to regain a certain sense of "normality". This is true particularly for children in situations of protracted conflicts that we see is an increasing trend across the globe.

However, education is very fragile and conflicts can have a devastating impacts on education.

Education is possibly one of the least resilient public services to external shocks and one of the first to be impacted by conflict and violence. This is mainly because education requires multiple resources, stability and opportunity.

Disruption of the education system will have long-lasting consequences on students, teachers and communities. It might trigger the displacement of whole families in search of educational opportunities for their children.



How is education impacted? From our experience of working in long-lasting conflicts, we have seen different issues:

- We have seen teachers and students being threatened, injured or killed.
- Some school buildings might be damaged incidentally or intentionally targeted.
- In some contexts, schools are deliberately attacked.
- The presence of weapons and munitions in school facilities and along access roads also directly endangers children until they are completely removed, which sometimes take years.
- Educational facilities might be used for military purposes by state or non-state armed groups which pose a real danger to children and teachers.
- In some contexts, close proximity with weapon bearers puts students at risk of recruitment or sexual abuse.

All these risks might lead to the closure of schools, to parents keeping their children from going to school and from teachers to stop coming to work.

I can give you an example. Ten days ago, I was in East Africa and Northern Uganda, where there are about one million refugee children from South Sudan. Half of these children still go to school.

In the settlement I visited, the ratio of pupils to teachers is 1 to 84 for primary school and 1 to 102 for secondary school. So, let's think about it, you have over 100 children who are entering a classroom and struggling to listen to what the teacher is saying. Lack of qualified teachers is a big issue.

Those children who are lucky enough to attend schools might have to walk very long distances to reach the school. The school is often in a very poor condition -- without a fence, no running water and very poor sanitation. In one school there, I have been told there is only one latrine for over 400 children. Because of these reasons, children may decide not to go to school.

Internally displaced (IDP) children face specific challenges when it comes to accessing education. They might face administrative barriers, such as the lack of identity documents and loss of educational records, or maybe they are unable to attend examination sessions, leading to interruptions and delays in their education.

Children, particularly IDP children, might also not be able to attend schools for economic reasons as parents are not in a position to afford school fees, uniforms or school books. This means that some parents have to send their children to work rather than sending them to school.

What does International Humanitarian Law (IHL) say about education? IHL does not establish a right to education. However, IHL does contain rules that are aimed at guaranteeing that



in situations of armed conflict, education can continue and that students, teachers, and educational facilities are protected.

Indeed, students, education providers and schools are also protected as civilians and civilian objects under IHL. This means that in the conduct of hostilities, parties must take all precautions to protect civilian objects, such as schools.

In non-international armed conflict as well, under the Second Additional Protocol to the Geneva Conventions, it is said that children must receive an education.

IHL does not specifically prohibit the military to the use of schools, but the ICRC believes it is essential to raise awareness about the attendant risks. In an interesting move, some States have decided to stop using schools for military purposes because of negative humanitarian consequences.

How does the Red Cross and Red Crescent contribute to mitigating the impact of armed conflict on education? The ICRC, together with the other members of the Red Cross and Red Crescent Movement, are paying increased attention to the issue of education.

A draft resolution on education will be presented at the next Council of Delegates of the International Red Cross and Red Crescent Movement this November in Turkey, paving the way to an increase in engagement.

The ICRC strives to respond to education concerns by enhancing the protection of schools, students and school staff exposed to the risks posed by armed conflict and the promotion of a safe environment for education to continue.

To do so, we document incidents affecting education and intervene with fighting parties (States and non-State actors), in a confidential way, to remind them of their obligations to respect education and protect schools, to prevent attacks on schools, or to make sure that attacks will never happen again.

Moving forward to recommendations, how can we mitigate the devastating impact of conflict on education? First of all, it is about prevention. Prevention means respect for the rules of international humanitarian law.

Parties to armed conflict are to fulfill their obligations concerning education in armed conflict and to ensure respect and protection for children in all circumstances. Parties should make every effort possible to prevent schools from being used for military purposes.

States should also ensure that displaced children, including internally displaced children, can continue to receive an education by lifting administrative barriers and giving them access to local schools.



My second recommendation is about preparedness. States are encouraged to capitalize on existing know-how and experience on disaster management to strengthen the resilience of schools and education to the shocks of conflict/violence.

A third recommendation is about the need to ensure that education can continue in spite of conflict. This does not always require new educational structures. Efforts should be made to strengthen the resilience of existing structures so they can continue to operate even close to the frontlines.

Finally, if we are to achieve Goal 4 of the SDG on Quality Education for all, the engagement of states in supporting the continuation or resumption of education during humanitarian crises is key to the realization of this SDG Goal. All efforts must be made to keep education from being another casualty of conflict. We should never have to hear what I heard from a Nigerian mother who was asking: “why do I have to make the painful choice between sending my children to school and keeping them alive?”

Schools have a protective role to play and it must remain so.

The ICRC will continue to follow with interest the discussions on the issue of impact of conflict and violence on children’s access to education. We stand ready to contribute to the ASEAN-IPR and ASEAN’s future work and reflection on this important matter. Thank you.

MS. NAJELAA SHIHAB

Founder and Head of School, Sekolah Cikal and Rumah Main Cikal, Indonesia

Good morning ladies and gentlemen, thank you for having me. I’ll share some experience of being an educator in the field in Indonesia. It has only been around 21 years, which in the context of change, is fairly short, and because they say it takes at least fifty (50) to one hundred (100) years to see some real changes in education.

One thing I really believe when we talk about education reform is that the initiative and design should be bottom-up instead of top-down. That’s mainly how education reform in Indonesia can actually happen. We collect the best practices and talk to the government to see what is working and step up to the next level.

In Indonesia, we’re now working with 2.9 million teachers, forty five (45) million students and around two hundred fifteen thousand (215,000) schools. I am going to talk specifically about literacy – give some background of the issues and some of the initiatives we have been working on in around one hundred twenty five (125) cities and five hundred fourteen (514) regencies.

Access is practically the main and only strategy of the government right now. As we see from the results of different educational assessments at national and international levels, when you provide access without quality, then what happens is this: teachers are not in their classrooms; schools that are not engaging students; students do not have basic skills to

continue their education level. We have quite a high turn-out rate and the dropout rate has been decreasing, but the number is still high compared to other countries.

If you go to remote parts in Indonesia, you will see libraries that are empty but you will find play station rentals and digital malls full of children who are playing instead of spending their time reading and doing school work.

One thing that has been pushed is budget for education. 20% of our national budget goes to education. The problem is that the implementation is only at the national level and not at the regional level, even as the regulation says that it needs to go at both levels. If we look at an area in Jakarta, which is the only province in Indonesia that allocates 20% of their budget for education, the percentage that goes to quality improvement is only 0.8%; almost all of the budget goes to teachers' salaries. However, only 25% of all the teachers actually receive their salaries.

The truth is education is being blamed for many of the country's problems, but if you look at the budget allocated for infrastructure and teachers' salaries, then you will stop wondering why there aren't enough resources for teacher training.

According to Early Grade Reading Assessment (EGRA), 6% of the students who are actually at school at the end of second grade cannot read at all and around 20.7% have very minimum competencies after spending more than two (2) years at the primary level.

There are actions that have been taken. There is a national literacy movement right now. The nationwide education policy features "15 minute silent reading," which is now compulsory in all levels of schools. But I think we need more urgently to take action on the free-service training for teachers. The mandatory curriculum right now has no emphasis on literacy development. We are looking at teachers training, on their understanding in literacy and the strength of the trans-disciplinary pedagogy is important. Currently, only the language teachers have all the responsibilities of all those literacy issues. We don't really have a national assessment or monitoring and evaluation tool which can actually help prevent literacy rates to deteriorate throughout the year. We have the national examination but the main purpose is evaluative instead of diagnostic.

There are some of the initiatives that we are looking at, to help the government identify the best practices:

- Pemantik is a citizen-led assessment on basic literacy. We're working with around one hundred (100) organisations that conduct citizen-led assessment in many areas in the country. We have reached fifteen thousand (15,000) school age children in many areas in Indonesia. The target is to reach two hundred thousand (200,000) children in the next two years. We work with an education foundation from India and the aim is to conduct conversations on literacy issues happening inside or outside the school and push for some advocacy on literacy policy.



- The second is actually an experiment. It's called SINEDU, or cinema engagement. It's a cross-sector collaboration between people in the movie industry and people in education to develop an online platform that promotes the use of movies in school settings to improve literacy.
- INIBUDI is an initiative on video learning production done by teachers from different regions to provide extra resources for classroom education.

The second issue that I will address is bullying. Despite international trends that bullying is going down, in Indonesia, the numbers are actually increasing. The main strategy that has been used is regulation. There are seven (7) ministries that are working on child protection in Indonesia.

However, the conversation happening in the field is actually different. Despite the regulation, the biggest teacher association and the most powerful in the country, is appealing to the constitutional court to grant immunity for teachers who do corporal punishment in the classroom. Coordination with different stakeholders is urgently needed to enforce the law, as it is stated.

The following are some initiatives to address the issue of bullying:

- The first initiative is a parenting education program, where parent volunteers conduct sessions on positive discipline, how to reflect on their own parenting practices and deal with emotional stress and share stories with other parents in their communities;
- The second one, Kampus Guru Cikal, talks about how teachers can develop their own competencies, enhance collaboration and career paths, but also to decrease mistrust in the system where teachers are seen only as objects.
- The third initiative, Islam Edu, is an alternative curriculum in Islamic education. When we look at some violence happening at home and in the classroom, some of the rules stem from certain interpretations of the religious verses and what was seen as practiced by the Prophet Muhammad. An example is hitting the child when he or she doesn't follow instructions is still widely practiced in many areas in the country.

So I think that this is a good introduction of the many issues in education and the best practices that have been done by public agencies, communities and organisations in Indonesia. I do believe that education is a key sector with high potential of public participation. You just need to collect and share more data about what works and what does not work on public initiatives and promote whatever works in certain contexts to solve much bigger problem.

Thank you very much for your attention.



MS. LOTTA SYLWANDER***Country Representative, UNICEF Philippines***

I am supposed to speak about children and education - enhancing capacities of teachers and students to reduce the exposure and vulnerability to violence. I'm going a little bit, as you will see, on the humanitarian situation because it somehow fits into the bigger picture.

The right to education is protected by the Philippine Constitution and inspired by the Convention on the Rights of Child and now, of course, we also have the SDG 4 of ensuring inclusive education for all, as well as equitable and quality education.

Let me also say that I believe that the SDG 4 is really linked to all the other SDGs which contribute to human growth to well-being, equity, gender equality, decent work and economic growth and, of course, human rights and protection, including avoidance of conflict.

UNICEF has been working in the Philippines since 1948 and education was, in fact one of the sectors that we worked on apart from the provision of food to children who were victims of the severe bombing of Manila during the end of the Second World War. Many who are of that generation would remember getting school books from UNICEF.

We are very happy about the recent reforms that the government of the Philippines has done in terms of education. For example, the Early Years Act of 2013, which recognizes the rights of children, ages 0-8, to education as that period which is crucial for development. Then, there is also the Enhanced Basic Education Act which expanded the length of compulsory education to 13 years, which is now known as K to 12. This has really, in a good way, put a strain on the educational system, when many former out-of-school children came on board under this new school system.

We are also happy with, and commend the Philippine government, for the Alternative Learning System (ALS), although there is still a lot to be improved. It is supposed to give vulnerable groups, such as indigenous people and populations living in hard to reach areas, access to education.

All of these, I really demonstrate the Philippine government's efforts to make education accessible to all, wherever they are. UNICEF, of course, works on the basic premise that education is the best way to promote peace and avoid conflict.

While the Philippines has made significant steps forward in terms of education, the country still faces a lot of challenges in terms of equity and, especially, quality of education.

As I said, there are many children who are out-of-school in the Philippines. Official figures have it at 2.8 million, but we believe it is unfortunately much higher than that. Despite the fact that the school system in the Philippines has a long and prominent history, the Philippines, at this time, is one of the top countries globally holding significant number



of out-of-school children and youth. Many of those are, of course, disadvantaged – poor children, children living in far-off areas, indigenous children, but especially children living in conflict areas.

We should be talking about children in the Autonomous Region of Muslim Mindanao, or ARMM, as it is called here.

Social and economic indicators in the conflict-affected areas in Mindanao, especially in the ARMM have significantly lower levels than anywhere else in the country. Although there has been significant economic growth, it does not seem to have trickled down to Mindanao, particularly in the ARMM.

So the situation of children in all aspects in the ARMM remains really alarming. We compared some of the figures with some of the indicators at the level comparable to some of the least developed countries in Africa.

The most disadvantaged children are found in Mindanao where there are conflict-affected areas. More than 20% of the school age children in Mindanao, particularly in the ARMM, are not in school.

The Department of Education has figures that, overall in the Philippines, only 4 out of 10 children who start Grade 1 complete Elementary Education. In the ARMM, only 1 out of 10 students completes elementary education.

Of course, this has to do with the conflict. There are several armed groups in Mindanao. We also know that children's education is affected by the occupation of schools by various armed groups. Children are used as child soldiers, informants and auxiliary staff. Children are involved, indirectly or directly, in conflicts and violence. They are, of course, innocent victims.

I am really glad to see that we have Gen. Motril from the Human Rights Office of the Armed Forces of the Philippines (AFP) here who is very knowledgeable on this area.

In terms of learning outcomes, which does not necessarily have to do with entry in to school, the results really show that children in the conflict areas, especially in the ARMM, have a much lower attainment level compared with the rest of the country. It shows also that most children in conflict areas are unprepared for school. They have never been to a school before. They don't know what it means to sit in a classroom setting, and so on. So, they are up against many barriers and hurdles, along with poverty and actual conflict, but also including their personal unpreparedness.

Mindanao is also the home to 61% of ethnic - linguistic / indigenous groups in the Philippines, many of them are, in fact, living in the ARMM.



Poverty, social exclusion, low education in all levels contribute to the continuous conflict and feeds the children into the different armed groups who need more fighters or soldiers and these are really grave child rights' violations which are going on everyday in the Philippines.

UNICEF believes that the best way to address this is to fight inequities and poverty and to ensure that children do go to school and that they get the education that they deserve.

Unfortunately, the fact is that it is not only in Mindanao where the levels of violence in the Philippines are high. We also know from a violence against children study, that violence levels in homes, schools and society at large, are very high in the Philippines. In fact, 80% of children in the Philippines report to having been victims of some kind of violence. 27% of boys reported that they have been sexually abused, a number that is significantly higher than girls. So it is not only in armed conflict areas where there is a high level of violence against children.

So, how do you fight that? What do we do as UNICEF?

We're trying to address this in schools, protecting children, teaching positive discipline through parenting programs. We're also working with communities, churches, non-government organizations (NGOs) and civil society organizations (CSOs), making sure that the whole mindset and social construct around violence will change. This, of course, will take time. We are doing this in close collaboration with the Department of Social Welfare and Development (DSWD) and the Department of Education (DepEd), as well as many other organizations.

Also, one thing that the Chairman of this session and I have spoken about is online sexual abuse that's ongoing in the Philippines and is also one of the highest in the world. It is also one thing that that we need to fight, which is part of a whole culture of violence in society, and not only in the armed conflict areas.

So, the education system and the social welfare system really play essential roles in changing the culture of violence and of children being drawn into violence, whether it is in armed conflict or just in normal everyday household situation.

We are joining efforts, together with different partners, to change the situation.

I haven't touched about the Marawi situation but I'm sure others will do that, which is also a case where children are suffering serious psycho-social consequences of not being able to go to school and go home. This is something we are looking at very seriously and working together closely with the ARMM government and the national government to address.

So, let me close by thanking the government agencies, our partners, and the ICRC in supporting education in the Philippines

I wish you a good conference. *Salamat po at magandang tanghali.*



MS. MARIA CORAZON DE LA PAZ***Chairperson, Balay Rehabilitation Center, Philippines****Magandang araw sa inyong lahat. Good day, everyone.*

I thank the previous speaker, Ms. Sylwander for introducing the context of what I'm going to present, because we work closely with UNICEF.

The word, Balay, means house in the Filipino language.

Balay Rehabilitation Center, Inc. is a human rights organisation that has been providing psycho-social development response to survivors of torture and internally displaced persons (IDPs) for a little over 32 years.

It pursues the provisions of IHL specifically aimed at guaranteeing children's education even in times of armed conflict. To do this, Balay implements programs and projects to ensure that children can regularly attend school; that schools destroyed by armed conflicts or natural disasters are restored or reconstructed away from war zones; that teachers, students and parents' capacities are strengthened to reduce the children's exposure and vulnerability to violence.

To guarantee that school functions will not be disrupted, Balay adopted a good strategy of declaring "Zones of Peace" in schools in Pikit, North Cotabato. For many of you who are familiar with North Cotabato, the municipality of Pikit was a war zone from the period of 2001 to 2010. Balay continues to adopt Pikit as its project area up to the present.

Balay focuses on children and education. Children who are victims of armed conflicts and natural disasters are provided with support, such as food for the family and psycho-social intervention.

We call our program Psycho-social Support to Communities. While the focus is on children, we know that we also have to build the capacities of parents, teachers and school officials.

In 2003, Balay implemented the Children as Zones of Peace (CZOP) project, which highlighted the importance of integrating peacebuilding into the regular curriculum of the public educational system in North Cotabato. In fact, our initial output in 2003 became the basis for more sophisticated school materials which Balay has been implementing and adopting among public schools. CZOP has been transformed into learning institutions as zones of peace.

We ensure that, even in times of conflict, children's needs are addressed.

Post-conflict activities also include peace camps, not only with the children but also among young adults because we know that recruitments are going on among young people. To prevent that from happening, we let them undergo a psycho-social process so that they



overcome the feeling of being deprived. We try to convince them that it is better for them to continue schooling rather than choose to take up arms. Sometimes, our attention has been called by non-state actors who ask whether we are conducting demobilization initiatives. We reply by saying that we are merely providing access to their human right to education.

We provide scholarships and we have formed the seven (7) barangays in Pikit to implement CZOP in 2003, which is still functioning and, we are glad to note that, at present, Pikit is no longer a hot bed for armed conflicts.

Another initiative of Balay, which has been funded by UNICEF, is Education-in-Emergencies. In the same manner that we integrated peacebuilding into the school curriculum in Pikit, we also initiated an agreement with the Department of Education in the Autonomous Region of Muslim Mindanao (ARMM) to facilitate a series of workshops among teachers to integrate disaster-risk reduction into their regular curriculum. We believe that peacebuilding is a form of disaster risk reduction that they can provide their students so that, young as they are, their minds can still be brought to a better perspective rather than go to war. Most of these children have experienced family members being victimized or killed. What is left in their hearts are anger and the desire to seek revenge. That is why Balay is focusing on community- and family-based psycho-social responses.

I should mention that we have also been advocating for the passage of the IDP bill, i.e., the rights of the internally-displaced persons, since 2003. So for the past 14 years, it is still pending in Congress.

We have been successful, however, in having the Anti-Torture Law or Republic Act 9745 passed, which we used to educate young people in Bagong Silang, Caloocan City, about their rights and how they can prevent themselves from being victimized from crimes such as extra-judicial killings (EJKs.)

Finally, BALAY envisions a society where our services are no longer needed, i.e., where peoples of different ethnicities and faiths, including children and young people, are living a meaningful life, free from fear, want and discrimination. We envision a society where people can exercise informed citizenship and practice a culture of peace as they strive to attain the development of their full human potential.



MR. NED OLNEY

Country Director, Save the Children, Philippines

Ensuring That Children Have Access to Formal and Informal Education

Thank you very much, Mr. Chair. Good morning everyone, friends, colleagues, humanitarians all!

I would like to thank the ICRC and ASEAN for the invitation today. I don't have a presentation, but I do have some good news to share with you today.

First, I would like to bring you back a few years. I'm sure all of you remember the tragic events of Typhoon Haiyan, locally referred to as Yolanda, which hit the country in November 2013. At that time, if you remember, there were at least sixteen (16) million people affected and 5.9 million were children. There were 1.7 million children who were displaced, over eight thousand (8,000) people were killed, three thousand (3,000) of them children.

What you may not remember after those dramatic images in media was what happened in the ensuing months. We saw everyday in the news a national reflection; a vigorous debate, "Who was responsible? Could we have done more? Did those eight thousand (8,000) people need to die?" The answer, most certainly, was no, but what could have been done? What should have been done?

Initially, there was a lot of finger pointing and heavy political dialogue at that time and we saw that committees in Congress were pointing their fingers at the administration. But it was a difficult conversation, because as Congress looked for those responsible, they had to wade through the applicable laws, department policies, rules and regulations that were overlapping, conflicting and not clear. "Who was responsible for what?"

As the tension died down and the public hearings went on, the questions were, "What should we do now? What can we do now?" Certainly in our conversations with our colleagues and friends in Congress, the question was, "Do we amend the law?" "Do we make more policies at the departmental level?" There were plenty of learnings to be had. What was certainly clear then was that the laws in existence served to confuse the national entities and emergency response organizations, as opposed to clarifying.

It was then decided that a standalone piece of legislation would best serve the Philippines, specifically, in terms of protection of children. That's the good news that we have to share to those of you who are coming from outside of the country.

I will spare you the details of the legislative process. But the vigorous debate on, "Who should do what for children, when for children, and how for children," was put forward in this piece of legislation called the Children Emergency Relief and Protection Act or Republic Act (R. A.) 10821. I am told that it was one of the few laws that passed without a single opposing vote in both Houses of Congress. It passed into law in May 2016 and is the only

law in ASEAN that exclusively entrenches rights and protection of children before, during and after emergencies and crises.

Since then, the implementing rules and regulations were signed in February of 2017.

Let me share with you some of the salient provisions of this law, because all of us, as humanitarian organizations are looking for solutions and, I think, we could find some solutions in this piece of legislation:

1. Comprehensive Emergency Program for Children (CEPC) is a national plan, an all-governmental plan should be formulated, led by the Department of Social Welfare and Development (DSWD) and other line agencies, including the police and military and CSOs, that will be operational once a state of calamity is declared. There is a single plan for children.
2. Heightened measures to prevent and detect child labor and child trafficking will be implemented during calamity.
3. Increased involvement of children in disaster risk reduction planning and post disaster needs assessment.

Particularly relevant to ASEAN today is limiting the use of schools as evacuation centers and monitoring of temporary learning spaces. The use of schools as evacuation centers is limited up to a maximum of 15 days. The original version of the Bill was up to 30 days; and this was very contentious to the media, who were saying that Congress was debating about throwing out all the IDPs into the streets. The part of education was really clear in the Congressional debates which reduce the number of days to 15 days. What that means is that after 15 days, school authorities will need to initiate a dialogue in terms of what are the plans to free the schools up from IDPs and to provide them with options and not to just throw them out into the streets.

A research done by Save the Children after Typhoon Haiyan looked at the impact on children of having IDPs in their schools. Children who had lost families and homes were also losing months and years of their education. There were some schools that were still being occupied even a year after the typhoon. The daily lives of these children was that they had to go to school early, they needed to clean their own schoolrooms, put the desks back in the morning once the IDPs left the classrooms. This clause in the law was really important.

The law also includes the following:

- Articles on early care and development for children under five (5) and heightened measures to ensure the safety and security of children to prevent all forms of abuses and exploitation of children in evacuation centers and in schools/temporary learning centers.
- It also includes disaggregated data collection that identified children. I think we see in many countries the lack of disaggregated data.



- Speedy restoration of civil registry documents, such as birth certificates and ID cards. You can't access basic services unless you have IDs.
- Enhanced services, including the provision of transitional shelters for unaccompanied and separated children, pregnant and lactating mothers;
- Nationwide training of emergency responders on child protection and psycho-social intervention.

There's a lot there to learn from and, I hope, replicable across ASEAN.

Let me just say that the government plan that the DSWD is responsible for formulating will be the basis for handling disasters and emergency situations to protect children, pregnant and lactating mothers and to support their immediate recovery. The plan shall be implemented immediately after the declaration of a national or local state of calamity or occurrence of any other emergency situation.

Another piece of good news. The final draft of the CEPC was reviewed by the National Interagency Working Group last Friday. Once it is signed, the Manual of Operations that will guide the different agencies involved in the implementation will be developed. We hope we can have the CEPC signed and approved this month.

Specifically, to add, since this session is about enhancing the capacities of teachers and students to reduce their exposure and vulnerability to violence, the CEPC includes activities and processes that will promote and uphold the rights of children by: (1) Providing child-centered training for all responders; (2) Ensuring that children are provided with adequate access to age-appropriate information on their roles and responsibilities and those of government agencies before, during, and after disasters and other emergency situations; (3) Providing an effective mechanism for training and meaningful participation of children in community disaster risk reduction programs; and (4) Consulting with the affected children on their needs and priorities for post-disaster relief and recovery.

Let me wrap up by stressing that those mechanisms that are in the law should be linked with the local social protection system that exists in the communities. How does this link with the normal day-to-day protection system for children in the local government units?

So, with that, for those of you who are interested, this Republic Act 10821 is a very interesting and replicable mechanism that entrenches protection for children in emergency and crisis situations. Thank you all very much.

Open Forum and Plenary Discussion

Mr. Michael Dumamba, International Organization for Migration (IOM)

Occupation and attack of schools are considered as grave child rights' violations. I would like to know the situation of the Philippines and other ASEAN countries in terms of their commitment to the Optional Protocol 3 - to the Convention on Rights of the Child (CRC) on



communication procedures as an alternative mechanism for children to report directly with regard to the occupation and attack of schools. Are they allowed to participate in this UN mechanism?

Mr. Sovachana, Representative, Cambodian Institute for Cooperation and Peace

In a post conflict society, such as my country, Cambodia, which was destroyed by the Khmer Rouge, different international NGOs, such as UNICEF, Save the Children and UNESCO, including the Cambodian Government, put extreme importance on education as a means to end violence. But I think all of us in this room know what education costs, and that quality education even costs higher. However, no education costs much more. We need to make sure that education for the masses is liberating and it needs to develop critical thinking. What I see in the education system of my country is only a measure of what society can produce. Maybe we need to frame it into learning for all. I am a professor myself. What is the key to quality education? How do you measure learning? Are the children who are in school learning? How do you instill the culture of reading? If you don't read, there's no way you can be successful. My students come and attend class and expect to pass but they don't read a lot. So I would like to be enlightened about the 15 minutes of silent reading that was mentioned by one of the speakers.

I also hope that you can also shed some light on gender education.

Also, teachers are key to quality education, but if they don't have the resources and the proper salaries, how can they be effective? I'm sure Cambodia is not an exception. The international community has to have some mechanism.

Ms. Husein, Vice-Chair, Muhammadiyah Disaster Management Center, Indonesia

I would like to share the approach we have taken to highlight the partnership for the protection of children in emergency and crisis situations. For the past ten (10) years, we have established a consortium that helps to ensure education of children during emergencies and crisis. This consists of government, NGOs and INGOs. There are tools that have been developed that provide guidance on how to protect children in times of emergencies and crises.

Ms. Sylwander, Country Representative, UNICEF Philippines

I believe that the Philippines has not signed the Optional Protocol 3 yet, but I might be wrong. I can tell you though that the UN and UNICEF do monitor grave child rights violations and we submit reports to the UN Secretary-General. These include grave child rights' violations ranging from occupation of schools to using children as informants and the killing of children and so on. Those reports are then collated into a summary report which is given to the UN Security Council. We do have a lot of verified grave child rights violations in the Philippines, mainly due to the number of armed rebel groups in Mindanao. The participation of children comes in there because when we get the report on grave child rights violation, the occupation of schools or a child being violated by an armed group, if possible, we try to find and interview the child and verify that it has really happened. We

don't just file a report because it was in the papers or someone told us about it. We try to verify what has happened.

Ms. Shihab, Founder and Head of School, Sekolah Cikal and Rumah Main Cikal, Indonesia

On the question of policy, based on my experience in Indonesia, what is mostly missing in the government policy is the feedback rule, which is basically what the public and NGOs can probably give. Most of the government initiatives don't go through a systematic piloting process and when you do these changes in such a big scale you spend a lot of resources. Then some of us are actually afraid to monitor because some resources may already be at stake. When it comes to quality education, you can see from our experience how much the government is spending more on the infrastructure and not the quality of education itself.

I'm a strong believer in engaging the budgeting process so that we can influence the system to focus on quality. There are too many examples of how quality of education is being sacrificed because of the poor budgeting process. A recent example of this policy is the centralized procurement of textbooks and the allocation of these resources is very expensive and also prone to corruption.

The 15 minutes compulsory silent reading policy is an example of a macro-policy that actually works when it is complemented with the implementation at the classroom setting. There has to be a better study on what policies should be implemented in each school because school leaders play an important part in making sure that they are really being implemented.

On the issue of measurement, we have one that is technology-based that empowers the students to assess themselves, sharing data between different regions.

Ms. Nanchen, Child Protection Adviser, ICRC Headquarters, Geneva

On the question about gender education and talking about conflict, when we look at children who cannot have access to schools because of conflicts very often girls pay an even heavier price. Often parents will not dare sending their children to school and this is even more true for girls who might face specific risks. I'm thinking also of situations where schools are used for military purposes, when one or two rooms of schools are occupied by military, then harassments or sexual violence are among the risks that they face.

Mr. Olney, Country Director, Save the Children, Philippines

Some of the elements of the questions that I've heard are really the underlying difference between MDGs and SDGs on how to ensure quality and inclusive education for all -- for girls, indigenous people and the displaced. Here in the Philippines, at any given year, there is such a thing of around 300,000 displaced. So, it's a normal situation and yet, the system providing for education does not adapt well to this kind of population. There needs to be much more investment by member states and humanitarian actors on education for the displaced and find out how to do emergency education well.



Ms. Sylwander, Country Representative, UNICEF Philippines

In the Philippines, contrary to most countries in the world, there is a reverse gender issue, as there are fewer boys that go to school and the learning attainment of boys is much lower than for girls. So, there are more boys who participate in the armed conflict.

What I think is essential that children are not only going to school, but that they are also actually learning that we should have an inclusive learning system, not only on paper. For example, in the Philippines, disabled children have the right to participate in education, and if you go to a school here, you will find very few disabled children, because the teachers are not trained and the schools are not constructed for disabled children. And then, there are the indigenous children who do not go to school as the teachers do not know the language of the children. So, in fact it is a school system that excludes millions of children. In order for children to go back to school, there is a need to foster a true inclusive education system that is flexible to the different needs of children and, also can reach children wherever they are. So, we still have a lot to do. But, I do agree that the cost the no education is much, much higher than the cost of no education.

**Session Summary by His Excellency Vongthep Arthakaivalvatee, Deputy Secretary-General of ASEAN for ASEAN Socio-Cultural Community, ASEAN Secretariat**

Education is the best tool to develop human potential and is very important for the ASEAN community to go forward. Education is the best tool for the prevention of conflict. However, we should also be mindful that in situations where education is not possible due to conflict, such conflict could escalate further.

There has to be a change of mindset for education as a way of conflict prevention. The gentleman from Cambodia summed it up beautifully that while education has a high cost, the lack of it costs more.

Thank you.



Session V. 3: The Protection of Vulnerable Groups

The moderator for this panel discussion, His Excellency Ambassador Tan Hung Seng, Permanent Representative of the Republic of Singapore to ASEAN, explained that embedded in the issue of how to increase the protection of vulnerable groups, were at least three (3) underlying questions:

- Who were the vulnerable groups?
- What were the challenges in extending protection to these vulnerable groups?
- What additional steps could ASEAN take to protect these vulnerable groups?



MS. FROILYN T. MENDOZA

Executive Director, Teduray Lambangian Women Organization, Inc., Philippines

Good afternoon. Before proceeding to my main presentation, let me just thank the organizers for inviting me to this prestigious event.

I will just quickly walk you through as to who are these minority groups, particularly those who are located in the Autonomous Region of Muslim Mindanao (ARMM). At the moment, there is this ongoing discourse on how we call ourselves. We are the non-Moro indigenous peoples (IP). Briefly, in the advent of Islam, these were the groups of people who did not embrace Islam. We are engaging the discussion on how we ascribe ourselves as non-Moro indigenous peoples, especially in the light of the discussion on the issue of identity, in the context of the envisioned Bangsamoro government.

Where are we located? We are in Maguindanao. There is the *Teduray* where I belong, *Lambangian*, *Dulangan Manobo* and *B'laan*. In Wao, Lanao del Sur, we have the *Ilyanen*, *Tiguhanon*, *Manobo*, *Batanes*, *Subanen*, *Matigsalog*, *Higaonon*, *Talaandig*, *Umayamnun*. We

are the majority, that is, there is a substantial number in these areas, which are considered as strongholds of the indigenous people. In terms of number, there are 122,914 IP population in twelve (12) municipalities in the Bangsamoro core territory.

We are also currently undergoing the processing of our ancestral domain area. The latest update is that, there are at present, two hundred fifty eight (258) pending applications with the National Commission of Indigenous Peoples (NCIP), which is the agency mandated by law to implement this particular concern under the Indigenous Peoples' Rights Act (IPRA).

There are the guiding principles to be considered on how the rights of the minority should be protected:

- Closeness to nature – Indigenous peoples intertwined with nature is a result of their long history and attachment to it as the source of their basic and household needs, medicines, clothing and the like. Most importantly, the history of the life of indigenous peoples is engraved in the environment, such as graves, forests, rivers, seas and even the stars in heaven;
- Collective leadership – originated from their experiences in agricultural production which needs collective effort. The environment is used as bases of their daily activities, such as, when to start the planting. However, because of adverse climatic situations, the people could no longer depend on the environment about when is the right time for planting;
- Communal ownership – All are entitled to properties and income, including animals. Land is considered as the mother of all, therefore, all human beings should have access to these basic sources of living for their day-to-day activities;
- Equal status in society – this concept is based on the reality that land is mother of all and so, as human beings, all are equal. Therefore, it is forbidden to use fellow human beings to elevate one's status;
- Kefiyo fedew, meaning "peace of mind" – this can only be attained when there is an absence of conflict, either physical or emotional. For us, this is also the basis of justice and development in the community. Maybe, this is also the reason why the IPs are not so confrontational, because it is not in their culture to argue and they shy away from confrontations. This is sometimes misinterpreted by outsiders, when the IPs do not speak up about their rights. This particular principle will also make the IPs vulnerable.

Poverty is also one of the many protection challenges confronting minority groups such as indigenous women with marginal produce derived from farming. Many children of indigenous women experience hunger. The situation becomes worse when crops are attacked/eaten by rodents or destroyed by adverse climatic conditions. If you ask the IPs about their most valuable things, they could only enumerate a few belongings, which are the things others in mainstream society have taken for granted.

Cultural barriers are also a challenge for us nowadays. For instance, the true essence of offering dowries has been diminished. With the entry of mining, this practice has been commercialized, just like putting a price for one's daughter. It is now used by some parents



to demand large amounts from the family of the future husband. Because of the practice of early and arranged marriages, many children are unable to go to school, and some have only reached Grade 3.

Kéfédéwan, being well versed with customary and traditional laws, explains to us that the essence of early/arranged marriages has been corrupted with the introduction of many external influences. Traditionally, parents would look for a potential partner for their child as an assurance that their child will have a potential partner coming from a respectable family background. When the daughter is old enough, physically and psychologically, it is only then that her parents shall make the arrangement with the potential partner. The arrangement/agreement shall take effect only with the consent of the daughter.

Even more alarming is the continued displacement of indigenous communities from their ancestral lands because of the continuing harassments by lawless elements. The series of killings victimising IP (indigenous people) leaders have reached an alarming rate. This lawlessness exists especially in particular villages which are known to be the nests of lawless armed groups. There are instances when indigenous communities experience the loss of their working animals and they know who the suspects are. However, they cannot file a complaint for fear of their lives or retaliation, for instance, when a commander of these groups will ask a fee from the community to redeem the working animals. It is a challenge because these are non-state actors and the community will be put at risk whenever a complaint is put forward.

To stand as witnesses of the crimes committed by these lawless armed groups, there is a need to ensure their safety, with the help of their families and support of the police force. The distance to travel from their community to the police station or to the agencies concerned to ask for help pose a risk to their lives.

In terms of legal remedies or formal institutions to seek protection of minority rights, to go to court to file a case, is a big challenge. Aside from logistical concerns, their exposure puts them at risk. In our experience in facilitating cases in court, we usually end up in amicable settlements even for heinous crimes such as murder and rape, because of strong pressure and influence exerted on the aggrieved parties. Aside from this, the formal court system is not a common venue for redress among indigenous peoples. We have a process of conflict management and resolution where we use special art in language so as not to hurt feelings. This is more restorative than that of judicial affirmation.

To run after these lawless elements is also another challenge. If the armed forces will militarise the area, they will claim that the area is reserved as a recognized camp and is covered by the confidence building measures agreed upon by the government and revolutionary forces who are talking peace. If these lawless elements committed atrocities, they will just seek refuge with the lost command groups operating in the area to avoid pursuit by state forces. When the situation is at a lull, they will return to the villages and resume sowing terror.



The non-recognition and non-operationalisation of IPRA in the ARMM is also a big challenge among IP. It is the continuous denial of the claim of the non-Moro IP over their ancestral domain. To this day, the Certificate of Ancestral Domain Title (CADT) that will protect their right over their lands, has never been issued.

Being a young minority indigenous woman in the formal peace process in a largely patriarchal society was not easy. I encountered resistance on the positions I was defending on behalf of the minority groups. I had to put in extra effort to explain why these issues were important, and often felt unrecognized. For me, this could have been an opportunity to ensure that the rights of the vulnerable groups would be included in the peace agreement since the results of the negotiations will shape the life of the minority. It would also ensure that the perspectives, experiences and aspirations of vulnerable groups and other indigenous groups are included in the peace agreement and the governance structures for the new autonomous region.

How to strengthen protection of minority groups:

1. Recognition of their specific and distinct identity within the vulnerable sectors of society and their rights to their ancestral domain.
2. Strengthening of indigenous political structures & customary laws governing them, convening of tribal congresses, including installation and confirmation of tribal titles, recognition of customary justice system, review and updating of traditional practices if it is still applicable or not to address cultural nuances.
3. In facilitating development and rehabilitation programs, there is a need to document human rights violations to give justice to the victims of conflicts. Identification of ancestral domain of IPs should be undertaken so that rights and responsive interventions shall be accorded to them.

Development programs and relief services must see to it that indigenous political structures shall be respected and recognized because, for the IPs, this is empowerment to the minority.

4. Vulnerable sectors have to be economically secure by ensuring delivery of basic services and access to resources.
5. To ensure the repatriation of internally displaced IPs to the areas where they originated and the full restoration of these areas.

Finally, the participation of indigenous women and girls is most important, since they are in the most disadvantaged situation. The more women are involved and trained in peace keeping and peace building activities, as well as be capacitated to be more systematic in their tasks, the more they will become more engaged, effective and efficient.

Thank you for listening. *Fiyo Bagi Meuyag!*



ATTY. LAISA MASUHUD ALAMIA

Executive Secretary, Regional Government, Autonomous Region for Muslim Mindanao (ARMM), Philippines

Asalamu Alaikum Warah Matulahi Wabarakatu, Good afternoon, everyone. I will be presenting on the issue on the protection of vulnerable groups, based on the ARMM context, lessons learned and recommendations.

The ARMM is the southernmost region in the country, with five (5) provinces of Maguindanao, Lanao del Sur, and the island provinces of Basilan, Sulu and Tawi-Tawi. We have two thousand four hundred ninety (2,490) barangays (villages), one hundred sixteen (116) municipalities and two (2) cities.

There are several challenges in the ARMM. Some of them have already been discussed by Froilyn, particularly those with respect to IP. I'd like to reiterate that, until now, IPRA is still not being implemented in ARMM because there is no NCIP in the ARMM. It is a national issue, in which we are also calling for the national government to implement.

These are the challenges in ARMM:

- We know that, historically, the ARMM is a conflict-affected area;
- Weak local governance;
- Corruption in basic institutions. Local Government Units' (LGUs) lack of capacity to govern, manage and operationalize structures/institutions which usually present in conflict-affected areas, even in post-conflict situations.
- Poor relations between LGUs and society.
- I supposed that, in conflict-affected areas or in post-conflict situations, you would normally expect the presence of violent extremism, which is something new in the ARMM, in the Philippines and in ASEAN. Then you have terrorism, local conflicts, or *rido* which are conflicts between and among clans, criminalities such as drugs and human trafficking;
- Lack of resilience to potential internal and external shocks, including *rido*/conflict and stresses emanating from climate change and natural disasters;
- Poverty – ARMM has the highest poverty incidence in the country, but because of some reforms that have been initiated in the development and anti-poverty programs, the poverty incidence rate has gone down in 2016 and will, hopefully, continue to go down. If you will look at the poverty incidence rate per province, those of Basilan, Tawi-Tawi and even Maguindanao and Lanao del Sur have already gone down. However, the poverty incidence in Lanao del Sur is still very high.

I would like you to take note of some of these elements. When there's conflict, there's poverty, there is a problem with governance.



As home to one of the longest-running conflicts in the world, there has been a wave of displacements in the ARMM. The following figures show the number of displacements that have occurred over the years:

- At least nine hundred eighty two thousand (982,000) persons displaced during the year 2000 “all-out-war.”
- Renewed operations of the Armed Forces of the Philippines (AFP) in the Buliok Complex in the year 2003 resulted in a net displacement figure of about four hundred thousand (400,000) IDPs.
- During the aftermath of the aborted Memorandum of Agreement on Ancestral Domain (MOA-AD) in 2008, the National Disaster Coordinating Council (NDCC) reported an estimated 145,730 families or 728,659 persons who have been displaced.

These displacements are all from Maguindanao. This means that, across the years, the same people, including IPs, have been displaced over and over again. There are multiple displacements in our area.

In the aftermath of the Mamasapano incident in 2015, where a controlled special operations against the MILF breakaway group, the Bangsamoro Islamic Freedom Fighters (BIFF) caused the displacement of more than 125,000 persons in the Second District of Maguindanao. Now, we come to Marawi, where there are over 300,000 IDPs as a result of the siege by the ISIS-inspired Maute and Abu Sayyaf Groups.

The Abu Sayyaf has been in the ARMM ever since. They have been engaged in illegal activities, such as kidnapping, mostly for economic reasons, that is, a source of livelihood for them. Now, there is this foreign element: they have become ISIS – inspired. The faction of Hapilon got out of Sulu and Basilan and joined the Maute brothers to lay siege over Marawi.

These are pictures of the effects of the emergence of violent extremism in Marawi, the likes of which we have never seen before in the Philippines or in any part of Asia, I would dare to say.



This is not Mosul in Iraq; this is not Aleppo in Syria. This is Marawi.
Photo credit: Atty. Laisa Alamia

The entire ARMM is a vulnerable group or area. You have the minorities - the Moros; you have minorities within minorities - indigenous people, women, children and the aged, who are all affected by these conflicts.

The reform and humanitarian development assistance approach that we use should be comprehensive, multi-dimensional, and multi-approach. This is something that we have developed. Our target is to improve the living conditions of the people on the ground. How do we do that in the middle of a conflict? It is not easy and I'd like to say that we have not yet reached our goal.

We have been trying to do this in parallel to the peace process that has been going on. We're trying to implement a community-based rural development program, focusing on agro-fisheries development, as well as enterprise and business development.

On the other hand, we need to look at the way the local government units have been functioning, because if you have a weak LGU, then you will have something like "Marawi."

The Abu Sanyaf Group (ASG) led by Isnilon Hapilon actually came from Basilan. Why did he leave Basilan? He initially went to attack Bohol, then eventually went to Lanao del Sur to join forces with the Maute brothers and attacked Marawi. He left Basilan because there's no place for him anymore there. We implemented rapid infrastructure programs which built roads that lead to the lairs of ASG. We strengthened the capacities of the barangay officials, so that they themselves are the ones stopping the ASG from entering their barangays and communities. Now, ASG is limited only to one particular barangay in one particular municipality. They are no longer scattered in the whole of Basilan. This is an example of a success story in capacitating the local communities.

In Maguindanao right now, there is a conflict between MILF and the ISIS-inspired BIFF. This is not shown by media everyday. There is an ISIS-inspired faction of the BIFF and the MILF is the one leading the fight against them with the help of the communities. The people in these communities were the first to see the group of armed men wearing black shirts and carrying a black flag. They are the ones who reported this to the AFP and to the MILF. There is a working relationship between MILF and AFP in fighting this ISIS-inspired BIFF.

It is very important that we also focus on good governance and anti-corruption issues, including evidence-based accountability and transparency. Even the kind of humanitarian responses that we provide have to follow accountability and transparency principles.

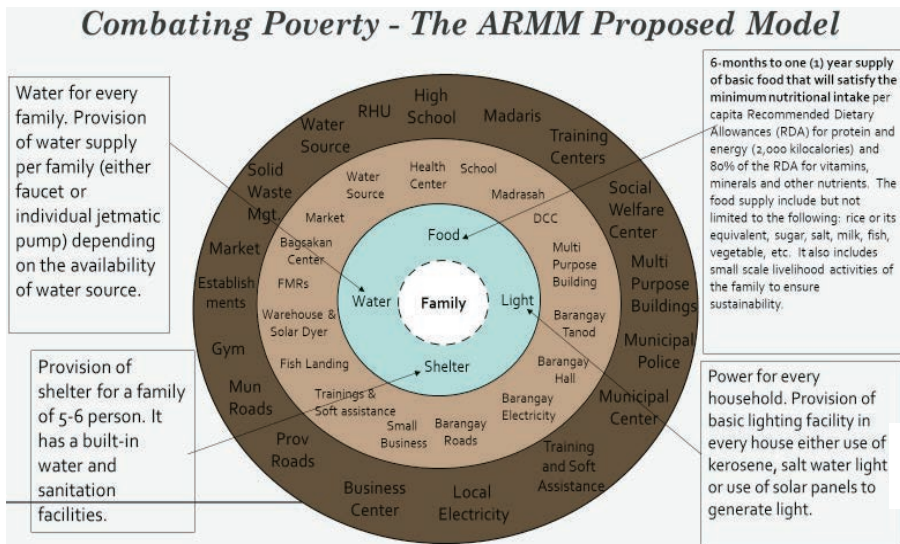
Then, basic services for all. If we are to protect vulnerable groups, we have to put them on top of the list. The kind of services that should be provided should include all the vulnerable groups, protection services and these should be rights-based on matters of health, education and social welfare.



Fourth, is on climate-change adaptation and disaster resiliency. Response in cases of displacement should be rapid. Rehabilitation and recovery should make sure that peacebuilding is part of the reconstruction and rehabilitation plan.

Finally, on security and safety, we try to implement counter-terrorism and violent extremism, as well as anti-drugs and anti-crime campaigns.

This figure is a model of our Anti-Poverty Program, which would help stem the tide of people joining the extremist groups. This is the scope of the ARMM HELPS (Health, Education, Livelihood, Peace and Synergy) Program. Again, please note that peacebuilding is incorporated in anti-poverty programs.



The ARMM BRIDGE Program targets the smallest unit and that's the family. And on the outer side of the figure, we have the integrated and humanitarian development program, which is like the Mini-Marshall plan after conflict, which is supposed to look into early recovery, reconstruction and rehabilitation with the integration of peacebuilding.

There are some recommendations that I would like to make:

- Inclusive settlements and conflict resolution. Any conflict resolution should be inclusive. All vulnerable groups should be part of it. There should be peoples' participation.
- Peace education should be integrated in all aspects of the education system, in such a way that we don't have to call it peace education anymore. It would simply be education, because peace is already an integral part of it.
- There's a need for strong economic foundations if we are to stop the people from joining extremist groups, and because economic reasons are used to invite young

men into these groups, then we need to provide more employment and livelihood. We need to improve the revenue generation and services of LGUs.


- Support to ARMM/Bangsamoro should be long-term and comprehensive.
- The rule of law and accountability systems need to be firmly established.
- I mentioned the need to strengthen capacities of local governments and other stakeholders. We also need to strengthen the capacities of the MILF, MNLF, and civil society organizations (CSOs).
- Strengthen and reform democratic institutions that are already in place in the area.
- Protection approaches/programs for the Bangsamoro and other vulnerable groups should be rights-based, community-based and address specific risks and needs related to age, gender and diversity.
- Protection of vulnerable groups in the Bangsamoro should include activities that are:
 - Responsive – should prevent and stop violations or abuses, alleviate immediate effects, focus on individuals or groups.
 - Remedial - restore dignity, support affected people, and prevent secondary abuses or risks.
 - Builds capacities of communities - contribute to an environment that encourages authorities to respect their obligations and rights of individuals, change in attitudes, policies, values, beliefs and, address underlying causes.

On countering violent extremism and terrorism, based on our experience, one important step is to get the cooperation of the people on the ground to identify radicalizers in their communities and empower alternative influences to compete with these radical groups. We need to focus on those who are not part of that group.

We also need to make sure that in the programs we are implementing, family and family ties are taken into consideration. In the Southeast Asian context, persuasive counter narratives can be developed through family relationships.

There is also an urgency to pass the Bangsamoro Basic Law (BBL) or at least set up the mechanisms towards transition to the new Bangsamoro entity, as well as implement the Transitional Justice and Reconciliation Commission (TJRC), and set up the mechanisms necessary to implement their recommendations.

Finally, recommendations for the Philippines and ASEAN, before I end:

- Pass the IDP Law, which is based on the UN Guiding Principles on Internal Displacement.
 - We need to respect and implement, through enabling laws, the 1954 Convention Relating to the Status of Stateless Persons and 1961 Convention on Reduction of Statelessness.
 - There has to be a multi-state convergence of efforts to respond to internal displacement and statelessness, so that vulnerable groups will no longer be vulnerable.
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- As a moral responsibility of each one of us, each state, each government, each department in every country, should look into the principle of the Responsibility to Protect in looking at the situation of vulnerable groups in the different countries of Southeast Asia.

Thank you very much.

DR. EMMA LESLIE

Executive Director, Centre for Peace and Conflict Studies, Cambodia

I am very honoured to be following Laisa today, because I believe she has a vision for Marawi going forward, as a city of faith for peace, as a city that can become one for Mindanao, for the Philippines, for the ASEAN region and for the whole world, a city that can recover, can become resilient and one that can shine in the face of such violence. That's what I want to reflect on a little bit today.

How can we move from vulnerability to resilience? I've chosen the topic to expand a bit on vulnerability as a source of conflict, because I think a lot of what we have talked about in the last 24 hours has been the result of conflict.

I want to reflect in particular, and just very briefly, and I'm sorry my examples are from the Philippines because I think this is an issue that we face as a whole region.

Structural violence - the infrastructures, the power, the political dynamics - that we continue to face in our region, even after fifty (50) years of learning how to achieve stability, on learning how to give back, are still fundamentally the causes of vulnerability. Froilyn earlier shared the causes of vulnerability for indigenous people. In the last year I had the opportunity to visit a community in Quezon in Mindanao which had been moved from its land because the sugar plantation had an expansion there. They are ten (10) kilometers from the nearest town, they still don't have a water supply, and they don't participate in the health system. Many of the people there are still not registered as citizens of the Philippines. They still don't have their land titles yet. These examples may be specific to the Philippines, but also in my home country of Australia, we are facing similar issues today.

That is to say, that as long as structural violence continues, we continue to see this kind of vulnerability in our midst. If we don't address it, it becomes the root cause for the next round of violence. What I saw in this community is the possibility, then, for the New People's Army or the Communist Party of the Philippines, to very easily recruit people into their struggle. I also assumed paramilitary groups operating in that area easily recruiting people into their mantra.

So what I want to say about structural violence, for all of us, is unless we begin to take that as an essential point of vulnerability, then we in fact, begin the cycle of violence.



To add to the notion of structural violence is this concept of humiliation, or the way we take away people's dignity. In a place nearby in Quezon, close to Bukidnon, there was an internally displaced camp. The people there have been displaced by paramilitary groups, the city hall is taking care of them and has provided a place for them to live, but the rice that was given to them was rotten, and it was the left over rice or the extra rice that was no longer needed. Very often, we think, that that's okay because people are often desperate and will take whatever we can give them. In this case, the people were angry, and again become very susceptible to recruitment by other groups in that area. They were angry because, of course, there was a rice store nearby and you can view it from the camp, and because they knew that the rotten rice were given to them because they were of no value to the people there. In the same place that I earlier mentioned, the people were given a tractor in exchange for their land, so that they could feed themselves. But the tractor was broken and so the people would have to find the funds to repair it.

My point is, when we combine structural violence and humiliation, we end up with physical violence. Across our region, we see armed conflicts breaking out in many ways, whether we call it terrorism, ethnic armed struggles, or the right to self-determination. In one way or other, the combination of these things add up to that kind of physical violence.

My third point today, is that, in the same community, we were treated with a performance by young people. These young people reenacted for us the violence that had been done to them by the security guards of the sugar plantation. In fact, these young people were five years younger than they were in these photographs. But the stories and narratives of violence being done in their community were living in the way that they play act, in the way that they play, in the teachings that their parents had given them and the stories of their grandparents and their ancestors. In conflict transformation, know that as long as the narrative goes on, the longer the conflict continues.

In our region, if we really want to begin to end vulnerability, transform conflicts, build faith, we need to begin to solve this generational conversation by, again, ending structural violence and humiliation. I think the seeds are planted here for the next 50 years of conflict. So to break this cycle of violence in our region, to end vulnerability, we can talk about how we address the basic needs of vulnerable groups. But more fundamentally, we need to begin to tackle the larger question of land displacement and ethnic diversity. How do we live together as a region equitably, and make sure that these children don't continue to be vulnerable, to be humiliated but to take that on as their right? I think that is the biggest challenge for us as we think about Marawi. Equally, as we celebrate this 50 years together, how do we carry forward the resilience we built, but also address the structural conflict that we face in this region? Thank you.



MR. CORNELIUS BRUESER

Regional Adviser on Migration for Asia Pacific, ICRC Regional Delegation to Malaysia, Singapore and Brunei Darussalam

Excellencies, distinguished guests and colleagues it is difficult to be the last speaker of this panel only after a day and a half of very interesting presentations. I've come today to speak to you about migration. It might seem a little bit out of context, but a lot of things we've already heard since yesterday, we already heard about issues on the field in countries of origin, countries of transit and countries of destination - all facing different situations and challenges. We also heard yesterday about common humanity – independent of religion and origin. We heard repeatedly about improving living conditions to avoid future conflicts. We also made mention about statelessness.

Let me start with a definition on migration. Who is a migrant? Based on the 2009 International Federation of the Red Cross and Red Crescent policy on Migration, a migrant is “a person who leaves or flees their habitual residence to go to new places – usually abroad – to seek opportunities or safer and better prospects. Education might be a reason to migrate. Migration can be voluntary or involuntary, but most of the time a combination of choices and constraints are involved. Thus, this definition includes, among others, labour migrants, stateless persons, and migrants deemed to be irregular by public authorities. It also concerns refugees and asylum seekers, notwithstanding the fact that they constitute a special category under international law.”

It is important to note that while we take this broad definition, we do understand that there are differences, one does not exclude the other.

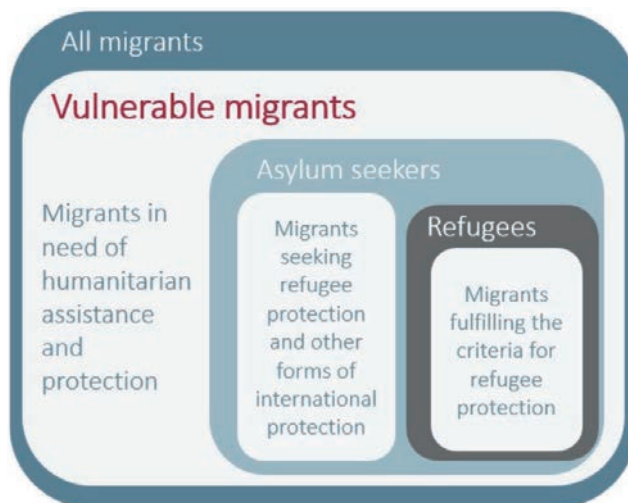
There are three (3) reasons why we take this broad definition. One is operational, because the ICRC pursues a vulnerability-based or needs-based approach. From the humanitarian point of view, if there are vulnerability concerns that need to be addressed, as we have heard repeatedly yesterday, it is not a one-size-fits-all answer.

We also take the rights-based approach, because under different bodies of law, both international and national, different categories of migrants have different degrees of protection.

Finally, we do want to provide a counter discourse on making the distinction between “good migrants” and “bad migrants.” Again, we're talking about a common humanity.

That's also reflected in this graph where we see that there are different groups of migrants, some of whom do not face vulnerabilities in an immediate sense – such as many of us in this room today. Others do face vulnerabilities, some of whom require humanitarian assistance. Subgroups of these are asylum seekers and refugees.





As I said, we adopt the broad definition in order to pursue the vulnerability- and needs-based approach. It's also important to note that we don't encourage or discourage migration. We don't say whether people should move or shouldn't but, if they do, their rights should be protected and their dignity should be upheld.

We, in the ICRC, try to focus our response on areas where we have expertise and experience. We don't just get involved in any which way. The range of activities where we get involved comprise the following:

- Restoration of family links. These are people who got separated from one another, it might be conflict situations, but it might very well not be. They have the right to maintain and re-establish contact with their respective families. One of the pressing concerns of people who are separated is not knowing what happened to family members. An important role that the ICRC does is to try to restore their family links.

Related to this work is clarifying the fate of the missing and deceased migrants. Some migrants lose their lives for different reasons and families are often left in the dark about what happened to their relatives who left and where we can, we try to find the answers to provide closure. For deceased migrants, as we have heard repeatedly, everyone has the right to have his/her dignity upheld and his/her body treated respectfully.

- On a more cheerful note in the sense that it concerns people who are still alive, the ICRC also works with government authorities, police forces, order guards, navies and armies who may be in contact with migrants - to educate them, to have workshops and raise awareness about International Humanitarian Law (IHL), applicable laws on the use of force, on questions such as non-refoulement to ensure that, again, migrants' rights are respected.
- There is a more immediate form of assistance. It could be first aid training, distribution of hygiene kits and access to primary healthcare for migrants.

- An activity that the ICRC has been involved with is in places of detention - this includes immigration detention with the ICRC visiting places of detention to monitor conditions and treatment of people held in such places, to ensure that the detained migrants receive due process and that the question of non – refoulement is addressed.

Another thing to note is that the ICRC does not work alone. It works with the different national Red Cross/Red Crescent societies, providing different forms of support – material, tools, technical assistance, again depending on the context.

There's also the humanitarian diplomacy that the ICRC is involved in. When it comes to migration, where we pursue efforts in fora such as this, to raise awareness that migrants should not be a last concern. Here, as in other conflicts as well, the ICRC makes use of confidential bilateral dialogue. We don't to go out speaking widely to the media about our findings.

There are a few humanitarian and protection challenges that I would like to leave you with:

- One is the concern to not lower the bar on existing obligations to respect the rights and dignity of migrants. There are ongoing discussions, notably, on the compacts on migration and refugees in the United Nations. These should not be taken as an opportunity to codify laws that lower the bar and reduce the protection of migrants.
- As part of that, to continue to respect the principle of non-refoulement, which some countries say do not apply to them because they were not signatories to the 1951 Refugee Convention. Interesting point of view, but a common misconception, because non-refoulement is actually not specifically provided for only in the 1951 Convention for Refugees, but is also enshrined in human rights laws; and applies to everyone – migrants, recognized refugees and human beings.
- Another concern for the ICRC is to include missing migrants and their families in the measures taken. As I mentioned briefly before, when it comes to deceased migrants and for their families who are not in contact and not knowing what had become of them is extremely difficult. As this uncertainty continues, it causes all sort of issues and concerns for the families left behind. In majority of cases, it is often the man who migrates, and that leaves the woman, the mother of children who is left to her own devices. If the migrant should pass away in the course of his journey, it might raise questions whether the woman can remarry, about access to bank accounts, inheritance or questions of land ownership. These are some things that could be addressed.

In the ICRC, we present some recommendations. There are thirteen (13) in total that cover three (3) aspects of measures that can be taken:

- Prevention of migrants from going missing by facilitating means of verification and ensuring safe passageways;
- If contact is lost, to facilitate the search for and identification of missing migrants; and
- Address the specific needs of families while the migrant is missing.



Another thing, I would like to mention is the Compact will come into effect in 2019. Don't wait until then if you can already take measures today.

With regard to migration detention, and in many contexts, immigration and migration offenses are still criminalized. Detained migrants should be held in duly registered and recognized facilities. They should be able to maintain contact with their families, and, when and where desired, to have access to consular assistance.

Immigration detention, that is, use of detention should only be used as a measure of last resort, when there are concerns of security or otherwise.

Thank you for your attention.

Open Forum and Plenary Discussion

Prof. Baig, Pro-Vice Chancellor, Dean, APPNA Institute of Public Health, Jinnah Sindh Medical University, Pakistan

I have a question for Atty. Alamia and Ms. Mendoza. You talked about people being embroiled with these terrorist groups like ISIS. Atty. Alamia, you particularly mentioned that it is related to economics, what they offer to people. We have a similar situation in Pakistan that those who are not very educated and children who are ten to twelve years old are captured by these people and offered money and being used as suicide bombers. What strategies have you used successfully to combat that situation of violent extremism?

Also, in Pakistan, which is a predominantly Muslim country, we do have minority or indigenous people who are vulnerable people. They are in a similar situations where they are given the kind of rice and wheat which I would not want to touch. They are facing drought and food is not commonplace in the area. How does one deal with that situation?

Atty. Alamia, Executive Secretary, Regional Government, Autonomous Region for Muslim Mindanao (ARMM), Philippines

We have not yet successfully implemented any initiative, for now on countering violent extremism and terrorism. It is still ongoing. Based on our experience in the ARMM, we have to develop a counter narrative on the grounds tailored to the local context or culture with the young ones as target audience, as well as the wives of those who joined the terrorist groups. These counter-narratives should be tailored according to the local context.

We have to maintain a strong and consistent voice on the importance of human rights. Countering terrorism and violent extremism is not as simple as setting up anti-poverty programs. We cannot anymore take out those young men who were already brainwashed by these groups and whose only goal is to die as martyrs. So, we should focus on the ones that were left behind.



In the ARMM, one of the strategies that we see is key to stopping the tide of young boys from joining these terrorist groups, is by passing the Bangsamoro Basic Law (BBL) to finally put a closure to the longest running peace process in this country. So the mainstream Filipino society should be able to show, although not in a patronizing manner, that they care about the minorities in the Philippines. That is why it is important to pass the BBL, or at least setting up the mechanisms towards the transition from a conflict-affected area into a new entity that's going to respond to those structural gaps and the needs and aspirations of the Bangsamoro.

When it comes to transitional justice, I would like to connect that with the presentation of Ms. Leslie where you have generational violence. It is this feeling of humiliation that transcends generations which becomes a driver towards conflict. How do we provide justice to people who have been immersed in this kind of violence for a very long time? It's something that the national government and other member-countries have to look into, that is, to set up mechanisms immediately to respond to transitional justice issues and to stop intergenerational violence.

Ms. Mendoza, Executive Director, Teduray Lambangian Women Organization, Inc., Philippines

In the presentation that I gave earlier, these are non-state actors. The challenge here is the difficulty of identifying to which groups or denominations these lawless elements belong or whether they are really MILF or BIFF or from other groups. For the MILF, there are mechanisms that we can resort to, such as the Coordinating Committee on the Cessation of Hostilities (CCCH), where we can raise our grievances. But there are groups that do banditry and when complaints are raised against them, they also use the shield of peace mechanism to avoid answering for the complaints. They are not accountable to anybody. Thus, the powerless status of the minority is even more highlighted. I would also like to appeal, that maybe, it is time for governments to address the long-time violence that is happening in our area.

Mr. Porchet, Head of ICRC Delegation to the Philippines

On the use of social media, how can humanitarian actors and states use the available technologies to our advantage to promote dialogue and find solutions to those threats that are happening?

Mr. Brueser, Regional Adviser on Migration for Asia Pacific, ICRC Regional Delegation to Malaysia, Singapore and Brunei Darussalam

When it comes to social media, it is definitely something to be taken into account. The most immediate connection that I see is in restoring the family's links for the countless people who have lost contact with one another. Sometimes, in national disasters, there are some companies, Facebook comes to mind, that allow survivors to reach out to their family members. There are some concerns when it comes to data protection, which the ICRC has concerns about. They are also not the solution to everything because sometimes there are people who we have lost contact with where social media doesn't work, such as those who



are detained and people who are in armed conflict areas. It might facilitate certain situations but it is not the solution for everything.

Dr. Emma Leslie, Executive Director, Centre for Peace and Conflict Studies, Cambodia

I think it is a very relevant question because such a significant proportion of the population across Asia, I think about 70% are under the age of thirty. That's why we see the potential political challenges in the years ahead, because that young population does not remember the past.

They are also extraordinarily powerful because they know how to mobilize social media, and if anybody told us about the use of social media by ISIS, they've used it very creatively and cleverly. They've engaged the youth population across the world who would like to do something meaningful. They want to be part of something bigger than themselves. If we don't pay attention to understand that, then we'll miss the point of why ISIS has been as successful as they have today. I think we don't use it enough for good.

We had a great experience around the issue of communal violence in Myanmar in 2012 where the violence at that time wasn't about religious challenges and religious differences. We showcased five (5) short stories of a Christian, a Buddhist, and a Muslim in the places where there was violence in Myanmar, showing that it was not who they were and it's not what they were about. That Facebook page had something like 150,000 likes. We targeted who we wanted to see that, and mostly, it was people who we wanted to understand that Myanmar is not a country with religious violence. It has significant challenges, it has violence, but it is not about religion.

I think some of you noticed that the Moro Islamic Liberation Front (MILF) is operating a Facebook page and is doing different kinds of communications at the moment in an attempt to reach out to some of those who may be radicalized in the years to come.

The main point is that, if we honorably use social media as a way to address challenges, and if we only had these kinds of dialogues and conversations in social media and we don't address the root causes, then it's more like pacification and not really conflict transformation.

Social media is the most clever way to mobilize people for good or bad, but it has yet to be mobilized for good if we are really addressing their concerns and issues. As young people, they can become active in social media so much to use it to complain about the things that they are unhappy about, and don't understand that they are better off than their parents or grandparents because they don't have that context. Then social media feeds into this thinking and narratives that Laisa was referring to and that's where the intergenerational narrative starts.

Conference participant

Instead of focusing on their vulnerabilities, why don't we highlight the positive contributions of these groups, such as IPs and migrants and, by doing so, facilitate their resilience?



Dr. Leslie, Executive Director, Centre for Peace and Conflict Studies, Cambodia

I think that's fundamental, that's why I like to link resilience to vulnerability. We too often talk of victims and not survivors. Equally, we stigmatize people through association. There is a wonderful project in Indonesia where people are reaching out to the wives of men arrested for terrorism, and those women have become radicalized themselves. They were so angry about what happened to their husbands, they have become isolated in their communities because people have labeled them then as associated with terrorists. So, they become more vulnerable and more susceptible to being radicalised, recruited, politicised and the like. The more that we isolate them and tagged them as the weaker ones, the more they want to prove their power and the more they want to argue back.

That's why our response on how to reach out to people who we may not ordinarily identify as people of agency, people who have power and we need to embrace them. That's how we combat extremism and radicalism. I agree with Laisa that poverty, by itself, is not the cause. Inequity and indignity are. That combination is a powerful fire which fuels the likes of the Marawis and other conflicts around our region.

Ambassador Hung Seng, Permanent Representative of Singapore to ASEAN

I will use my prerogative as moderator to ask Atty. Alamia to expound further on the importance of the convergence of efforts between state actors and NGOs in the protection of vulnerable groups, and also, on the role of religious groups in conflict.

Atty. Alamia, Executive Secretary, Regional Government, Autonomous Region for Muslim Mindanao (ARMM), Philippines

I discussed earlier about the convergence of our efforts in the ARMM – the Mindanao Humanitarian Team (MHT), which is a team of humanitarian agencies, civil society and non-government organizations in Mindanao. ICRC is a part of that. We have been working together and we have set up the ARMM HART (Autonomous Region of Muslim Mindanao - Humanitarian Agencies Response Team) as the convergence of all government efforts. We have expanded that to include civil society and non-government organizations. We provide rapid response, including early recovery, rehabilitation and reconstruction in post conflict situations. We expanded that further to the MHT to include the international NGOs. That has helped to maximize the resources and capacities of both the government and NGOs in responding to and acting on the situation on the ground. Aside from maximizing resources, it is also for information sharing, that is, making each one aware of what the other is doing.

Government would like that the agenda would be set by the government, and not by the donors and the international partners, especially in terms of contextualizing the kind of services and assistance that is being provided. We have proven this to be successful on the ground. For example, at some point in time, because of the Marawi Crisis, the regional Government's resources were already depleted. The Lanao del Sur provincial government and the Marawi City governments no longer had the resources to respond to the IDPs. We were able to inform our partners of the gaps the response. We also informed the national government.



Convergence is key, not just in humanitarian response, but also in the anti-poverty programs. The ARMM HELPS and ARMM BRIDGE programs, are efforts of convergence among all the departments. Each agency brings all its resources, according to its mandate, provide the necessary intervention across the value chain.

This approach can also apply to other Member States of ASEAN. That's why I suggested earlier that we need to have a multi-state convergence of efforts to respond to the issues of internal displacements and statelessness, especially in ASEAN, because our borders are porous, and so we have to cooperate with each other.

Religious groups play a key role in countering violent terrorism and terrorism. We've looked at this as an opportunity, and as a solution to what is happening. Based on a survey that we've done and some analyses that were done about why Marawi happened, some were saying that violent ideologies are being taught in some local madrasahs. There was a proposal to close all these madrasahs, but then, that's going to spark another Marawi. So, what we did was to organize summits to gather all the ulamas (Muslim male religious leaders) and, also the alimats (women Muslim religious leaders). The women are especially important, because, as Emma said, they are the mothers of possible future extremists and terrorists. One of the things that we do is to make sure that they are given a voice, empowered and given different platforms to espouse moderate views.

Ambassador Hung Seng summed up the session by saying that **“when you treat the illness, you do not just treat the symptoms but also the root causes.”** The root cause, as Emma has so ably summarised, **is the humiliation, inequities and indignities, which we have to address.**



Session V. 4: Persons Deprived of Their Liberty

Mr. Pascal Porchet, Head of ICRC Delegation to the Philippines, moderated the last panel discussion on protection, focusing on a particularly vulnerable group, which are often forgotten and does not come very naturally as a priority concern to many. Yet, sharing his experiences of having worked in different contexts, such as Rwanda, Colombia, Iraq and, now the Philippines, he has, witnessed the pressing protection needs of those persons deprived of liberty. Each day, men, women and children end up behind bars and they often find themselves in very inhumane living conditions, including inadequate food and lack of water as basic services.

He further explained that the speakers will elaborate on some of the frameworks that regulate the treatment of prisoners, such as the Mandela Rules and Bangkok Rules.

Very briefly, the ICRC takes action in places of detention wherever and whenever it can. ICRC delegates carry out thousands of visits to hundreds and thousands of people deprived of their liberty every year and they work closely with the detaining authorities to bring to their attention what are the needs of these people. We do these in a confidential manner and try to engage the detaining authorities and dialogue with them in the hope that they will find interest and see the value of improving conditions of detention.

DR. SHANE CLIVE BRYANS

Regional Prison System Advisor for Southeast Asia, ICRC Regional Delegation to Thailand, Cambodia, Viet Nam and Laos

Let me begin just with a few definitions focusing on persons deprived of liberty in places of detention. What do we mean by detention and why do we think that people detained are particularly vulnerable?

For the purpose of my presentation this afternoon, places of detention would include prisons, police detention, immigration detention, people detained by armed groups and by military. Basically, people deprived of their liberty.

Why should we be interested in people deprived of their liberty while in detention? They are particularly vulnerable group for a number of reasons: Firstly, because of the nature of detention, they lose their rights, for example, the right to freedom of movement, the right to privacy, the right to freedom of expression. Secondly, there is also an imbalance of power for anyone held in places of detention - the power between the guard and the person detained is huge, and that in itself creates a vulnerability. The third key reason why people in detention are particularly vulnerable is because they are in a closed community. By closed community, I mean the community which is not usually under the spotlight of the public, not usually in the spotlight of media and politicians. We've heard that once the



person enters prison and the door is locked, the community loses interest. These are the three key reasons why people in places of detention are particularly vulnerable.

There are a number of challenges we face in Asia and in the ASEAN region. It's not me making this up. I just want to make a point that the ICRC held a gathering earlier this year in Dhaka, Bangladesh where we invited fourteen (14) countries with twenty eight (28) country representatives from the region composed of people managing correctional services, detention authorities and the like. We asked them to identify what were the five (5) key challenges in terms of managing people in detention in the region.


The first challenge they identified was overcrowding. Only one (1) of twenty (20) countries in the region does not have prison congestion. To give you an extreme example, one prison built for two thousand (2,000) detainees was actually holding twenty two thousand (22,000) detainees. Congestion rates in the region runs upwards to over 500%. In some cases, prisons are 1,000% overcrowded.

Just in the ASEAN region, there are close to one million people in detention, with 75% of them in overcrowded conditions.

Overcrowding brings with it a number of problems, such as poor hygiene, insufficient and poor quality of food & water. People living closely together also results in diseases being spread very quickly. With a high population, there is less time for out-of-cell movement so people are locked up much longer and they have limited amount of contact with their families and the outside world. As you put more and more people into detention places that are overcrowded, the authorities tend to lose control. There's not enough staff, so the detainees start running the institution themselves. These are the significant problems in terms of the impact of overcrowding.

The second challenge identified was having a more complex detainee population, which means that there are more vulnerable sub-populations within the over-all number of detainees. This makes it particularly difficult for detaining authorities. They've identified an increased number and percentage of detainees who are particularly vulnerable: women and juveniles, and since detainees may be held longer, there's also an increasing number of older detainees. Very often, there is a high percentage of detainees with mental health problems, as well as an increasing number of foreign detainees who do not speak the local language. There has been a huge spike in the number of drug related detainees in the region, and as we have been hearing the last two (2) days, there has been an increasing number of people accused or convicted of terrorism and violent extremism.

The third challenge identified has to do with the prison estate. Primarily, prisons are old buildings in very poor physical conditions. There is a shortage of accommodation and the infrastructure, i.e., the water and sewage systems are beginning to fail because these are old buildings. Quite often, the prisons are built in the wrong locations, i.e., they were built in the center of the town/city, and that creates problems in terms of being able to expand the facility.



The fourth challenge was around the regulatory framework, and they've identified the fact that these laws and regulations were from the old colonial times that have not been updated since. You'll be amused to hear that many of these colonial rules are British and in a couple of countries, these rules have been there since 1894, and have been followed until the present. These older out-of-date, non-compliant regulations and laws limit food allocation and put restricted conditions on the detainees, and in some cases, allow more physical punishments, such as beating, whipping and prisoners with their legs tied to chains. These regulations are, of course, not compliant with modern international standards but these are the government laws in these jurisdictions.

Challenge number five (5) is around detention and prison staffing. Staff shortages are problems related to lack of funding, so as the number of detainees increases so dramatically, there is a lack of proportionate increase in the number of staff. Quite often, the staff are not paid very well and they have not received the right training for the work they are being asked to undertake, and as a result, leading to lower morale and lack of motivation. One of our colleagues summed it up by saying, "the staff don't know the rules and regulations because they lack training, or they don't care about the rules and regulations." There's no monitoring in the institution so they don't feel the need that they have to comply, or the financial incentives to them for breaking the rules -- such as smuggling in guns, drugs and telephones, are so high compared to what they're paid, they're willing to take the risk and do it.

I hoped I've not depressed you too much this afternoon, but that's the reality I'm afraid that we're facing in the region. There are three quarters of a million detainees held in conditions which are far from perfect and which have a real impact on their dignity and humanity.

I will now touch on ICRC and the role that we have in the region in terms of helping to support and assist detaining authorities with these challenges I have just been talking about. ICRC has a long history way back from 1870, working with prisoners of war (POW) and more recently, working with people detained during armed conflicts and security detainees. Most recently, ICRC took the decision to adopt a "Whole Detainee Approach;" and by that, ICRC took the policy decision to focus on all detainees in institutions rather than just with particular groups of detainees. This allows us to work with detaining authorities on a whole range of activities to address the challenges that they faced.

ICRC's protection and assistance activities in detention are focused on the following:

- ending and preventing torture and other forms of ill treatment;
- ensuring that living conditions are decent;
- ensuring that detainees are not abused in a physical and mental way, especially detainees who are vulnerable;
- restoring, maintaining and maximizing links between detainees and their relatives;
- A fundamental focus is on the rule of law and ensuring that detainees are able to access what is written in the legal framework of their respective countries – fair trial, access to legal systems, and the like;



On the specificity of the approach that we take, let me just highlight that everything we do is with the agreement of the detaining authorities. We have no right to walk into a prison to demand access to any detainees. As we have that dialogue with detaining authorities, our approach is to walk around the prison with the prison management, look at critical areas around the prison. We also hold dialogues with detainees in private so that they can be honest and frank about the issues that they have, their conditions and the way they are being treated. But we also talk to the staff of detaining authorities and we maintain a confidential dialogue with them. As mentioned in the last few days, we don't go to the media. We inform the detention authorities about what we see and what we hear and maintain a confidential dialogue with them.

To give you some idea of the scale about what the ICRC does: last year, we made four thousand eight hundred twenty five (4,825) visits to one thousand six hundred forty nine (1,649) places of detention holding nine hundred eighty seven thousand two hundred four (987,204) detainees and followed up thirty three thousand fifty eight (33,058) individual detainees. It's quite a big operation across the world. We've also visited quite a number of prison systems within this region.

In terms of how we work with detaining authorities, let me just highlight certain standards:

- Our dialogue is confidential and at end of every visit, we talk with the prison director or head of the detention facility and engage them in an open, frank and honest discussion about what we actually found. We try to balance that with good elements we found in the places of detention, including the areas that need improving and some breaches of human rights and a thing or two that don't meet international human standards.
- We also do a confidential written report that highlights humanitarian issues; and
- We don't just visit and report, we actually take some active steps to assist and support the detaining authorities, and that can be at a number of different levels. Firstly, in dealing with the immediate needs of the detainees – food, water, sewage systems, hygiene kits, beddings and a whole range of issues when we can supply that to places of detention if detaining authorities are unable to do so for whatever reason.

In addition, another approach that we take is a much more structural one – we try to look at what are the causes as to why the institution/place of detention is in the condition it is and what we can do to help the detaining authorities at the systemic level and improve its over-all condition. More importantly, let me emphasize that we do repeat visits. We don't do single visits and walk away and go somewhere else. We try to have this continuing relationship and support to review whether the recommendations have been implemented. In summary, that triangle captures, what ICRC does.



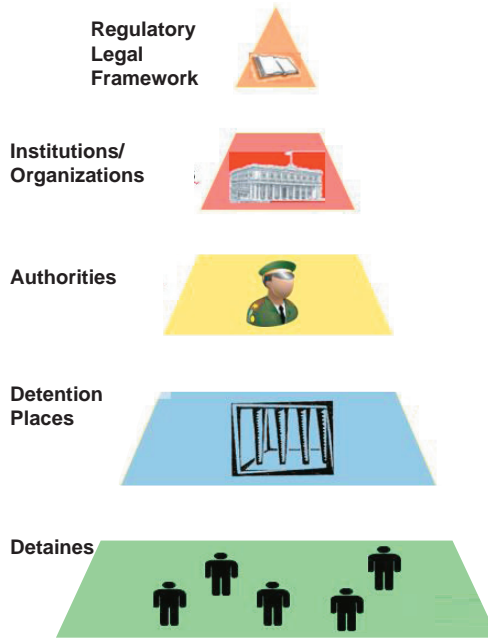


Diagram of ICRC Work

At the bottom level, we do immediate response for the detainees. At the top of the triangle, we also try to do systemic support. For instance, on the issue of overcrowding, we try to determine what the causes of overcrowding are. Also, what are the challenges through the penal chain – defense lawyers, judges, court buildings and the like? We help authorities look at the fundamental systemic issues and try to come up with them the response strategy for tackling the issue. We also help with tackling the system through legislation, updating orders and regulations, providing training for staff. A lot of the work is around health in detention – improving health systems, setting up infrastructure to deal with tuberculosis and scabies, providing hygiene kits and setting up hygiene committees in places of detention. There's also the work on water and habitation – providing technical assistance in the design and building of new prisons making sure that they comply with international standards, improve access to water and sewage systems, as well as ventilation. On a practical level is restoring family links and looking at judicial and procedural safeguards.

We're often asked about the legal frameworks for a country and its detaining authorities. These cover key human rights legislation which are captured in the international legal frameworks: Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. For prison-specific pieces of international legislation, I would highlight the Geneva Convention (III) Treatment of Prisoners of War, UN Basic Principles for the Treatment of Prisoners, and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

On a much more practical level, there are few key documents that are prison-specific, which I would like to highlight. These are the “Mandela Rules” which are the UN standard minimum rules for the treatment of prisoners, “Bangkok Rules” for the treatment of women prisoners and the “Havana Rules” covering the treatment of juveniles deprived of their liberty.

I will focus for a few minutes on the “Mandela Rules” because they apply to all detainees. A couple of years ago, I would have been talking about a 1955 set of UN rules. It’s really wonderful to say that there are now 2015 updated rules. There are 122 rules and 35% of these were updated to reflect more modern penal practices.

Key principles include the following:

- Prisoners must be treated with respect for their inherent dignity and value as human beings;
- Torture or other ill-treatment is prohibited;
- Prisoners should be treated according to their needs, without discrimination based on gender, religion and politics;
- The role of prison in protecting society and working with detainees to rehabilitate them, so they don’t commit crimes after they are released. The Mandela Rules very clearly say that prisons have a key role in changing, reforming and rehabilitating people; and
- The safety of prisoners, staff, service providers, and visitors is paramount at all times.

As I said, the “Mandela Rules” cover a whole range of activities within a place of detention, which is, after all a small community, or a large community, if there are lots of detainees.

Let me just highlight a few of these key rules. Based on the conversations in Dhaka with our twenty eight (28) colleagues from 14 countries in the region, we had no problem identifying what the minimum standards were. There was a general agreement with the minimum standards in the Mandela Rules, which were really how many of us want to be treated if we are in detention. The challenge is to be able to deliver on these, given the constraints of budgeting, lack of human resources and facilities that we talked about earlier.

Key elements that colleagues would focus on in places of detention are the basic things, such as food and water, bathroom facilities, clothing and bedding, accommodation, outside contact and access to healthcare. None of that, I’m sure, would be of any surprise to you. Safety and security in all places of detention, and part of that is also the safety between detainees, preventing them from attacking or injuring each other, but also safety of individual detainees from all authorities. The Mandela Rules also deal with the use of force, solitary confinement and use of restraints.

The Rules also highlight the importance of constructive day-to-day activity in prison. These include rehabilitation programmes, providing detainees with work, meaningful activities and education. If we are to stop the detainees from committing further crimes upon release, then we need to do positive things while they are still in custody. Finally, on the staff-related

issues I mentioned earlier, we must make sure that there is sufficient staff and that they have contracts, are paid appropriately and receive the right training.

Let me conclude by saying that the challenges remain. The Conference in Dhaka clearly identified what the challenges were. I think the challenge for all of us and everyone else is to think about is the three quarters of a million people who are in the ASEAN region, who are not being held in conditions that uphold their basic human rights, and the levels of their humanity and dignity are far below international standards.

On my final thought, let me leave you with a familiar quote from someone who is more knowledgeable than I am - Nelson Mandela, "It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but by how it treats its lowest one." Thank you very much.

H.E. DR. SEREE NONTHASOOT

Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)

The scope or focus of the discussion is on how to increase the protection of vulnerable groups while addressing conflict and security-related challenges in ASEAN. I don't represent the AICHR here, nor do I represent Thailand in this regard. This comes from my own point of view.

It's very fortunate that I come after the previous speaker, because I want to present and interconnect with the content that he had just presented. I want to present the commitments, standards, and practices, and in the last slide - the means, tools and strategies.

I want to speak about the region as a whole.

- ASEAN as a rules-based, inclusive and caring, people-centred and people oriented community; and
- ASEAN as a legal entity, being a duty-bearer to those in need of humanitarian measures and responses; and that (I think this is the most important message) human dignity and rights do not cease to exist outside a country's border, inside a prison or a detention centre. Those particularly at risk of violation are mostly 'others', minority groups that include undocumented migrants, children on the move or child detainees, women, prisoners, asylum seekers and refugees.

Before I proceed, let me show you some broad data. You know that Bangkok was the most visited country last year with more than twenty (20) million people. That is one of the things that I am proud of and we should be proud of as one of the cities in ASEAN.

However, what I'm not particularly proud of is this. In Thailand, we have one hundred forty three (143) correctional facilities, including prisons. In 2016, the total number of prisoners reached 261,000, with the highest rate of recidivism at the rate of 24%. Interestingly,



out of that number 47,000 were women. That is the highest ratio of women prisoners to national prison population which is 14%, and out of 100,000, we have the highest number of women incarcerated which is 71.2%. This is a public number that can be googled from the Department of Corrections. What I do not have access to, publicly and officially, is the number of those detained in immigration detention centres, refugees in temporary shelters. I was told that there are those who have fled from Syria – one hundred fifteen (115) of them and are now living in Bangkok but are undocumented. They don't have mobility, so in effect they are being detained by their own undocumented status.

The next one I wanted to talk to you about are the Human Rights commitments that Shane has told to you a little bit about. There are nine (9) core Human Rights instruments. The ten (10) ASEAN member states have signed on three (3) of them, which we call "The Common Human Right Treaties" to ASEAN. They include the Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and most recently, this is the third Common, the Convention on the Rights of Persons with Disability. The Three Common Treaties have provided us with good ground to work on in ASEAN. It has given rise to the birth of the ASEAN Commission on the Promotion of the Rights of Women and Children (ACWC) and the ASEAN Intergovernmental Commission on Human Rights (AICHR). We are striving to draft a Regional Action Plan for Persons with Disability.

But I want to tell you that each of these is interconnected, we can't talk about the rights of children without talking about torture. Despite the commonalities and the fact that we have signed on these nine treaties, Member States still have reservations and provide declarations which limit the obligations vis-a-vis that particular treaty. I can cite two (2) examples, the CEDAW and CRC, there are still some reservations to them. The most relevant to ICRC is Article 37 that relates to Children in Detention, which has no reservations, yet we see children being detained everyday in ASEAN.

Apart from the nine core treaties, we also have protocols. I understand that in the morning, we touched on this issue about monitoring. The convention that has the most offspring is the CRC. It has three (3) Optional Protocols (OPs), and number three (3) relates to the Communications Procedure. At the moment, only one Member State has ratified the OP, which is Thailand. We look forward to more ratifications.

Next is the Refugee Convention; there are two to them - the 1951 Convention and the 1967 Protocol. About one hundred forty two (142) countries in the world have ratified these two. In ASEAN, it's not a surprise but it's quite disappointing that only two (2) countries have ratified the two (2). One of the key principles of these two is non-refoulement, where you cannot send people back to where they fled from, most especially if they are going to face persecution or death. That is a principle and it has been argued that, despite the fact that your country has not ratified the Convention, you are bound by this principle.



In the ASEAN Community, we have plenty of political commitments when it comes to human rights and, I would say, humanitarian measures. Here is the list I put together:

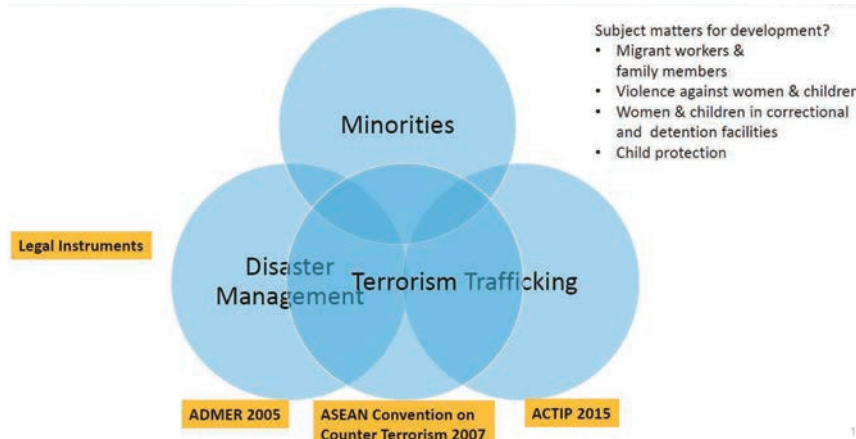
- Human Rights Declaration 2012 (and you must read the Declaration together with the Phnom Penh Statement, which confirms the fact that the implementation of the Declaration must be compatible with international standards);
- Declaration on the Elimination of Violence Against Women and Children 2013;
- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007 (which is already a decade old and we look forward to another one coming up shortly under the Philippine championship);
- Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in ASEAN Community 2011;
- Kuala Lumpur Declaration on Ageing: Empowering Older Persons in ASEAN 2015;
- ASEAN Commitments on HIV and AIDS. Mind you, in 1948, during the deliberation of the Universal Human Rights Declaration, adopted by the General Assembly, the issue of HIV/AIDS was not present. It's good for ASEAN that we are working on this one; and
- I'd like to add on what Ned has illuminated in the session this morning, ASEAN has worked on the Declaration of Children Outside School.

To what extent can we actually enlarge or internalize the commitment from these political instruments into reality? That is the challenge!

Let me touch on some concrete commitments of ASEAN which are legal instruments -- legally binding, not political. They have legal force. The minorities include everyone. In fact, although there more women than men, they are in the minority because they lack power and they are still discriminated against. What are, at the moment, legal instruments related to human rights and humanitarian measures that we have in ASEAN? We have at least three at the moment. I look forward to seeing Migrant Workers on the list very soon. These include: ASEAN Agreement on Disaster Management and Emergency Responses (AADMER) in 2005, ASEAN Convention on Counter Terrorism in 2007 and in 2015, before we became a full-fledged One ASEAN Community, we had the ASEAN Convention Against Trafficking in Persons (ACTIP), especially women and children. I want to show that they interconnect in some way or another. When I talk about minorities, they can be those that are under-protected, they must be protected.



Regional legal instruments



For example, when you accuse someone of being a terrorist, he or she must come under protection. You can't just put him/her inside prison without charge. This is what we should mean by being a rules-based community. We abide by the rules. Otherwise, we are going to live in anarchy when we don't want to. It's upon us to actually seize the interconnection and use it to expand on humanitarian measures.

What are the other candidates for further development into legal instruments? It was here in Manila that we discussed about this issue among the AICHR and other sectoral groups in ASEAN. We mentioned the following: 1) migrant workers and their family members, and of course, we look forward to seeing that coming up this year; 2) violence against women and children, in general. What about women and children in correctional and detention facilities? We have the Bangkok Rules, which touch upon how to treat pregnant women in correctional facilities. I just visited a women's correctional facility in Bangkok, the largest one that we have in Thailand, populated by 5,900 women when it can only accommodate three thousand (3,000). It's highly overcrowded and at twice its capacity at the moment. How do we legalize and show our commitment to the Bangkok Rules? Then there is child protection, in general.

Of course, when we talk about commitment we need to discuss how we can implement the commitments that were expressed. What about the mechanism? We have a number of mechanisms, bodies, institutions related to human rights in ASEAN, including the primary one - AICHR to which I belong; we have the ASEAN Committee on Migrant Workers (ACMW) working on the negotiated texts; the ASEAN Committee on Women (ACW); and ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC).

The problem is we have argued that we lack the protection mandate. Shane talked about the conditions in jails and detention facilities, but we cannot investigate, unless the country in question invites us specifically do so. Protection is somewhat lacking in our landscape of

mechanisms in ASEAN. But what we do, and the fact that I'm here, is to continue to promote human rights.

What about strategies and ways forward? I'd like to put forward the proposal by the International Detention Coalition (IDC) that there are alternatives to detention. Visualise yourself as an undocumented child, being apprehended by police in a Member State of ASEAN. You are most likely placed in an immigration detention centre, sometimes up to five years. I worked on this with UNHCR and also with IDC itself. We learned from Member States that there are good practices to share. For example, Malaysia has worked and collaborated with CSOs to receive children who would otherwise been detained, live with their parents and not living in detention centres.

Of course, when you look at alternatives to detention, you have to presume against detention, otherwise you will simply attach yourself to the default policy of putting people behind bars or to detain people. There are minimum standards, such as the Mandela Rules, Bangkok Rules and Havana Rules. By the way, I don't think these Rules have attained the status of legally-binding instruments.

How can we seize the moment to actually use the SDGs to advance our propositions? When people talk about the SDGs, they all think that they relate to all the SDGs. All the developed and developing countries are bound by SDGs. It is voluntarily; you do not need to sign, even you have reservations, to be bound by SDGs. Interestingly, let us look at the scorecard of ASEAN Member States. How we have done? We all say we support the SDGs. The result from among ASEAN Member States – this is where we are among 157 countries.

SDG Scorecard & AMS

Rank	Country	Score
1	Sweden	85.6
2.	Denmark	84.2
54.	Malaysia	69.7
55.	Thailand	69.5
61.	Singapore	69.0
68.	Vietnam	67.9
93.	Philippines	64.3
100.	Indonesia	62.9
107.	Lao PDR	61.4
110.	Myanmar	59.5
114.	Cambodia	58.2
157.	Central African Republic	36.7

Source: <http://www.sdgindex.org/assets/files/2017/2017-SDG-Index-and-Dashboards-Report--full.pdf>

One country that is lacking in this report is Brunei, which has not yet submitted its voluntary national report. It would be interesting to see next year when we have the reports of all

Member States. The last in the SDG scorecard is the Central African Republic at 157, attaining less than half of SDG score.

This is my most favorite SDG - Goal 16: Promote just, peaceful and inclusive societies. I gave a talk in the court of the newly-appointed Chief Judge and asked how many of them knew about SDG 16. None of them raised their hand, which is not surprising, but still quite disappointing.

In Goal 16, there are three (3) targets that are highly relevant to us:

16.1. Significantly reduce all forms of violence and related death rates everywhere. One of the targets is the number of victims of intentional homicides in every 100,000 population by sex and age. If you have a higher number, the lower the rank you would attain in the SDG scoring.

16.3. Promote the rule of law at the national and international levels and ensure equal access to justice for all. Its second target is unsentenced detainees as a proportion of overall prison population. Unsensentenced detainees are those awaiting trial but have to be put in jail or detention centers without bail. Put this into perspective in your own country. How far have you achieved? What kind of data do you have at the moment? Sometimes, data is not available and this is one of the main challenges of attaining the challenges.

The last one that I want I want to show you is 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements. Target number 1: you need to show the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months. Do you have the data? If you do have the data, what does it show you?

Ways forward; what can we do amidst this gloomy picture? Of course, it gives us challenges at hand, but also opportunities, as well.

Nationally, I would say that in this context of protecting detainees, it's very simple to say, but very hard to implement; but I'll say it nonetheless:

1. We need to encourage Member States to ratify and effectively implement international standards (particularly the Torture Convention and the Refugee Convention); and
2. Irrespective of whether we ratify those treaties or not, we need to assess and reform existing tools, particularly immigration policies and laws, as well as the penal system. You know the number that I gave you - 265,000 people in jail in Thailand, 70% of them are in jail because of drug-related charges and more than half of them relate to methamphetamine charges. So, Thailand is implementing a reform of its penal system by looking into whether we should put people in jail at all. It's a very encouraging sign and I would I ask you to put this into perspective to your country. What can you do? It's very discouraging to see 12 babies born in the women's correctional facility that I

visited a month ago: 12 toddlers inside the correctional facility and being cared for by social workers inside the jail. They will be there for three (3) years with their mothers, if no relatives pick them up. We need to look at what charges to put people behind bars.

What about regionally?

1. When we say that ASEAN, as a whole, is a people-centered and people-oriented community, we need to adopt an alternative policy and decision-making mechanism in security and humanitarian areas that are more flexible and responsive than consensus. For example, ASEAN minus X that is devised in Art 21 (2) of the ASEAN Charter – this has been debated; it has not been accepted. Nonetheless, I think I should put it on the plate for your consideration. Why the ASEAN Economic Community (AEC) benefits from fast-track decision-making, when the other two (2) fall behind and simply provide safety nets for people from the impacts created by security, but we are bound by consensus. The ACTIP could only be enforced when six (6) countries ratify. That, in itself, shows flexibility and that I think that kind of format should be discussed and used in security areas, as well;
2. Create and enhance a more effective platform for dialogue on humanitarian responses that transcend beyond disaster management. Even AADMER requires a request from an affected country to be effective;
3. This is perhaps the most concrete one that I have in this discussion: Entrust the statistical unit of ASEAN (currently attached to the AEC to incorporate data collection, disaggregation and analytics for social and humanitarian entries). We don't know, for example, exactly how many persons with disabilities there are in ASEAN. Each country has its own standard of counting. Thailand has its own registration system whereby you can receive a monthly allowance of 800 Baht if you register and you qualify. Whereas in other countries, including Singapore, you don't have a registration system. How can ASEAN work comprehensively and systematically unless we are based on comprehensive data? It is a challenge for us as well, to implement SDG at the regional level;
4. Encourage adoption of alternatives to detention. This is very important to me and, I think, to you, as well. For example, community care which is a good practice that I learned from the likes of Malaysia and, to a certain extent, Indonesia. I think that it is important that we don't need to put people behind bars – in jail or immigration detention centers; and
5. Enhance the capacity of Member States to implement SDGs through the development of regional indicators for their integration via different ASEAN sectoral bodies.

Lastly, the title of this Symposium is Convergences; and we can't discuss convergences without partnership. I will leave you with this thought that we need to create partnership with CSOs. We can't alienate them. ICRC, for example, I heard from Shane that he hasn't been able to visit any jail in Thailand, so I ask why not? If you open yourselves to scrutiny, there is a saying that sunshine or disclosure is the best disinfectant, and I believe that. Open ourselves up and partner ourselves with CSOs to fill the gaps in implementation and protection.



Mr. Shane Clive Bryans, Mr. Pascal Porchet and H.E. Dr. Seree Nonthasoot

Open Forum and Plenary Discussion

Conference Participant

I'd like to highlight the presentation of ICRC on the issue of looking at the treatment of prisoners but the whole prison approach, not only in the context of armed conflict but also in related settings. Interesting is the issue of overcrowding of prison population and the heart of the issue that human rights and access to justice for the prisoners should not be viewed in isolation from protection and promotion of human rights in general. The issue of alternatives to prison has been discussed. I think that this is the issue that ASEAN should start looking into at what kind of diversionary measures and why it is necessary that we keep people in jail? I think it is time to look at the whole spectrum of justice system reform – and not just the prison at the other end, but also look at the prosecution, how the cases are dealt with, and the concept that justice delayed is justice denied.

I like the fact that you highlighted the issue of women prisoners. This is something that is close to my heart when I helped in the development of the Bangkok Rules. Not only did we look at the treatment of women prisoners, but also the aspect of non-custodial measures for women offenders, basically going back to the point that Dr. Seree was mentioning about people awaiting trial. When we talk about the situation of women offenders, they are particularly more vulnerable as opposed to their male counterparts. I have a feeling that this is something that is common in the ASEAN region.

There is also a great correlation between drug offenses and prison population, and the increase in prison population. What kind of judicial and legislative reforms can implement in lowering sentences and finding alternatives to imprisonment, so that we don't always fall into the trap of sending people to prison and correctional facilities. I also totally agree with Dr. Seree that there is a need to look at the development of ASEAN Rules on treatment

of prisoners and non-custodial measures for offenders. There's a specific reason why, at the global level, the Mandela Rules has never been a legally binding convention. I've been thinking that, maybe, we can take a practical approach in following the global standard and see how we can build on that.

Ms. Husein, Vice-Chair, Muhammadiyah Disaster Management Center, Indonesia

My organisation is working in detention houses with refugees in Jakarta. We have affected communities, particularly detainees, when some of them are married to locals and they are faced with the challenges in dealing with status issues, including their papers and the length of time their status as refugees would finally be settled. Since Indonesia has not signed the Refugee Convention, the problem is how long they have to wait to gain the status of refugee. Some of the detainees have been in jail for twelve (12) years and waiting to be relocated to other places. How can ASEAN work on these legal issues?

Participant from Myanmar

When it comes to detention centers, torture is one issue. The other one is bullying. Even in the session on education this morning, even under the strict control of teachers, there are bullying cases. I recall three (3) years ago in 2013, there were twelve (12) fishermen from Myanmar who were killed by other stronger groups while in detention. This had nothing to do with torture, but with bullying. This is human nature, the stronger bullying the weaker one. How can the ICRC prevent this kind of bullying of people in detention?

On the minimum standards of prisons or detention centres even in ASEAN, it's very difficult to see how many countries are at par with these minimum standards. I think it's not because we don't want to reach these minimum standards. This has something to do with narrowing the development gap.

On the issue of ASEAN minus X; the AEC pillar, it is easy to determine, but again, because of the economic development level of each Member State, even if politically all ten (10) Member States are equal. This is, I think a very difficult issue and will need to have political will.

Dr. Nonthasoot, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)

I have five (5) points to respond to. 1) I fully agree that we need to further explore the possibility of developing legal documents. We are awaiting the launch of the one on Migrant Workers under the Philippine championship; 2) Treatment of people in prisons and detention facilities. I think this is very challenging because we need to be mindful that we don't have to put people behind bars. This is immoral. The Syrian refugees/asylum seekers who are currently in Thailand, they are hiding in townhouses and many places in Bangkok, they can't move. When they do, they will be apprehended and put behind bars. I think this is immoral. We need to look at this situation and discuss it. In fact, Thailand has been renowned and acknowledged by the international community, when in the 1980s we received 100,000 asylum seekers/refugees. We have erected temporary shelters and we provided them with



food, education and health care. At the moment, the government is trying to negotiate with the Myanmar government for voluntary repatriation. So, there is a way. You don't have to put people in jail all the time, and with that number, it is not possible. 3) The irony of trafficking. I learned from a meeting of senior officials on Transnational Crimes that it took them 17 years to negotiate the texts. The impetus/catalysts for action was no less than the report by the United States government.

What is the catalyst for our action? We don't need extra outside influence. I think we need to use our own initiative to expedite the negotiations that we have, for example, on migrant workers. At the moment, we tend to put people in the trafficking sector, because trafficked victims get the benefits of being entitled to stay for up to 48 months in some Member States and they can get work permits. Victims of trafficking are entitled, but what about victims in other statuses - asylum seekers and refugees, why don't they have the same treatment? 4) On minimum standards, I can relate to the comments of the Myanmar Ambassador. I think that the point we should bear in mind is that under the Convention Against Torture (CAT), we have the Optional Protocol and there's the Committee on the Prevention of Torture. If you sign on you have committed to that. They are entitled to visit any prison. You open yourself for scrutiny. Why can't ASEAN work on that basis? Why can't we work together in exploring possibilities? Don't shut out the possibilities. Nothing is easy here. 5) Last point, when His Excellency said that the ASEAN minus X did not receive the highest level of political support, mind you, the ASEAN Free Trade Agreement (AFTA) came about only in 1992. ASEAN was born in 1967 with political and security concerns, but we only entered into AFTA in 1992. Why? Because we have achieved a high level of integration. However, in terms of protection, it is still not as speedy. This is the irony that I would like us to explore.

Mr. Bryans, Regional Prison System Advisor for Southeast Asia, ICRC Regional Delegation to Thailand, Cambodia, Viet Nam and Laos

I'd be very careful not to be political at this point. It's very important that I'm not political. From the ICRC perspective, it is for the State to decide whether it wants to work out a legal framework. So if it opts to pass particularly harsh and cruel laws in order to lock up its citizens for a long period of time, that's the decision of the State. However, that State, then takes on the legal duty and obligation to look after the people it has detained in a humane way that addresses the dignity of the detainees and protects their lives, within the international legal framework that we talked about.

If the State then does not meet that legal obligation, this creates huge challenges in terms of public health and safety. If you are holding many people in overcrowded conditions, that creates a public health risk. People go into and out of prison everyday - the staff come and go, visitors, families, friends and lawyers also come and go. Overcrowding exists, then contagious diseases spread much easily. You've got TB, scabies and a range of other contagious diseases that will very quickly move into the community. We've seen examples of that. Second is also the public safety risk. If you lock up large numbers of detainees in very poor conditions, there is a real risk of riots and escapes from prison. That would put the public at risk once again. If institutions are overcrowded, as I said in my presentation, there



is no reform nor rehabilitation of those detainees, so reconviction rates are very high, if you do not undertake positive things in custody.

Also, there's a huge cost in locking people up. If you put a lot of people into a cruel justice system, there are costs entailed to that, in terms of judges, courts, prison staff, processing those people in jails. It's really important from a public safety and cost points of view to try and divert people from detention. My advice is to look at alternatives to detention.

It has been mentioned that across the region, 60-70% of detainees are in prison for drug-related offenses. About nearly one million people in the region currently in detention, about 40% are in pre-trial; and some of them are in this situation for a long time, because the court system - the lawyers and judges cannot cope with such a huge volume. There are alternatives, such as community-based drug treatment, diversion from custody, community-based punishments.

On the legal framework, I'm really pleased with the suggestion to have an ASEAN set of prison rules. One of the challenges that I faced in the Asia-Pacific region is that people say the standards, such as the Mandela Rules, do not apply in the region. They are not contextualized. It would really help to have an ASEAN set of rules and similarly, an ASEAN set of alternatives to detention, where we could get concrete examples. They do exist in the region and it would be much easier to share the message if they are within this context.



Session VI: Closing Program

Synthesis and Ways Forward: Identification of Best Practices

MR. CHRISTOPH SUTTER

Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste



Your Excellencies, Ladies and Gentlemen. We've come to the conclusion of this Symposium. I will summarise the sessions at the close of day 1 and day 2.

It has been an honor to interact with such a knowledgeable and inspiring audience in this ASEAN-IPR Symposium organized with OPAPP, the ICRC, in partnership with the Governments of Norway and Switzerland, to mark the 50th anniversary of ASEAN and explore convergence between IHL, humanitarian principles, religious norms and customary practices to address some specific humanitarian and protection challenges in ASEAN.

Together in the last two days, with the ASEAN-IPR Governing Council, ASEAN-IPR Advisory Board Members, Ambassadors of ASEAN Member States and their staff, the ASEAN Secretariat, ASEANAPOL, NGOs, international organizations, United Nations agencies, think-tanks, universities, religious organizations, community leaders; and representatives of national Red Cross/Red Crescent (RCRC) societies, the IFRC and ICRC, we recognize the importance of promoting respect for rules that preserve human dignity of victims in conflict situations and other situations of violence, and the need to uphold the responsibility to act collectively, to lobby for humanitarian access to people in need including at times of humanitarian crisis and violence, as well as to contribute to conflict prevention and reconciliation in ASEAN.

In session I, from the opening of this conference, our partners from Switzerland and Norway, through their respective ambassadors, highlighted it very well: the world is becoming smaller, challenges are greater than ever, and that there is a greater need to partner to address humanitarian assistance and protection challenges and ensure the respect of humanitarian law.

Among many contemporary challenges, the Philippine Presidential Adviser on the Peace Process underlined issues from the emergence of violent extremism and terrorism, to the increasing use of certain weapons affecting innocent victims and civilians in conflicts.

In that regard, the speakers at the Symposium, acknowledging the remarkable role that ASEAN has played since its creation maintaining peace across Southeast Asia and improving the lives of the citizens of its Member States, welcomed the establishment of the ASEAN-IPR as an important entity for the region and globally, for research, to build capacities, network, and provide a platform where individuals from different backgrounds – political, security, humanitarian, religious, media, think-tank, corporate – will have the possibility to come together to share perspectives on universal principles, key issues and contexts.

In session II, examining protection challenges related to conflicts and communal/ethnic tensions in the region, we saw that ASEAN is well placed to support peace in global fora, to use its influence and experience, and to encourage international and regional efforts in order to reduce conflicts and their consequences, and increase people's protection in complex emergencies.

We recognized four key aspects to improve people's protection and restore their lives to one of dignity, health, prosperity and hope: Humanity – as our common value, principled humanitarian action – as a distinct and valuable approach, Partnerships – as essential to us all, and Prevention – as the preferred choice of us all.

We acknowledged that ASEAN nations and peoples are rich in experience, expertise and capacity in crisis management of all kinds.



The question and answer session was also very enlightening and notably showed the importance of:

- ✓ Enhancing accessibility, not only in terms of economy but also education, democracy, and human rights, from humanitarian emergency to the development phase;
- ✓ Understanding the root causes of crisis;
- ✓ The need to rebuild, not only physical infrastructures, but broken relations and social wounds as well;
- ✓ The need to develop peace and reconciliation voices with the support of new forms of communication;
- ✓ The importance of showing pragmatism while engaging states on humanitarian action, in respect of their sovereignty, hence the importance of bilateral discreet exchanges and a neutral/impartial/independent approach to ensure – as much as possible – humanitarian access and respect for humanitarian norms, notably IHL;
- ✓ The need to engage with both states and people at grassroots level on humanitarian issues;
- ✓ Making full potential of the emerging protection framework in ASEAN, through its many instruments and cross-pillar approach, from disaster management to the culture of prevention;
- ✓ The need to discuss among ASEAN Member States the reinforcement of the AHA Centre's role beyond natural disasters;
- ✓ Supporting the development of the ASEAN-IPR who has shown consistency through various events and great potential for research, capacity building and concrete action;
- ✓ Looking for convergences in ASEAN and with external partners, including local NGOs, faith-based organizations and religious networks;
- ✓ Recognizing the crucial role of grassroots networks notably for access; and
- ✓ Enlarging also the dialogue with law enforcement agencies, which have the difficult task of maintaining order while respecting IHL and HRL.

In session III, exploring convergences between IHL, religious principles and customary practices, we were reminded that both major and indigenous religious traditions (Islam, Buddhism, Christianity, Lumad) have formulated, shared and promoted fundamental values and norms to protect lives, respect the environment, provide help for people in need regardless of their background, both in times of peace and conflicts in ASEAN contexts. These faith-based traditions have very much in common with humanitarian principles that have been formulated in IHL.

It was noted that humanitarian crisis (e.g. tsunami in Aceh or conflicts in other parts of the region) *de facto* gave birth to faith-based humanitarian organisations that on the one hand, implement religious imperatives, but on the other hand, face the challenge of how to adopt impartial and neutral intervention approaches in delivering assistance to the people in need, like all humanitarian organizations.



Having confronted the religious dimension of conflicts in Southeast Asia, faith-based leaders have come to conclusion that inter-faith dialogue is an important option, not only to promote common humanitarian values and to find a feasible solution but also that humanitarian challenges can only be addressed if there is collaboration between different faith-based communities.

In session IV, analysts and participants looked at challenges faced in translating humanitarian principles and religious values into practice when assisting and protecting victims of conflict. It was underlined that IHL and humanitarian principles are often perceived as western, and are not always easy for non-specialists to understand. Hence, these are efforts by the ICRC and RCRC Movement and other actors to disseminate information at the grassroots level. Besides, it was also emphasized that members of security forces, particularly lower-ranking troops on the ground are also in need of education on IHL and humanitarian principles.

For humanitarian actors, building relationships and establishing trust through impartial humanitarian action is deemed as crucial. It is important to stand firm by humanitarian principles in areas of conflicts.

On their side, governments and regional organizations are also asked to do more to promote IHL. These principles need to be disseminated in peace time so that they are already ingrained in case conflict breaks out.

Day one was brilliantly concluded by the speech of Senator Richard Gordon, Chairman of the Philippine Red Cross, who provided us with inspiring messages on the importance to adhere to the principle of humanity in any humanitarian action; on the RCRC Movement cooperation during urgent and complex crisis; and overall, on the significance of humanitarian diplomacy with all actors, including with various components of Governments and humanitarian partnership networks to address the causes of new emerging humanitarian crisis.

On this second day, the audience and panelists dealt with how to increase the protection of vulnerable groups, while addressing conflict and security-related challenges in ASEAN.

On health care, the session was best summed up by MSF – “in a war without limits, the population pays the highest price”. We were reminded of the fluid, changing nature of conflict and its consequences, making conditions increasingly volatile for health care workers and facilities they operate within.

Consequences of attacks on health care facilities have devastating effects – beyond patients being treated, but also for the community who lose access to essential health care.

In recent years, it was noted that health care facilities and workers, including military medical personnel and local volunteers, have increasingly been targeted precisely because of the enormous impact on the population. Aerial and ground attacks range from looting to disproportionate attacks causing many unnecessary killings.



We also mentioned the United Nations Security Council (UNSC) Resolution 2286 that condemns attacks on medical facilities and workers – calling for protection of workers/facilities and for the facilitation of safe, unimpeded passage for medical and humanitarian personnel. Emphasis was also made on prevention efforts to support safe medical response and protection of medical practitioners in urban areas and conflict areas.

Speakers reiterated the call for better training, awareness, increased visibility of medical facilities and better public education. All these are efforts to build a community of concern and foster a culture of prevention to better safeguard healthcare workers and facilities.

Regarding children and education, we were reminded of the crucial importance of education in the SDGs. Education is in itself a basic human right. We were reminded that the situation of children in armed conflict is alarming as they are often out of school and far from achieving a complete education. The issue of child soldiers was also highlighted as they remain innocent victims of those situations.

On the right to education, we noted the inspiring example of the Philippines Government's efforts to make education accessible to all, including in conflict areas, with quality education as a norm. We also heard very positive approaches on access to education from Sekolah Cikal and Rumah Main Cikal (Indonesia), Balay Rehabilitaiton Centre (Philippines), UNICEF, Save the Children and the ICRC.

Education is one of the best ways to promote peace and prevent conflict, therefore, there is a need to start incorporating the culture of prevention in our education system.

A powerful statement was made by the UNICEF representative, who mentioned that “no education” is far more costly than investing in a proper education system.

Last but not least, we noted that ASEAN is taking the issue of education very seriously, looking at root causes, moving forward in favour of children out-of-school, and striving to fight against the severe consequences that can result from the lack of education - which in itself fuels the continuation of conflict and violations against children including sexual abuse or violent extremism. There is no better choice than to fight against disparities and poverty, with access to school in all contexts.

The session on vulnerable groups focused particularly on minorities and migrants in Southeast Asia. Members of the minority groups in conflict areas often face challenges to fully enjoy their rights. Some of these challenges result in high crime rates, displacement, impoverishment, corruption, governance, safety and security issues, and structural violence.

We were reminded about the consequences of the vulnerability which could pass through generations in different parts of the ASEAN region.



There were also specific problems related to the issue of migration, notably missing and deceased migrants, as well as migrants in detention. The ICRC and its RCRC partners and other international and local actors are working closely with relevant authorities and stakeholders to address these concerns and ensure the protection of vulnerable migrants.

In the last session on persons deprived of their liberty, it was a very candid and factual session. The ICRC spoke, in particular, about overcrowding challenges in prisons in the region, and the methods to tackle these challenges, in partnership with governments, including within the international framework.

Speaking in his personal capacity, the distinguished speaker/expert from Thailand highlighted the challenges in implementing legal frameworks across the region for people held in detention. The presentation further proposed mechanisms for the protection of vulnerable communities, including the search for new policy alternatives to detention. The presentation also advocated the promotion of awareness to the SDGs, particularly Goal 16, which refers to access to justice, and the need for renewed efforts for implementation measures of the SDGs, cross-sectoral partnerships on justice and detention management at the national and regional levels. Finally, a call was made for ASEAN to consider formulating rules on detention.

Short comforting words from my side. Thank you again to ASEAN, particularly the Government of the Philippines, for this energetic, positive dialogue and collaboration for this first ever joint event between the ICRC, the Office of the Presidential Adviser on the Peace Process (OPAPP) representing the ASEAN Chair, the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR), thanks to our generous partners - Switzerland and Norway. Many thanks also to all the speakers, moderators, and participants for the consistent interaction; to the organizing committee in Manila and in Jakarta; and to our formidable Master of Ceremony for this event, Miss Gibb Alfafara!

To conclude, we would like to reiterate our full support to the ASEAN-IPR and look forward to further dialogues that could bring contributions to address humanitarian and protection challenges with ASEAN, as well as to regional and global efforts towards conflict prevention, reconciliation, peace and stability.

Pragmatic ideas, from best practices to possible codes of conduct, have been formulated in the last two days and I am glad to give now the floor to Ambassador Elizabeth Buensuceso, who has been our host for this Symposium, to share some of those first recommendations.



Recommendations

AMBASSADOR ELIZABETH P. BUENSUCESO

*Permanent Representative of the Philippines to ASEAN
Chair, ASEAN-IPR Governing Council*

I will just give some general recommendations harvested from the different sessions and suggest to the organizers to summarize and itemize all the recommendations, some of which have already been referenced by Christoph in his presentation of the synthesis:

- The importance of the principle of convergence, as suggested in the theme of this Symposium where we have gathered together several stakeholders - international, regional, national and local players, has been underscored. We emphasized the need for all of us to converge, to coordinate our actions and to inform each other about what we are doing. Perhaps, this will lead to more tolerance and more understanding of what each of us does and thus avoiding duplication and irritating each other and truly learning from each other. The convergence of the different players and actors is key in this common effort to provide humanitarian assistance to those who need it;
- Among the key category of players are the faith-based organizations and the need for us to emphasize that religious doctrines and tenets, in fact, support international humanitarian principles, so that people do not mistakenly attribute violence and conflict to these sets of doctrines and beliefs. There was a call to socialize or to impart this information to more groups of people;
- Building connections and relationships as well as changing of mindsets, even among us players and policy-makers. For example, there was a reference on how we look at those who are affected by conflicts, that is, not looking at them as victims but as people who need assistance;
- Look at each other as human beings; there is tendency to look at each other with animosity and segregate each other. What I saw was a call for all of us, international players, to look at each other with more tolerance and understanding about what we do;
- Another permeating principle that I gathered from the different recommendations and was already explicitly articulated by the different speakers was to develop a comprehensive, multi-faceted and grassroots approach in looking at the different phases of war, conflict and peace. I particularly remember the recommendations made in the sessions on vulnerable groups that we should look at not just the physical, but also the psycho-social, psychological, legal and socio-economic aspects of crisis situations;
- The last session gave us a summary of what regulatory arrangements and instruments are available to protect people who are most vulnerable to conflict. I hope we remembered all the conventions that the speakers outlined;

- We should respect and strictly adhere to international and regional agreements and conventions, national laws and even local cultural norms when we try to provide assistance to fellow humans in times of conflict and war, respect human rights and uphold the dignity and security of everyone.
- There was also a call for institutional capacitation, especially on the part of educators, law enforcers and social service providers, so that we prevent corruption and, even ignorance, since, as they say, ignorance of the law excuses no one; and,
- Finally, there was a special mention of exploiting the full capability of the AHA Center and ASEAN-IPR to find out how they can contribute to the provision of humanitarian assistance in times of conflict, peace and at all times.

I will end here and if I have omitted any important recommendations, as I said, there is a way out – look out for our publication and you will find all of them there.

Thank you very much.



Closing Remarks

AMBASSADOR ELIZABETH P. BUENSUCESO
Permanent Representative of the Philippines to ASEAN
Chair, ASEAN-IPR Governing Council



Your Excellencies, fellow members of the ASEAN-IPR Governing Council and the ASEAN-IPR Advisory Board, officials of the Office of the Presidential Adviser on the Peace Process (OPAPP) and the Philippine Department of Foreign Affairs (DFA), leaders of the International Red Cross movements across ASEAN Member States, including the Philippine Red Cross, distinguished delegates from all ASEAN Member States coming from think- tanks, the academia, religious and private sector organizations, dear fellow peace-seekers, peacekeepers, peacemakers, and peace lovers, good evening.

My name is Elizabeth Buensuceso. In Spanish, *buen* means good and *suceso* means event or news --- I am Elizabeth "Good News." Today I bring you three (3) pieces of good news. The first piece of good news is that, after several years since its creation in 2012, I am officially announcing, on behalf of the ASEAN-IPR Governing Council, the operationalization of the ASEAN-IPR Secretariat and that we have selected ASEAN-IPR's first ever Executive Director. Ladies and Gentlemen, I present to you, Ambassador Rezlan Jenie, the Executive Director of the ASEAN-IPR. We're going to sign with him the contract and the host country agreement in a little while. It is now official and we can rest assured that we will have a robust ASEAN-IPR in the next few years.

The ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) is the ASEAN Institution for research activities on peace, conflict management and conflict resolution. As outlined in its Terms of Reference (TOR), adopted by the ASEAN Foreign Ministers in 2012, the ASEAN-IPR is mandated to undertake a number of activities including research, capacity-building, developing a pool of expertise, networking and information dissemination. Similarly, when speaking of ASEAN-IPR's role in the greater context of preventing conflicts, one cannot separate it from the framework of the ASEAN Political-Security Community (APSC) under which it serves. To recall, ASEAN-IPR was established under Provision B.2.2.i of the APSC Community Blueprint. Its establishment was a follow-up to the ASEAN Leaders' Joint Statement on the Establishment of an ASEAN Institute for Peace and Reconciliation adopted on 8 May 2011. It is important to note that ASEAN-IPR's mandate also includes the promotion of activities under such APSC Blueprint.

The APSC Blueprint 2025, together with similar Blueprints of the Economic and Socio-Cultural Pillars, provides action lines that aim to complete, within a specific timeframe, key measures towards the vision of an ASEAN Community that is politically cohesive. One of the key elements of the APSC Blueprint 2025 is its vision of a peaceful, secure and stable ASEAN region. It is this element to which ASEAN-IPR primarily contributes.

Despite the absence of a Secretariat and lack of resources, ASEAN-IPR has, in the past four years, undertaken a number of initiatives, such as workshops and symposia, covering a broad range of peace-related topics.

In 2014, we made an inventory of peace and reconciliation processes existing in the whole ASEAN Region. We conducted in Cebu City a very interesting workshop on "Strengthening Women's Participation in Peace Process and Conflict Resolution," --- don't worry, there were also men who participated in this gathering. The year before, we conducted a Symposium on the "Plight of Women and Children in Conflict Situations," held in Tagaytay, here in the Philippines. Lastly, in Myanmar last year, we held a Symposium on "Principles, Mechanisms and Practices of Peace and Reconciliation Processes." Now that we have a full-fledged Executive Director, we look forward to accomplishing more in the coming years.

The results and recommendations of these initiatives have been published and disseminated to relevant stakeholders. They serve to enrich the body of knowledge that underpins the on-the-field efforts of international peace practitioners, like you here in this hall.

It will interest you to know that currently, eight (8) of the Governing Council members are also their respective countries' Ambassadors to ASEAN. In this way, there is the advantage of a direct route for the recommendations to become policy realities. Also, the Committee of Permanent Representatives, which is composed of the Ambassadors of Member States to ASEAN, have direct contact with external dialogue partners of ASEAN, and we are very close to the ASEAN Secretariat, the major players in the implementation of the mandates of ASEAN-IPR. The newly installed Executive Director has had extensive experience himself in the area of peace processes and reconciliation. We are also grateful for the kind and wise advice provided by the Advisory Board on the way forward.



ASEAN-IPR is in its nascent stage of development. Now that we have settled the administrative requirements of its formal launch, we have laid down some concrete plans to implement its mandate and in this endeavor, we are glad to have been assured of the partnerships of ASEAN's external partners and those from the various sectors of civil society, such as those we find here in this Symposium.

ASEAN-IPR is honored to be the collaborator of the OPAPP and the ICRC in the conduct of this unique and timely Symposium. We are in business, and we look forward to doing business with you.

The second piece of good news is one that you have been part of in the last two days. We have heard in the various sessions and the inspiring messages from our keynote speakers, views, comments, and recommendations on how we all aspire to become part of an international family of peacemakers and peace lovers. Despite the all-too frequent gloomy and devastating news of trouble and conflict and hatred in our world today, there are people such that we find in this august hall --- religious leaders, academics, humanitarian workers, legal and law enforcement officers, government officials, diplomats, healthcare providers, educators and other segments of civil society. They are people who are determined not to be overwhelmed by the many complex and brutal faces of war and conflict, but are focused on one thing: the upliftment of human dignity and the provision of humanitarian assistance to every human life, particularly that of the vulnerable, the weak, those people who had nothing to do with the conflict in the first place. This is the glue that binds us together. This is the magnet that makes us adhere to each other and as long as we are not side-tracked in our singular goal to help human lives caught in the poisonous web of conflict, war and evil, we have reason to hope.

In his Sermon on the Mount, Jesus Christ exhorted his disciples thus, "Blessed are the peacemakers for they shall be called the children of God." What does it mean to be blessed? It means that making peace and seeking peace is a reward in itself. Those of you, practitioners of peace, know to what I am referring. There is a higher sense of joy and satisfaction in knowing that we, in one way or another, have caused another life to be spared from the suffering and pain of war and conflict, relieved of the burden of our brother or sister, have not allowed the triumph of evil and hatred to reign in our world, but we have wiped the tear from the eye of a crying orphan, soothed the bruised hearts of the widows and the elderly. Moreover, we have brought hope to those whose lives had been devastated by war and conflict.

Sometimes people ask, "why do people -- humanitarian workers like those in the Red Cross -- persist in working in dire and punishing circumstances brought about by conflict? Are they masochists?" Then this sermon comes back to me. Are these people such masochists that they enjoy working in such conditions? The Sermon on the Mount says, "Blessed are the peacemakers for they shall be called children of God." There's a feeling of blessedness, satisfaction and joy in being able to help. Being children of God is bearing the genes or the DNA of God, the Prince of Peace and Love. That's the second good news -- we don't despair; there is much reason to celebrate!



The third piece of good news is the best of all. I want to declare that this is the official conclusion of our important Symposium. On behalf of the organizers of this fruitful event, the ICRC, the OPAPP and the ASEAN-IPR, we thank you all for your active participation, your unflinching determination to win the battle against the malignant forces of evil, hatred, conflict and war and your unwavering love for humanity. I reiterate our thanks for the partnership and support of the governments of Norway and Switzerland to this Symposium. I thank all the staff and officers who worked behind the scenes to ensure that we have a successful event.

I wish you all a safe journey back to your respective homes, families and countries, and hope that, as Senator Gordon told us last night, you will go home with something to bring home to your family, your officemates, your countrymen and yourself, determined more than ever to make life a little better for those less fortunate than us. Thank you, maraming salamat po!



Annex 1

Program

Day 1 – October 2, 2017, Monday

Welcome Reception

Venue: Pandanggo Hall, Manila Hotel, Philippines

08:00 - 08:45	Registration
08:45 - 10:00	Session I. Opening Ceremony
	<ol style="list-style-type: none"> 1. Welcome by Mr. Pascal Porchet, Head of ICRC Delegation to the Philippines 2. Opening Remarks by H.E. Andrea Reichlin, Ambassador of Switzerland to the Philippines 3. Opening Remarks by H.E. Erik Førner, Ambassador of Norway to the Philippines 4. Keynote Address by Secretary Jesus G. Dureza, Presidential Adviser on the Peace Process (PAPP) <p>Photo Opportunity</p>
10:00 - 10:15	Tea Break
10:15 - 12:00	Session II. Protection Challenges related to Conflicts and Communal/ Ethnic Tension in the Region
	<ul style="list-style-type: none"> • Presentation by ICRC • Speaker: Ms. Dragana Kojic, Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva <p>Open Forum and Plenary Discussion</p>
12:00 - 01:30	Lunch
01:30 - 03:00	Session III. Exploring Convergences between IHL, Religious Principles and Customary Practice to enhance Respect for Humanitarian Law
	<p>Presentations and Panel Discussion</p> <p>Specific Issues:</p> <ul style="list-style-type: none"> • The Convergence between International Humanitarian • Law/Humanitarian Principles and Religious Principles and Customary Practices • The relevance to engage with religious circles and actors Humanitarian assistance by religious groups during crises • Promoting IHL through Inter-faith dialogue <p>Moderator: H.E. Ambassador Rezlan I. Jenie, Executive Director, ASEAN-IPR Secretariat</p>

	<p>Speakers:</p> <ol style="list-style-type: none"> 1. Dr. Ahmed Aldawoody, Legal Adviser for Islamic Law and Jurisprudence, ICRC Headquarters, Geneva 2. Dr. Hilman Latief, Faculty of Islamic Studies, Muhammadiyah University of Yogyakarta, Indonesia 3. Venerable Dr. Phramaha Boonchuay Doojai, Lecturer, Mahachulalongkornrajavidyalaya University, Chiang Mai, Thailand 4. Ms. Norma Gonos, Former Director, Institute for Indigenous People's Education, Philippines 5. Most Reverend Fernando Capalla, D.D., Former Archbishop of Davao, Founder and Co-convenor, Bishops-Ulama Conference, Philippines <p>Open Forum and Plenary Discussion</p>
03:00 - 03:15	Tea Break
03:15 - 05:00	Session IV. Challenges faced in Translating Humanitarian Principles and Religious Values into Practice when Assisting and Protecting Victims of Conflict
	<p>Specific Issues:</p> <ul style="list-style-type: none"> • Humanitarian Perspectives from the field including challenges with regard to access and proximity to victims of conflict • A principled humanitarian action to better assist and protect victims of conflict <p>Moderator: H.E. Morten Høglund, Norwegian Ambassador to ASEAN</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Ms. Rahmawati Husein, Vice-Chair, Muhammadiyah Disaster Management Center, Indonesia 2. Atty. Oscar Palabyab, Secretary-General, Philippine Red Cross 3. Dato' Dr. Ahmad Faizal Mohd Perdaus, President, MERCY Malaysia 4. Hon. Diosita T. Andot, Undersecretary for the Peacebuilding and Development Cluster and Executive Director of the Office of the Presidential Adviser on the Peace Process (OPAPP), Philippines 5. Ms. Tomoko Matsuzawa, Head of Cotabato Office, ICRC Delegation to the Philippines <p>Open Forum and Plenary Discussion</p>
05:00 - 05:30	Break
05:30 - 06:30	Keynote Speaker: Senator Richard Gordon, Chairman, Philippine Red Cross



Day 2 – October 3 2017, Tuesday

08:00 - 08:30	Registration
08:30 - 10:00	Session V. How to increase the Protection of Vulnerable Groups while addressing Conflict and Security-related Challenges in ASEAN?
	<p>1. Health Care Increasing understanding of and support for initiatives for the protection of health care Specific issues:</p> <ul style="list-style-type: none"> • The rights and responsibilities of health-care personnel working in armed conflict and other emergencies • Generating respect and adherence to the ethical principles of health care • Incorporating the Protection and Provision of support services for Health-care personnel into the Operational Practice • Ensuring the preparedness and security of health-care facilities, ambulatory and pre-hospital services during armed conflict and other humanitarian crises <p>Moderator: Dr. Alistair D.B. Cook, Coordinator, Humanitarian Disaster and Relief Programme, S. Rajaratnam School of International Studies (Singapore)</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Dr. Jose Amigo, Health Coordinator, ICRC Delegation to the Philippines 2. Dr. Maria Guevarra, Regional Humanitarian Representative to ASEAN, Médecins Sans Frontières 3. Prof. Lubna Baig, Pro-Vice Chancellor, Dean, APPNA Institute of Public Health, Jinnah Sindh Medical University, Pakistan 4. Dr. Tha Hla Shwe, Honorary President, Myanmar Red Cross Society, Myanmar 5. Brigadier General Joseph M. Acosta, Surgeon General of the Armed Forces of the Philippines (AFP), International Committee on Military Medicine (ICMM) <p>Open Forum and Plenary Discussion</p>
10:00 - 10:15	Tea Break



10:15 - 12:00	<p>2. Children and Education</p> <p>Specific Issues:</p> <ul style="list-style-type: none"> • Ensuring that children have access to formal and informal education Enhancing the capacities of teachers and students to reduce their exposure and vulnerability to violence; • Strengthening community-based mechanisms for the protection of children; • Providing economic or material support to households facing economic challenges to send their children to schools. <p>Moderator: H.E. Vongthep Arthakaivalvatee, Deputy Secretary-General for ASEAN Socio-Cultural Community, ASEAN Secretariat</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Ms. Monique Nanchen, Child Protection Adviser, ICRC Headquarters, Geneva 2. Ms. Najelaa Shihab, Founder and Head of School, Sekolah Cikal and Rumah Main Cikal, Indonesia 3. Ms. Lotta Sylwander, Country Representative, UNICEF Philippines 4. Ms. Maria Corazon G. de la Paz, Chairperson, Balay Rehabilitation Center, Philippines 5. Mr. Ned Olney, Country Director, Save the Children, Philippines <p>Open Forum and Plenary Discussion</p>
12:00 - 01:30	Lunch
01:30 - 03:00	<p>3. The Protection of Vulnerable Groups</p> <p>Specific Issues:</p> <ul style="list-style-type: none"> • Protection of Minorities including Migrants and Vulnerable Groups <p>Moderator: H.E. Tan Hung Seng, Permanent Representative of Singapore to ASEAN</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Ms. Froilyn Mendoza, Executive Director, Teduray Lambangian Women Organization, Inc., Philippines 2. Atty. Laisa Masuhud Alamia, Executive Secretary, Regional Government, Autonomous Region for Muslim Mindanao (ARMM), Philippines 3. Dr. Emma Leslie, Executive Director, Centre for Peace and Conflict Studies, Cambodia 4. Mr. Cornelius Brueser, Regional Adviser on Migration for Asia Pacific, ICRC Regional Delegation to Malaysia, Singapore and Brunei Darussalam <p>Open Forum and Plenary Discussion</p>
03:00 - 03:15	Tea Break



03:15 - 03:45	<p>4. Persons Deprived of Their Liberty</p> <p>Specific Issues:</p> <ul style="list-style-type: none"> • Particular issues around vulnerable detainees and conditions of detention • ICRC’s mandate and work in detention place • Key Framework on the Treatment of Prisoners, for example Nelson Mandela Rules and Bangkok Rules <p>Moderator: Mr. Pascal Porchet, Head of ICRC Delegation to the Philippines</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Mr. Shane Clive Bryans, Regional Prison System Advisor for Southeast Asia, ICRC Regional Delegation to Thailand, Cambodia, Viet Nam and Laos 2. H.E. Dr. Seree Nonthasoot, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR) <p>Open Forum and Plenary Discussion</p>
03:45 - 07:00	<p>Session VI. Closing Program</p> <ol style="list-style-type: none"> 1. Synthesis and Ways Forward: Identification of Best Practices by Mr. Christoph Sutter, Head of Regional Delegation of the ICRC to Indonesia and Timor-Leste 2. Recommendations by H.E. Ambassador Elizabeth P. Buensuceso, Permanent Representative of the Republic of the Philippines to ASEAN, Chair, Committee of Permanent Representatives to ASEAN, Chair, ASEAN-IPR Governing Council 3. Closing Message by H.E. Ambassador Elizabeth P. Buensuceso, Permanent Representative of the Republic of the Philippines to ASEAN, Chair, Committee of Permanent Representatives to ASEAN, Chair, ASEAN-IPR Governing Council
07:00	Dinner



Annex 2

Profile of Speakers and Moderators

MR. PASCAL PORCHET, Head of ICRC Delegation to the Philippines.

Following a career in corporate finance, Pascal Porchet joined the ICRC in 2004. He was first posted to Nepal, and subsequently went to Rwanda as the Head of Office. In response to the 2005 earthquake, he coordinated part of the relief operations carried out by the ICRC in the Kashmir region in Pakistan. He later moved to the Middle-East, where he was responsible for the detention-related activities carried out by the ICRC in Iraq and Jordan. After three years in a management position in ICRC in Colombia, Pascal became the Deputy Head of Delegation for Niger and Mali. In 2014, he returned to Iraq as the Deputy Head of one of ICRC's largest operations. Since January 2016, he has been heading the delegation in the Philippines, which is ICRC's third largest operation in Asia.

HER EXCELLENCY AMBASSADOR ANDREA REICHLIN, Ambassador of Switzerland to the Philippines.

Ambassador Andrea Reichlin studied philosophy and economics at the University of Fribourg in Switzerland and University of Heidelberg in Germany. She later completed postgraduate degrees at the Institut Universitaire de Hautes Etudes Internationales in Geneva (1998) and l'Ecole Nationale d' Administration in Paris (1995). She joined the Swiss Federal Department of Foreign Affairs in 1988 and held various positions at the Embassies in Paris and the Hague. Prior to her assignment in Manila, she served as Ambassador to the United Arab Emirates (2012-2015), to the Hashemite Kingdom of Jordan (2008-2012) and to the Republic of Sudan (2003-2007).

HIS EXCELLENCY AMBASSADOR ERIK FØRNER, Ambassador of Norway to the Philippines.

Ambassador Erik Førner brings with him over 25 years of experience in foreign policy, trade, business, nation branding, among others. His diplomatic assignments abroad include posts as Minister in Sweden and First Secretary in Germany and Austria. He also served as an Assistant Director General in the Ministry of Trade and Industry and later as Assistant Director General, Deputy Director General and Project Director in the Ministry of Foreign Affairs. The Ambassador completed his Foreign Service training at the Diplomatic Academy - Norwegian Ministry of Foreign Affairs. He obtained his master's degree in Economics from the University of Oslo and postgraduate degree at the Universitat Mannheim in Germany. Ambassador Førner assumed his post at the Royal Norwegian Embassy in Manila on 24 August 2014.

SECRETARY JESUS G. DUREZA, Presidential Adviser on the Peace Process, OPAPP, Philippines.

Secretary Jesus "Jess" Dureza is a lawyer, journalist, cabinet minister and government peace negotiator with a long and distinguished career in peace negotiations, peace building and conflict resolution, media, governance and development processes. Currently as Presidential Adviser on the Peace Process of Philippine President Rodrigo Duterte, a role which he

previously held from 2006 until 2008 during the Arroyo administration, Secretary Dureza provides the President with advice and support in crafting the government's peace policy framework and undertaking strategic approaches to the comprehensive peace process. He has served three Philippine presidents in various capacities: 1) Director of Philippine Coconut Authority during the Corazon Aquino administration; 2) Presidential Assistant for Mindanao and Chairman of the Mindanao Economic Development Council during the Ramos Administration and spokesperson of Fidel Ramos after his stint as President; and 3) Press Secretary, Chief Presidential Legal Counsel and government chief peace negotiator during the Arroyo Administration.

SENATOR RICHARD GORDON, Chairman, Philippines Red Cross.

Senator Gordon has been a Red Cross volunteer for more than 40 years. He has been a member of the Philippine Red Cross (PRC) Board of Governors since 1986, and its chairman since 2004. As PRC chairman, Mr. Gordon represents the Philippines in the governing board of the International Federation of the Red Cross and Red Crescent Societies. He is currently a Senator of the Philippines, emerging in the 5th position during the May 2016 elections. His first term in the Senate was in 2004 - 2010. From 2001 to 2004, he was the Secretary of the Department of Tourism. It was during his term that the "WOW Philippines" campaign was launched. He was the founding Chairman and Administrator of the Subic Bay Metropolitan Authority from 1992 to 1998. Prior to that, he was Mayor of Olongapo City from 1980 to 1993. He was also the youngest delegate to take part in the Constitutional Convention in 1971.

HIS EXCELLENCY AMBASSADOR REZLAN I. JENIE, Executive Director, ASEAN Institute for Peace and Reconciliation (ASEAN-IPR).

Prior to his current role, he served as Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to France, Andorra and Monaco, concurrently the Permanent Representative to UNESCO since 2010. He was the Indonesian Ambassador/Permanent Representative to the United Nations in New York from April 2004, and subsequently the Director General for Multilateral Affairs of the Ministry of Foreign Affairs of the Republic of Indonesia from May 2007. He started his service in the Ministry in 1980 and spent his diplomatic career in the several posts in New York, Geneva, and Lisbon. Born in Jakarta on 6 February 1952, he graduated from the Faculty of Social and Political Sciences, University of Indonesia.

MR. CHRISTOPH SUTTER, Head of ICRC Regional Delegation to Indonesia and Timor-Leste.

He has been based in Jakarta for almost four years following a 2014 mission as Head of Operations for Typhoon Haiyan in the Philippines. He has been working for the ICRC since 1997 and has undertaken field assignments in countries including Iran, South Sudan, Darfur (Sudan) Sri Lanka, Philippines, Central Asia and Libya. He has a Bachelor's Degree in Political Science and in 2016 completed his Advanced Training on Humanitarian Negotiation with the Harvard Humanitarian Initiative.



MS. DRAGANA KOJIC, Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva.

Ms. Kojic started her career with the ICRC in 1993. Over the past 25 years with the ICRC, she was assigned to various missions, including as the Head of Regional Delegation for Western Balkans in Serbia and the Head of Delegation in Nepal.

DR. AHMED ALDAWOODY, Legal Adviser for Islamic Law and Jurisprudence, ICRC Headquarters, Geneva.

Prior to joining the ICRC, Dr. Ahmed Aldawoody was an assistant professor in Islamic Studies at Al-Azhar University in Cairo. He also served as the assistant director of graduate studies for the Institute for Islamic World Studies at Zayed University in Dubai. Dr. Aldawoody earned his PhD from the University of Birmingham, United Kingdom. He earned his MA from Leiden University, the Netherlands; and his BA from Al-Azhar University, Egypt. He has published many articles, including on the relation between Islamic Law and IHL, and is the author of *The Islamic Law of War: Justifications and Regulations* (Palgrave Macmillan, 2011).

DR. HILMAN LATIEF, Faculty of Islamic Studies, Muhammadiyah University of Yogyakarta, Indonesia.

Dr. Latief pursued his undergraduate studies from the State Institute for Islamic Studies Sunan Kalijaga, Yogyakarta (1999). He earned his MA degrees from the Center for Religious and Cross Cultural Studies, Gadjah Mada University, Indonesia and from the Department of Comparative Religion, Western Michigan University, USA in 2003 and 2005, respectively. He obtained a Philosophy of Doctor degree from Utrecht University, the Netherlands in 2012. He was a research fellow at the Royal Netherlands Institute of Southeast Asian and Caribbean Studies, Koninklijk Instituut voor Taal- Land- en Volkenkunde (KITLV) in 2013. The following year, he was granted the Alumni Achievement Award from the School of Arts and Sciences, Western Michigan University. His research interests include Islam in Southeast Asia, Religion and Development, faith-based NGOs, philanthropy and humanitarianism.

VENERABLE DR PHRAMAHA BOONCHUAY DOOJAI,

Lecturer, Mahachulalongkornrajavidyalaya University, Chiang Mai, Thailand

Venerable Dr Phrama Boonchuay Doojai is a Buddhist monk and a lecturer at Mahachulalongkornrajavidyalaya University, Chiang Mai campus, where he was a vice-rector. He was also vice-chair of the Niwano Peace Prize Committee, Japan and has been a leading interfaith activist in Thailand and abroad. He is the chairperson of Asian Interfaith Network on HIV/AIDS prevention and care and support in Asian countries. He also organized several intra-faith and inter-faith dialogues, training programmes and workshops for Buddhist monks in Thailand and neighbouring countries, enabling them to respond to social issues, human rights and justice.



MS. NORMA MAPANSA GONOS, Former Director, Institute for Indigenous People's Education, Philippines.

Ms. Gonos is a full-blooded Mandaya - from the indigenous community of Caraga, Davao Oriental. From her parents, she nurtures an unwavering belief that education is a tool by which indigenous communities assert recognition of the right to self-determination. Her education in medical technology and law was relevant in her endeavours that started with the community - based health programme of the Diocese of Tagum in 1984. She co-founded the Tribal Professionals and Students Solidarity in 1986 and was the founding Executive Director of the Tribal Association for Intercultural Development as its national coalition building officer, working towards the organisation of the Katutubong Samahan ng Pilipinas. She joined the Presidential Task Force on Ancestral Domain during the Estrada administration, and was appointed the first ancestral domain Bureau Director of the National Commission on Indigenous Peoples and later as Commissioner for one term. She was the Director of the Institute for IP Education covering Regions XI, XII and ARMM through the Philippines-Australia Basic Education Policy Framework, which later led to its passage in 2011. She is the Executive Director of the Apo Governance and Indigenous Leadership Academy. She is continuously involved in peace initiatives such as the OPAPP-IP Peace Panel.

MOST REVEREND FERNANDO CAPALLA, Former Archbishop of Davao, Founder and Co-convenor, Bishops-Ulama Conference, Philippines.

Most Reverend Fernando Robles Capalla also serves as the Honorary President of the World Conference on Religion and Peace. He is the former bishop of Iligan and Marawi, and archbishop of Davao City. Following are some of his other previous roles: Chairman of the Commission on Ecumenical and Interreligious Dialogue of the Catholic Bishops Conference of the Philippines (CBCP); CBCP President; Chairman of the Office of the Ecumenical and Interreligious Affairs of the Federation of Asian Bishops Conferences; and member of the Pontifical Council on Interreligious Dialogue, and Presidential Council on Moral Values.

HIS EXCELLENCY AMBASSADOR MORTEN HØGLUND, Ambassador of Norway to ASEAN.

Ambassador Høglund became the first dedicated Norwegian Ambassador to ASEAN in July this year. Before taking up his post in Jakarta, Ambassador Høglund was Senior Official ASEAN at Norwegian MFA. He has previously served as Special Adviser for Arctic Affairs. Ambassador Høglund has served 12 years in the Norwegian Parliament and two years as Deputy Foreign Minister. He has served as Deputy Mayor in two Norwegian counties. Ambassador Høglund is married and has three children. He has a long history in Chinese Dragon Boat Racing, including founding the Oslo Dragon Boat Club and co-founder of International Dragon Boat Federation.

MS. RAHMAWATI HUSEIN, Vice-Chair, Muhammadiyah Disaster Management Center, Indonesia.

Aside from her current role, Ms. Husein is also an assistant professor at the Jusuf Kalla School of Government, Universitas Muhammadiyah Yogyakarta. She is also on the advisory board of the Indonesian National Disaster Management Agency, and is a committee member of the Indonesian Humanitarian Alliance for Myanmar and an executive board member of

the Humanitarian Forum Indonesia, an interfaith-based organisation forum. She received her PhD on Environmental Planning/Disaster Management from the Urban and Regional Planning, Texas A&M University, USA. In 2015, she served as an LO for Indonesian Mission for Humanitarian Assistance in Nepal.

DATO' DR. AHMAD FAIZAL MOHD PERDAUS, President, MERCY Malaysia.

Aside from his current role as President of MERCY Malaysia, Dato' Perdaus is also attached to KPJ Damansara Specialist Hospital, Kuala Lumpur. An expert in respiratory medicine, he graduated locally from Universiti Kebangsaan Malaysia. He now travels the world for MERCY missions and gives talks. He started volunteering with MERCY Malaysia in 2003, and joined the Executive Council in the same year. He then headed the Drug Rehabilitation and Assistance Program in Malaysia from 2003 to 2006, before being elected President in 2010. He was re-elected in 2011. He also became the first Asian to be elected as Chairperson of the International Council of Voluntary Agencies (ICVA), representing NGOs globally.

UNDERSECRETARY DIOSITA TUTANES-ANDOT, Undersecretary for the Peacebuilding and Development Cluster and Executive Director of the Office of the Presidential Adviser on the Peace Process (OPAPP).

Undersecretary Andot concurrently serves as member of the Government Implementing Panels for the Peace Process with the Moro Islamic Liberation Front and with the Moro National Liberation Front, respectively. She has worked with the government in various capacities including as Executive Director for the GPH-MILF Peace Negotiating Panel in 2001-2004, Director of the Office of the President in Mindanao during the Ramos Administration and as Deputy Head of Office of the Executive Secretary-Mindanao Coordinating Office (OES-MCO) in the Office of the President from 2014-2016. With Gender and Development as her lifetime advocacy, she is also involved in mainstreaming gender in the peace process as the National Focal Point for the implementation of the Philippine National Action Plan on Women, Peace and Security.

ATTORNEY OSCAR PALABYAB, Secretary-General, Philippine Red Cross, Conferred with the title of the Prince of Peace and Development by the Marawi Sultanate.

Atty. Palabyab defined his entire career by channeling his professional expertise into various significant activities all over the country. One of the highlights of his career is when he became the Undersecretary for Tourism Services and Regional Offices of the Department of Tourism (DOT) in March 2001. A lawyer by profession, his passion to help and serve the most vulnerable continued when he became one of the most sought after consultants of the Philippine Red Cross, after leaving government. Thereafter, he was designated as the Secretary General of the Philippine Red Cross in July 2016, administering feasible and effective resource capability and mobilisation that enables the organisation to serve and help the most vulnerable.



MS. TOMOKO MATSUZAWA, Head of Cotabato Office, ICRC Delegation to the Philippines.

Ms. Matsuzawa joined the ICRC in 2013 and served in Uganda and Ethiopia prior to her arrival in Mindanao in October 2016. Before joining ICRC, she had 10 years work experience in the Japanese government (Ministry of Foreign Affairs, Cabinet Office and Parliament) and several years in the United Nations in Geneva. Her specialty is human rights law and she holds a master's degree from the School of Oriental and African Studies of University of London.

DR. ALISTAIR D.B. COOK, Coordinator, Humanitarian Disaster and Relief Programme, S. Rajaratnam School of International Studies, Singapore.


Dr. Cook is a research fellow at the Center for Non-Traditional Security Studies (NTS Centre), S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU) in Singapore. His research interests focus on the Asia-Pacific, particularly on HADR, foreign policy and regional cooperation. He recently published "Civilian Protection in the Twenty-First Century: Governance and Responsibility in a Fragmented World (co-edited with Cecilia Jacob)," Oxford University Press, 2016. He teaches graduates students governance and security in Myanmar, apart from mentoring as part of professional development courses.

DR. JOSE AMIGO, Health Coordinator, ICRC Delegation to the Philippines.

A medical doctor and family medicine specialist, Dr. Amigo did his MSc in public health from the London School of Hygiene and Tropical Medicine (1999). He joined the ICRC in 2006 and worked in Pakistan (post-earthquake reconstruction or primary health care services, 2007), Iraq (medical doctor of the detention team, 2008) and Afghanistan (health coordinator, 2009-2010). Dr Amigo has field work and management experience in medical humanitarian work since 1991 with Medecins Sans Frontieres (MSF). He has worked on assignments in Iraq, Angola, Bolivia, Kenya, Somalia, Rwanda, the Balkans, Nigeria and Democratic Republic of Congo, and has managed programmes in East Africa (Somalia, Uganda, Ethiopia, Eritrea and South Sudan) and Northern Caucasus (Ingushetia and Chechnya). Between 2010 and 2016, he served as an elected president of the Board of Director of Medecins Sans Frontieres (MSF).

DR. MARIA GUEVARRA, Regional Humanitarian Representative to ASEAN, Médecins Sans Frontières.

Dr. Maria Guevarra is currently based in Hong Kong and Jakarta since 2012. Although born in the Philippines, Dr. Guevarra was raised in the USA, where she acquired her medical doctorate. After obtaining her medical degree from the University of Alabama's School of Medicine in 1993, she received training in internal medicine at the University of Nevada and specialised in pulmonary and critical care at the University of Florida's College of Medicine. She was inducted as a fellow of the American College of Chest Physicians in 2003 and was a recipient of the CHEST Foundation International Humanitarian Recognition Award in 2006. She also received a diploma in tropical medicine from the Liverpool School of Tropical Medicine and Hygiene and is currently enrolled in the Masters of Global Health Policy Programme at the London School of Hygiene and Tropical Medicine. After practising



in various emergency and intensive care units in the USA and serving as a faculty member at the University of Florida, she joined MSF in 2004. She has done field work for MSF in Liberia, Guatemala, Haiti, Democratic Republic of Congo, Nigeria, Myanmar, Philippines, Indonesia, Malaysia and South Sudan in both emergency and stable settings. In her current role as MSF regional representative, she served as a member of the Advisory Group on Reform of WHO's Work in Outbreaks and Emergencies with Health and Humanitarian Consequences from July 2015 to January 2016.

PROF. DR. LUBNA A. BAIG, Pro-Chancellor and Dean of the Institute of Public Health and Pro-Vice Chancellor, Jinnah Sindh Medical University (Pakistan).

Prof. Dr. Lubna A. Baig is a renowned public health researcher and medical educator. She has more than 70 papers in peer reviewed international journals, training manuals on reproductive health, primary health care, de-escalation of violence, and two books. She has made more than 100 representations in national and international conferences, with a special focus on medical education, and reproductive and public health. She has spoken on stopping violence against health care, gender-based violence, social accountability of universities, development of community services and curriculum reform in health profession education.

DR. THA HLA SHWE, Honorary President, Myanmar Red Cross Society.

Born in 1940, Dr. Tha Hla Swe received his medical degree (MBBS) in 1964, and went on to specialise in public health and medical education at the London School of Hygiene and Tropical Medicine and University of Southern California. He served as the Professor of public health and retired as a Rector (Dean), Institute of Medicine, Yangon in 2004. He was the president of Myanmar Red Cross Society (MRCS) for 10 years, retiring in 2016 and participated in many national and international humanitarian activities. He is currently the Honorary President of MRCS.

BRIG. GEN. JOSEPH M ACOSTA, Surgeon-General, Armed Forces of the Philippines, International Committee on Military Medicine (ICMM).

Brig. Gen. Joseph Acosta is the 51st Surgeon General of the Armed Forces of the Philippines. He assumed the position on 9 December 2016. Prior to this, he served as the Commander of the Armed Forces of the Philippines Medical Centre, the Chief Surgeon Air Force and the Commanding Officer in Basa Air Base Hospital, Sangley Air Base Hospital and Clark Air Base Medical Infirmary. Brig. Gen. Acosta achieved numerous achievements throughout his career and is a recipient of various awards such as the Bronze Cross Medal, Gawad sa Kaunlaran Medal awarded by President Benigno Aquino for his efforts and accomplishments during typhoon Yolanda, one of the Ten Outstanding Philippine Soldiers in 2004, AFP Most Outstanding Medical Officer in 2002, 1st Place in the Inter-Hospital Scientific Research Paper, and the CGPA Award Order of General Aguinaldo for graduating number one in the Technical Service Advance Officers Course. Brig. Gen. Acosta is also a proud member of the Philippine Military Academy Sandigan Class of 1982.



HIS EXCELLENCY VONGTHEP ARTHAKAIVALVATEE, Deputy Secretary-General of ASEAN for ASEAN Socio-Cultural Community (ASCC).

In his current role, he actively promotes awareness of ASCC as the people pillar of ASEAN through public diplomacy, as well as the complementarities between the ASEAN Vision 2025 and the 2030 UN Agenda for Sustainable Development. He also oversees the work of 15 sectoral bodies under ASCC, including the ASEAN Committee on Disaster Management (ACDM).

H.E. Vongthep has 23 years of experience in international diplomacy. Starting work at Thailand's Ministry of Foreign Affairs in 1994, his overseas postings included the Royal Thai Embassy in Kuwait (1999 – 2003) and the Permanent Mission of Thailand to the United Nations Office at Vienna, Austria (2004 – 2008). In that capacity, H.E. Vongthep served as the Vice Chairman of the Commission on Narcotic Drugs (2007) and as the Alternate Governor in the IAEA's Board of Governors (2006 – 2008). He also specialized in global issues such as crime prevention and criminal justice, human rights, disarmament, non-proliferation and sustainable development.

In 2008, H.E. Vongthep joined Thailand's Ministry of Justice, advocating for the development of United Nations Standard Minimum Rules for the Treatment of Women Prisoners (the Bangkok Rules). He also worked on the development of the Thailand Institute of Justice, and served as its Director of External Relations and Policy Coordination (2012 – 2014). Before joining the ASEAN Secretariat in 2015, Mr. Vongthep was the Director of International Affairs of the Ministry of Justice.


H.E. Vongthep received his B.A. in History from Whittier College, and M.A. in International Policy Studies from Monterey Institute of International Studies, California, USA.

MS. MONIQUE NANCHEN, Child Protection Adviser, ICRC Headquarters, Geneva

Ms. Monique Nanchen holds a Master degree in International Relations (Graduate Institute of International and Development Studies, Geneva) and studied Russian at Geneva University. For over ten years she has carried out field missions with the ICRC as a Delegate, a Communications Coordinator and a Protection Coordinator in Africa (DRC, Côte d'Ivoire, South Sudan, and Senegal), the Middle East (Israel/Palestine, Lebanon), South America (Colombia) and Russia. Before joining the ICRC, she worked for the UNHCR in the Caucasus and for the International Federation of the Red Cross in Tajikistan. She joined the Protection Division at ICRC Headquarters in 2014. Initially she worked as Head of Sector for protection in West Africa. One of her priorities is on the impact of conflict and violence on children's access to education.

MS. NAJELAA SHIHAB, Founder and Head of School, Sekolah Cikal and Rumah Main Cikal, Indonesia.

After earning her Bachelor and Master's degrees from the Faculty of Psychology, University of Indonesia, majoring in developmental and educational psychology. Ms. Shihab established Cikal in 1999, currently serving thousands of students from preschool until high schools in 8 cities and network of Teacher Education in 125 cities/regencies in Indonesia.



She also founded and initiated many education organizations and communities. Her current activities are Asosiasi Ibu Menyusui Indonesia (AIMI) since 2007, Keluarga Kita with RANGKUL (relawan keluarga kita) since 2012, Inibudi with Guru Berbudi since 2012, Komunitas Guru Belajar Nusantara since 2014, Pusat Studi Pendidikan dan Kebijakan (PSPK) in 2015, Sinedu since 2016 And Youthmanual in 2016. She also organized Pesta Pendidikan, a network to increase collaboration between multiple stakeholders (government, educators/teachers, parents, students and other public sectors).

MS. LOTTA SYLWANDER, Country Representative, UNICEF Philippines

Ms. Sylwander joined as UNICEF Representative to the Philippines in March 2014. She brings with her more than three decades of substantive experience in the social development sector, garnered from leadership positions she held in many regions across the world where she championed the cause of children and women. Before coming to the Philippines, she served as the UNICEF representative to Viet Nam from 2010 to 2014 and she was the UNICEF representative to Zambia from 2006 to 2010. From 2001 to 2006, and before joining UNICEF, Ms. Sylwander served as Deputy Director General and Director of the Africa Department at the Swedish International Development Cooperation Agency (SIDA).

MS. MARIA CORAZON G. DE LA PAZ, Chairperson, Balay Rehabilitation Center, Philippines.

Ms. De la Paz has over two decades of professional experience in development work, covering a wide range of specializations acquired from both public sector and international development organizations. She has a specialisation on disaster risk reduction and management, post-disaster assessment, recovery and rehabilitation (for natural and manmade disasters) among local government units, the Department of Education, government agencies and communities of internally displaced people (IDPs). Her work revolves around themes such as psychosocial development work, humanitarian assistance and policy advocacy for IDPs.

MR. NED OLNEY, Country Director, Save the Children, Philippines.

Mr. Olney previously served the Save the Children / US Senior Management Team as Vice-President of the Humanitarian Response. In addition to managing the agency's critical early responses, he was responsible for coordinating with governments, multilateral and nonprofit agencies. He also represented Save the Children / US on the InterAgency Working Group (IWG), the SPHERE Board of Directors, World Food Programme, and USAID OFDA. During his 24 years with Save the Children, Olney has directed sentry programme operations in Ethiopia, Bolivia and Bangladesh, and now the Philippines. Olney holds an MA degree from Tulane University, and a BA from Gettysburg College.

HIS EXCELLENCY TAN HUNG SENG, Permanent Representative of the Republic of Singapore to ASEAN.

Ambassador Tan Hung Seng took up appointment as Singapore's Permanent Representative to ASEAN in August 2013. Before assuming this position in Jakarta, he served as Singapore's Ambassador to the Arab Republic of Egypt, concurrently accredited to Libya, from July




2009 to July 2013. He was also concurrently accredited to the State of Kuwait until October 2012. Ambassador Tan graduated with a Bachelor of Social Science degree, Second Class (Upper) Honours from the National University of Singapore in 1990. He obtained his Masters (merit) degree in Southeast Asian Studies from the University of London, School of Oriental and African Studies, United Kingdom, in 1998, under the Raffles/Chevening Scholarship. Ambassador Tan joined the Ministry of Foreign Affairs in 1990 and has worked in various capacities on issues related to international organisations, ASEAN / ASEAN Regional Forum and Middle East. His overseas postings have included two earlier stints in Egypt (as First Secretary from 1992 to 1995 and as Deputy Chief of Mission / Counsellor from 2003 to 2005) as well as a posting in Bangkok, where he was Deputy Chief of Mission / Counsellor from 1999 to 2003. He was awarded the Public Administration Medal (Silver) in 2011 and the Long Service Medal in 2013.

MS. FROILYN MENDOZA, Executive Director, Teduray Lambangian Women Organization, Inc., Philippines.

Ms. Mendoza is a Teduray woman who is a native of South Upi, Maguindanao, in Southern Philippines. Known for her work in the advancement and promotion of indigenous women's rights, she co-founded the Teduray Lambangian Women Organization in 2004. Since then, she has focused her research and advocacy work on indigenous women's issues such as early marriage and their participation to the peace process. In various capacities, she has represented indigenous women in the crafting of several pieces of legislation such as the Muslim Mindanao Autonomy Act 290 or the GAD Code of ARMM and Muslim Mindanao Autonomy Act 241. Considered a pioneer in indigenous rights advocacy, she was appointed to the Philippine Government in 2013 to represent indigenous peoples to the Transition Commission that drafted the basic law for the Bangsamoro. In many instances, Froilyn has represented her tribe in various international assemblies such as the 2014 High Level Summit to End Sexual Violence in Conflict in London and Experts Round Table on International Support for Women's Participation in Peace Process in New York. She became one of the pioneering alumna to the Women Peace Leadership programme of the Center for Peace and Conflict Studies in Siem Reap, Cambodia. Currently, she is also a member of the advisory board in supporting development of a women's guide to constitutional reform of the Inclusive Security based in Washington DC.

ATTORNEY LAISA MASUHUD ALAMIA, Executive Secretary, Regional Government, Autonomous Region for Muslim Mindanao (ARMM), Philippines.

Atty. Alamia, a Career Executive Service Eligible (CESE), was the first Chairperson of the ARMM Regional Human Rights Commission (RHRC) appointed by the President. She also served the Regional Trial Court (RTC) Branch 13 of Zamboanga city as Clerk of Court V. She previously worked as Senior Economic Development Specialist at the National Economic and Development Authority (NEDA). Atty Alamia sits as a member of both Board of Trustees of Ateneo de Davao University (ADDU) and Ateneo de Zamboanga University (ADZU). She also used to be the legal counsel of ADZU and was a member of its law school faculty. She was one of the founding members of the Bangsamoro Lawyers Network (BLN), Nisa UI-Haqq Fi Bangsamoro and Bangsamoro Study Group (BSG). Atty. Alamia graduated cum laude



and valedictorian at Ateneo de Zamboanga University and completed her law degree at Western Mindanao State University.

DR. EMMA LESLIE, Executive Director, Centre for Peace and Conflict Studies, Cambodia.

Dr. Leslie is an Australian - Cambodian who has worked on conflict transformation and Peace building throughout Asia since 1993. Since 1997, Dr Leslie worked with the International Campaign to Ban Landmines, the Working Group for Weapons Reduction in Cambodia and supported a number of Cambodian peace initiatives. In 2008, she established the Centre for Peace and Conflict Studies in Cambodia, which she currently leads as Executive Director. She has played many different roles in the peace process in the Philippines by supporting the peace talks between governments and the Moro Islamic Liberation Front and supporting the peace process in Myanmar as an independent observer.

MR. CORNELIUS LEONARD BRUESER, Regional Adviser on Migration for Asia Pacific, ICRC Regional Delegation to Malaysia, Singapore and Brunei Darussalam.

Mr. Brueser has been working with the International Committee of the Red Cross since 2008, when he was sent to the Central African Republic. Taking on various roles in the field of Protection, he was assigned to such destinations as Afghanistan, Philippines and the Democratic Republic of Congo. He worked on migration-related issues in Côte d'Ivoire, Haiti, and Kyrgyzstan, before taking on the role of Regional Migration Adviser for Asia and the Pacific, based in Kuala Lumpur, in May 2017.

MR. SHANE CLIVE BRYANS, Regional Prison System Advisor for Southeast Asia, ICRC Regional Delegation to Thailand, Cambodia, Viet Nam and Laos.

Mr. Bryans has worked as the Operational Prison Governor and Director in the Home Office (UK Ministry of Interior). He has also been a United Nations and European Union criminal justice and prisons expert working in Kyrgyzstan, Nigeria, Iraq, Ethiopia, Pakistan, Turkey, Indonesia, Uganda, Palestine, Haiti and Mongolia. He was Senior Advisor to the Minister of Justice in post-revolution Libya. He has written a number of books on prison theory and management and is the author of three UN Handbooks on prison-related subjects.

HIS EXCELLENCY DR. SEREE NONTHASOOT, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR).

Dr. Nonthasoot has been serving as the Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR) since 2013. Priorities for his second term (2015-2018) include the development of a regional action plan to mainstream disability rights in the ASEAN Community, thematic studies on legal aid, juvenile justice and the death penalty, and the development of a national action plan for business and human rights in Thailand. He also teaches at various institutions, including Mahidol and Thammasat University, on the subject of human rights and law. He obtained his doctoral degree from Oxford University in the UK.



HER EXCELLENCY AMBASSADOR ELIZABETH P. BUENSUCESO, Permanent Representative of the Philippines to ASEAN.

Ambassador Buensuceso is currently the Chair of the Committee of Permanent Representatives based in Jakarta, Indonesia. She is also the Chair of the ASEAN Connectivity Coordinating Committee (ACCC), the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) Governing Council, and the Meetings of the East Asia Summit Ambassadors in Jakarta. She has been with the Philippine foreign service for over 35 years. She was formerly the Philippine Ambassador to Norway, with concurrent accreditation to Denmark and Iceland. She was Ambassador to the Lao PDR before that. She was also posted in Hong Kong, Singapore, Brussels and Beijing. In the Home Office, she was Head of the Economic Diplomacy Unit, Assistant Secretary for European Affairs, Director for ASEAN Economic Cooperation, among others. She graduated with a degree in Bachelor of Arts, major in English, magna cum laude. She also pursued an MA (English) and MA (Asian studies) from the University of the Philippines. She has led her country's delegations to various international and regional fora.

The comments and presentations made by speakers and participants during the Symposium, except for those made by the representatives from the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) and International Committee of the Red Cross (ICRC), do not necessarily represent the views of ASEAN-IPR, ICRC and the Governments of the Philippines, Norway and Switzerland.

Annex 3

PARTICIPANTS		
Brunei Darussalam	H.E. Hajah Johariah Wahab Ambassador of Brunei Darussalam to the Philippines	Member of Delegation
Brunei Darussalam	Amin Sulaiman Second Secretary Embassy of Brunei Darussalam in the Philippines	Member of Delegation
Cambodia	H.E. Ouk Sorphorn Director-General of the General Department of ASEAN-Cambodia Ministry of Foreign Affairs and International Cooperation	ASEAN-IPR Advisory Board
Cambodia	Sok Thea First Secretary Permanent Mission of Cambodia to ASEAN	Member of Delegation
Cambodia	Soeung Solida Ministry of Foreign Affairs and International Cooperation	Member of Delegation
Cambodia	Hun Vannak Ministry of National Defense	Member of Delegation
Indonesia	H.E. Artauli Tobing Executive Secretary of the Council of the Presidential Adviser for International Affairs	ASEAN-IPR Governing Council
Indonesia	H.E. Chilman Arisman Permanent Representative Ad-Interim of the Republic of Indonesia to ASEAN	Member of Delegation
Indonesia	Fajar Wirawan Harijo Minister Counsellor Permanent Mission of the Republic of Indonesia to ASEAN	Member of Delegation
Indonesia	M. Chandra W. Yudha Director of ASEAN Political Security Cooperation Ministry of Foreign Affairs	Member of Delegation
Indonesia	Lily Savitri Ministry of Foreign Affairs	Member of Delegation
Indonesia	Nur Fitria Ministry of Foreign Affairs	Member of Delegation
Indonesia	Mia Padmasari Ministry of Foreign Affairs	Member of Delegation
Lao PDR	H.E. Latsamy Keomany Permanent Representative of Lao PDR to ASEAN	ASEAN-IPR Governing Council
Lao PDR	H.E. Phavanh Nuanthasing Ambassador Extraordinary and Plenipotentiary of Lao PDR to the Republic of Indonesia	ASEAN-IPR Advisory Board
Lao PDR	Viengoudom Chanthavong Third Secretary Permanent Mission of Lao PDR to ASEAN	Member of Delegation
Lao PDR	Souksakhone Lithsenevang Third Secretary Permanent Mission of Lao PDR to ASEAN	Member of Delegation

Lao PDR	Vadsana Inthamanivong Desk Officer Ministry of Foreign Affairs	Member of Delegation
Malaysia	H.E. Dato' Shariffah Norhana Syed Mustaffa Permanent Representative of Malaysia to ASEAN	ASEAN-IPR Governing Council
Malaysia	Nurhana Muhammad Ikmal Director of ASEAN Political-Security Community Division Ministry of Foreign Affairs	Member of Delegation
Malaysia	Fazlinda Fudzil Deputy Permanent Representative Permanent Mission of Malaysia to ASEAN	Member of Delegation
Malaysia	Nur Atikah Anuar Assistant Secretary of Human Rights and Humanities Division Ministry of Foreign Affairs	Member of Delegation
Malaysia	Syazwani Shahrin Assistant Director Ministry of Foreign Affairs	Member of Delegation
Myanmar	H.E. Min Lwin Permanent Representative of Myanmar to ASEAN	ASEAN-IPR Governing Council
Myanmar	Kyaw Myaing Myanmar Institute of Strategic and International Studies	ASEAN-IPR Advisory Board
Myanmar	Nilar Aung Deputy Permanent Representative Permanent Mission of Myanmar to ASEAN	Member of Delegation
Myanmar	Seinn Lei Tun Deputy Director Ministry of Foreign Affairs	Member of Delegation
Myanmar	Thi Ha Hein First Secretary Permanent Mission of Myanmar to ASEAN	Member of Delegation
Myanmar	Zaw Minn Aung Director Ministry of Foreign Affairs	Member of Delegation
Philippines	H.E. Elizabeth P. Buensuceso Permanent Representative of the Philippines to ASEAN	ASEAN-IPR Governing Council, Speaker, Organizer
Philippines	Atty. Jesus G. Dureza Secretary Office of the Presidential Adviser on the Peace Process	ASEAN-IPR Advisory Board
Philippines	Atty. Ma. Cecilia D. Papa Assistant Secretary for Political and Legislative Affairs Office of the Presidential Adviser on the Peace Process	ASEAN-IPR Advisory Board (Alternate of Secretary Jesus G. Dureza) Organizer
Philippines	Diosita Tutanés-Andot Undersecretary for the Peacebuilding and Development Cluster and Executive Director Office of the Presidential Adviser on the Peace Process	Speaker

Philippines	Hon. Jose Luis G. Montales Undersecretary for Civilian Security and Consular Affairs Department of Foreign Affairs	Organizer
Philippines	Ronald I. Flores Undersecretary for Support Services Office of the Presidential Adviser on the Peace Process	Participant
Philippines	Atty. Nabil A. Tan Undersecretary Office of the Presidential Adviser on the Peace Process	Participant
Philippines	Rolando B. Asuncion Assistant Secretary for Policy and Programs Office of the Presidential Adviser on the Peace Process	Organizer
Philippines	Alex V. Lamadrid Senior Special Assistant Office of Undersecretary for Civilian Security and Consular Concerns Department of Foreign Affairs	Organizer
Philippines	Winston Dean S. Almeda Special Assistant, Office of Undersecretary for Civilian Security and Consular Concerns Department of Foreign Affairs	Organizer
Philippines	Angella Gilberto L. Alfara Third Secretary Permanent Mission of the Philippines to ASEAN	Organizer, Master of Ceremonies
Philippines	Anwar M. Ito Principal Assistant Political Security Cooperation Division Office of ASEAN Affairs Department of Foreign Affairs	Organizer
Philippines	Rina Isabel P. de Chavez Assistant Office of Undersecretary for Civilian Security and Consular Concerns Department of Foreign Affairs	Organizer
Philippines	Arvin Chua Director IV Donor Coordination and Partnership Unit Office of the Presidential Adviser on the Peace Process	Participant
Philippines	Ferdinand Jovita Director IV Conflict Prevention and Management Unit Office of the Presidential Adviser on the Peace Process	Participant
Philippines	Pamela Ann S. Padilla-Salvan Director IV Peace Policy Unit Office of the Presidential Adviser on the Peace Process	Organizer/Participant
Philippines	Wendell Orbeso Director IV Cotabato Office Office of the Presidential Adviser on the Peace Process	Organizer

Philippines	Jay G. Nuarin Peace Program Officer IV Peace Policy Unit Office of the Presidential Adviser on the Peace Process	Organizer/Participant
Philippines	Emmanuel C. Santos Jr. Project Development Officer III Peace Policy Unit/Preparatory Team Office of the Presidential Adviser on the Peace Process	Organizer/Participant
Philippines	Mohammad Dipatuan Office of the Presidential Adviser on the Peace Process	Participant
Philippines	Donna Celeste Feliciano-Gatmaytan Director Office of the United Nations and International Organizations Department of Foreign Affairs	Guest
Philippines	Vanessa G. Bago-Llona Director Office of the United Nations and International Organizations Department of Foreign Affairs	Guest
Philippines	David Paje Office of the United Nations and International Organizations Department of Foreign Affairs	Guest
Philippines	Feamor Vyn S. Tiosen Office of Asia Pacific Affairs Department of Foreign Affairs	Guest
Philippines	Timothy Joseph Gaspar Department of Foreign Affairs	Guest
Philippines	Roger B. Silva Department of Foreign Affairs	Guest
Philippines	BGen. Raniel Ramiro Chief Peace and Development Office Armed Forces of the Philippines	Guest
Philippines	Bonifacio Cebrian Jr. Assistant Deputy Chief of Staff for Intelligence Armed Forces of the Philippines	Guest
Philippines	Gen. Jack Motril Chief Human Rights Office Armed Forces of the Philippines	Guest
Philippines	Maj. Eduardo Esquivias Human Rights Office Armed Forces of the Philippines	Guest
Philippines	Capt. Licerio Tirso B. Plan Chief Administrative Officer Human Rights Office Armed Forces of the Philippines	Guest
Philippines	Capt. Romeo P. Pulido, Jr. Peace and Development Office Armed Forces of the Philippines	Guest

Philippines	Atty. Armi Beatriz Bayot Division Chief Commission on Human Rights	Guest
Philippines	Maj. Joven Capitulo Department of National Defense	Guest
Philippines	Maria Cynthia D. Gealogo Philippine Representative ASEAN Commission on the Promotion and Protection of the Rights of Women and Children	Guest
Philippines	Atty. Laisa Masuhud Alamia Executive Secretary Regional Government Autonomous Region for Muslim Mindanao (ARMM)	Speaker
Singapore	H.E. Tan Hung Seng Permanent Representative of Singapore to ASEAN	ASEAN-IPR Governing Council
Singapore	Mugant Mehanathan First Secretary Permanent Mission of Singapore to ASEAN	Member of Delegation
Thailand	Dr. Darnp Sukontasap Co-Founder and Lecturer Institute of Diplomacy and International Studies of Rangsit University and Advisor to the Standing Committee on Foreign Affairs of the National Legislative Assembly of Thailand	ASEAN-IPR Governing Council
Thailand	H. E. Dr. Seree Nonthasoot Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)	Speaker
Thailand	Mongkol Visitstump Deputy Director-General Ministry of Foreign Affairs	Member of Delegation
Thailand	Thansuda Norkaew Justice Officer Ministry of Justice	Member of Delegation
Thailand	Police Lieutenant-Colonel Isravut Onnom Inspector of the Education Development Subdivision Royal Thai Police Cadet Academy	Member of Delegation
Thailand	Aditat Panupong Second Secretary Department of ASEAN Affairs Ministry of Foreign Affairs	Member of Delegation
Viet Nam	H.E. Nguyen Hoanh Nam Permanent Representative of Viet Nam to ASEAN	ASEAN-IPR Governing Council
Viet Nam	H.E. Le Cong Phung Former Deputy Minister for Foreign Affairs	ASEAN-IPR Advisory Board
Viet Nam	Pham Binh Anh Permanent Mission of Viet Nam to ASEAN	Member of Delegation
Viet Nam	Tran Thanh Tuan Desk Officer Ministry of Foreign Affairs	Member of Delegation
Viet Nam	Doan Phuong Mai Department of International Laws and Treaties Ministry of Foreign Affairs	Member of Delegation

ASEAN Bodies, ASEAN External Partners, International Organizations and Other Participants		
ASEANAPOL	Insp. Gen. Yohanes Agus Mulyono Executive Director ASEANAPOL Secretariat	Guest
ASEANAPOL	PSSupt. Ferdinand Realtor Piedad Bartolome Director of Police Services ASEANAPOL Secretariat	Guest
ASEAN Institute for Peace and Reconciliation	H.E. Rezman Jenie Executive Director ASEAN Institute for Peace and Reconciliation (ASEAN-IPR)	Moderator
ASEAN Secretariat	H.E. Vongthep Arthakaivalvatee Deputy Secretary-General for ASEAN Socio-Cultural Community ASEAN Secretariat	Moderator
ASEAN Secretariat	Intani Nur Kusuma Technical Officer ASEAN Secretariat	Guest
Asian-African Legal Cooperation Organization (AALCO)	Prof. Dr. Kennedy Gastorn Secretary-General	Guest
Ateneo de Manila University	Tito Bernabe Professor European Studies Program	Guest
Balay Rehabilitation Center	Maria Corazon Guevara de la Paz Chairperson	Speaker
Balay Mindanaw Foundation, Inc.	Eileen Bautista Program Coordinator Disaster Risk Reduction	Guest
Bishops-Ulama Conference	Most Reverend Fernando Capalla Former Archbishop of Davao Founder and Co-Convenor	Speaker
Brain Trust, Inc.	Jun Domingo Development Consultants	Guest
Brain Trust, Inc.	Patricia Georgina G. Domingo Development Consultants	Guest
Cambodian Institute for Cooperation and Peace	Pou Sovachana Representative	Guest
Catholic Relief Services Philippines	Orson Sargado Head of Office	Guest
Centre for Peace and Conflict Studies Cambodia	Dr. Emma Leslie Executive Director	Speaker
Global Peace Mission Malaysia	Ahmad Fahmi Mohd Samsudin	Guest
Humanitarian Forum Indonesia	Surya Rahman M. Wismoro	Guest
ICRC Headquarters, Geneva	Dr. Ahmed Aldawoody Legal Adviser for Islamic Law and Jurisprudence	Speaker
ICRC Headquarters, Geneva	Monique Nanchen Child Protection Adviser	Speaker
ICRC Headquarters, Geneva	Dragana Kojic Operations Coordinator for Asia and the Pacific	Speaker

ICRC Headquarters, Geneva	Dr. Budi Hernawan Adviser for Humanitarian Affairs	Guest
ICRC Regional Delegation to Indonesia and Timor-Leste	Christoph Sutter Head of Regional Delegation	Moderator
ICRC Regional Delegation to Indonesia and Timor-Leste	Andrew J. Bartles-Smith Regional Adviser for Global Affairs	Guest
ICRC Regional Delegation to Indonesia and Timor-Leste	Sabine Fetta Regional Adviser for Multilateral Affairs	Organizer
ICRC Regional Delegation to Indonesia and Timor-Leste	Novryan Pahlawan Sumharto Deputy Regional Adviser for Multilateral Affairs	Organizer
ICRC Regional Delegation to Indonesia and Timor-Leste	Christy Pravita Kumesan Programme Officer for Multilateral Affairs	Organizer
ICRC Regional Delegation to Malaysia, Singapore and Brunei Darussalam	Cornelius Brueser Regional Adviser on Migration for Asia Pacific	Speaker
ICRC Regional Delegation to Malaysia, Singapore and Brunei Darussalam	Jacqueline R. Fernandez Head of Communications and Public Affairs	Guest
ICRC Regional Delegation to Thailand, Cambodia, Viet Nam and Laos	Shane Clive Bryans Regional Prison System Advisor for Southeast Asia	Speaker
ICRC Delegation to the Philippines	Pascal Porchet Head of Delegation	Speaker
ICRC Delegation to the Philippines	Martin Thillman Deputy Head of Delegation	Guest
ICRC Delegation to the Philippines	Boris Kelecevic Deputy Head of Delegation in Manila	Guest
ICRC Delegation to the Philippines	Dr. Jose Amigo Health Coordinator	Speaker
ICRC Delegation to the Philippines	Tomoko Matsuzawa Head of Cotabato Office	Speaker
ICRC Delegation to the Philippines	Sarji Muldong Health Program Manager	Guest
ICRC Delegation to the Philippines	Ann Claire Reyta Health Focal Point	Guest
ICRC Delegation to the Philippines	Sarah Jane Velasco Communication Officer	Guest
ICRC Delegation to the Philippines	Agnieszka Kurkiewicz Detention Team Leader	Guest
ICRC Delegation to the Philippines	Nikka Munion Protection Program Manager	Guest
ICRC Delegation to the Philippines	Anna Camilla Matteucci Protection Coordinator	Guest
ICRC Delegation to the Philippines	Evecar Cruz Ferrer Legal Adviser	Guest
ICRC Delegation to the Philippines	Heidi Anicete Head of Communication	Secretariat
ICRC Delegation to the Philippines	Maria Paula Paypon Assistant and Information Manager Officer	Secretariat

ICRC Delegation to the Philippines	Chris Mardo Head of Welcome Unit	Organizer
ICRC Delegation to the Philippines	Marie Abigail Tan Accountant	Organizer
ICRC Delegation to the Philippines	Rolando Modina Adviser	Organizer
ICRC Delegation to the Philippines	Chiara de Leon Secretariat Support	Organizer
ICRC Delegation to the Philippines	Sheikh Loderson Mahir Gustaham Global Affairs Consultant	Guest
Institute for Indigenous People's Education	Norma Mapansa Gonos Former Director	Speaker
International Federation of Red Cross and Red Crescent Societies (IFRC)	Pierre Kremer Head of Partnership Asia Pacific	Guest
International Organization for Migration (IOM)	Ma. Christina Marfil	Guest
International Organization for Migration (IOM)	Michael Dumamba	Guest
Institute of Strategic and International Studies (ISIS)	Naufal Fauzi Researcher	Guest
International Committee on Military Medicine (ICMM)	Brig. Gen. Joseph M. Acosta Surgeon General Armed Forces of the Philippines	Speaker
International Committee on Military Medicine (ICMM)	LtC. Joseph Alain U. Ibuna Chief Medical Logistics Division	Guest
Jinnah Sindh Medical University	Prof. Dr. Lubna Ansari Baig Pro-Vice Chancellor Dean, APPNA Institute of Public Health	Speaker
Mahachulalongkornrajavidyalaya University	Venerable Dr. Phramaha Boonchuay Doojai Lecturer	Speaker
Médecins Sans Frontières (MSF)	Dr. Maria Guevarra Regional Humanitarian Representative (ASEAN)	Speaker
MERCY Malaysia	Dato' Dr. Ahmad Faizal Mohd Perdaus President	Speaker
Myanmar Red Cross Society (MRCS)	Dr. Tha Hla Shwe Honorary President	Speaker
Myanmar Red Cross Society (MRCS)	Khin Maung Hla	Guest
Muhammadiyah Disaster Management Center	Rahmawati Husein Vice-Chair	Speaker
Muhammadiyah University of Yogyakarta	Dr. Hilman Latief Faculty of Islamic Studies	Speaker
Non-Violent Peace Force	Ronnie Delsey Head of Mission	Guest
Non-Violent Peace Force	Muhti Abdulla National Civilian Peacekeeper	Guest
Non-Violent Peace Force	Salic Mai National Civilian Peacekeeper	Guest

Norway	H. E. Erick Førner Ambassador of Norway to the Philippines	Speaker
Norway	H.E. Morten Høglund Ambassador of Norway to Indonesia	Moderator
Norway	William Hovland Embassy of Norway	Guest
Philippine Center for Islam and Democracy	Amina Rasul Bernardo President	Guest
Philippine Red Cross	Hon. Richard J. Gordon Chairman	Speaker
Philippine Red Cross	Atty. Oscar Palabyab Secretary-General	Speaker
S. Rajaratnam School of International Studies, Singapore	Dr. Alistair D.B. Cook Coordinator of Humanitarian Disaster and Relief Programme	Speaker
Save the Children Philippines	Ned Olney Country Director	Speaker
Save the Children Philippines	Emma Salmani Advocacy Manager	Guest
Sekolah Cikal and Rumah Main Cikal, Indonesia	Najelaa Shihab Founder and Head of School	Speaker
Shrine of Our Lady of Peace and Good Voyage	Fr. Alexander Balatbat Special Envoy for Interfaith Dialogue	Guest
Switzerland	H.E. Andrea Reichlin Ambassador of Switzerland to the Philippines	Speaker
Switzerland	Ariane Earnst Diplomatic Affairs Officer Embassy of Switzerland in the Philippines	Guest
Switzerland	Sophie Steiner Kernen Attaché Embassy of Switzerland in Indonesia	Guest
Teduray Lambangian Women Organization, Inc.	Froilyn Mendoza Executive Director	Speaker
UC2P	Fahad Haris Chairman	Guest
UNICEF Philippines	Lotta Sylwander Country Representative	Speaker
University of the Philippines	Zosimo Lee Professor Department of Philosophy	Guest
UN OCHA Philippines	Mark Bidder Head	Guest



Annex 4

Adopted by 45th AMM

TERMS OF REFERENCE OF THE ASEAN INSTITUTE FOR PEACE AND RECONCILIATION

The ASEAN Institute for Peace and Reconciliation (hereinafter referred to as 'the Institute') shall be established under Provision B.2.2.i of the ASEAN Political-Security Community Blueprint. As a follow-up to the ASEAN Leaders' Joint Statement on the Establishment of an ASEAN Institute for Peace and Reconciliation adopted on 8 May 2011, the Institute shall be an entity associated with ASEAN under Article 16 of the ASEAN Charter.

The Institute shall operate in accordance with the following Terms of Reference (ToR):

1. HEADQUARTERS

The headquarters of the Institute shall be in the Republic of Indonesia, hereinafter referred to as "the Host Country", and shall be based in Jakarta.

2. LEGAL PERSONALITY

The legal personality of the Institute shall be established under a Memorandum of Understanding (MoU) between the Host Country and the Institute.

3. PRINCIPLES

The Institute would operate in accordance with the ASEAN Charter and be guided by the principles of the Treaty of Amity and Cooperation in Southeast Asia, *inter alia*:


- a. respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States;
- b. shared commitment and collective responsibility in enhancing regional peace, security and prosperity; and
- c. non-interference in the internal affairs of ASEAN Member States.

4. MANDATE AND FUNCTIONS

4.1. Mandate

The Institute shall be the ASEAN institution for research activities on peace, conflict management and conflict resolution, as requested by ASEAN Member States.

The Institute's work will include, *inter alia*, promotion of those activities agreed in the ASEAN Political-Security Community Blueprint and additional activities as agreed by ASEAN Member States.



4.2. Functions

The Institute may undertake, among others, the following activities:

Research

- Undertake research and compile ASEAN's experiences and best practices on peace, conflict management and conflict resolution as well as post-conflict peace-building, with the view to providing appropriate recommendations, upon request by ASEAN Member States, to ASEAN bodies
- Undertake studies to promote gender mainstreaming in peace building, peace process and conflict resolution
- Study and analyse existing dispute settlement mechanisms in ASEAN with a view to enhancing regional mechanisms for the pacific settlement of disputes

Capacity Building

- Hold workshops on peace, conflict management, conflict resolution
- Hold seminars/workshops/training in promoting the voice of moderation to contribute to the Global Movement of the Moderates, as well as to advance work in the area of interfaith dialogue
- Knowledge building among relevant government officials, scholars or think-tanks on conflict management and resolution

Pool of Expertise and Support for ASEAN Bodies

- Develop a pool of experts from ASEAN Member States as resource persons to assist in conflict management and conflict resolution activities
- Where appropriate and at the request of ASEAN governments, provide policy recommendations to ASEAN governments on promotion of peace and reconciliation based on their own studies, as well as facilitation for peace negotiation
- Assist ASEAN bodies, upon request of ASEAN Member States, on activities and initiatives related to peace, reconciliation, conflict management and conflict resolution

Networking

- Function as a knowledge hub by establishing linkages/network with relevant institutions and organisations in ASEAN Member States, as well as other regions and at the international level, which have similar objectives aimed at promoting a culture of peace
- Collaborate with relevant UN agencies, regional organisations and international think tanks to exchange expertise and experiences on peace, conflict management, conflict resolution



Dissemination of information

- Disseminate best practices, lessons learned and relevant information to ASEAN Member States
- Outreach and engagement with the civil society and other relevant stakeholders to promote peace, reconciliation, conflict management, conflict resolution and peace-building
- Promote awareness of the work of the Institute among the general public

5. BUDGET AND FUNDING

- ASEAN Member States shall make a contribution to support the operations of the Institute for each budget year.
- ASEAN Member States may consider making additional contributions to support the operations of the Institute within the same budget year.
- The Institute may seek additional project-based voluntary funding from ASEAN Member States on an ad hoc basis, which should be requested in a timely manner
- The Institute shall mobilise additional resources from ASEAN Dialogue Partners, interested countries, international and regional organizations, financial and any other institutions, corporations, foundations or individuals to fund project-based activities.
- The resources mobilised to fund the project-based activities will also be allocated as deemed appropriate to support the operations of the Institute.

6. STRUCTURE

- 6.1 The Institute shall be composed of the Governing Council, the Executive Director and an Advisory Board

Governing Council

- 6.2 The Governing Council, hereinafter referred to as “the Council”, shall consist of :
- a. a Representative of each ASEAN Member State to be appointed by and accountable to the respective appointing Governments;
 - b. the Secretary-General of ASEAN as ex-officio member; and
 - c. the Executive Director as ex-officio member.
- 6.3 Each Member of the Council, except for the ex-officio members, shall work for a term of three (3) years and shall be eligible for one re-appointment.
- 6.4 The Chair of the Council shall be the Representative of the ASEAN Member State holding the Chairmanship of ASEAN.
- 6.5 The Members of the Council, except for the ex-officio members, shall elect two (2) Vice-Chairmen from among themselves each for a term of one year.




- 6.6 The Council shall:
- a. formulate the guidelines and procedures for the activities of the Institute;
 - b. have the overall responsibility for the funds of the Institute and shall be responsible for the formulation of policy for the procurement and the utilization of the funds;
 - c. approve the annual operating budget for the Institute;
 - d. perform such other functions as may be necessary to carry out the objectives of the Institute; and
 - e. meet at least twice a year.

Executive Director

- 6.7 The Executive Director of the Institute shall be a national of an ASEAN Member State and shall be appointed by the Governing Council through open recruitment for a non-renewable term of three years.
- 6.8 The Executive Director in discharging his/her functions to serve ASEAN Member States, shall represent the Institute, not his/her country or any other institution.
- 6.9 The Executive Director shall:
- a. represent the Institute in all administrative and operational matters, manage the activities of the Institute and perform such other functions as may be assigned by the Council from time to time;
 - b. have authority to appoint such professional, secretarial and administrative staff as are necessary to achieve the Institute's objectives; and
 - c. undertake activities to raise funds for the Institute's activities, in accordance with guidelines and procedures as established by the Council.
- 6.10 The Executive Director shall be responsible to the Council.

Advisory Board

- 6.11 An Advisory Board, hereinafter referred to as "the Board", shall consist of:
- a. a representative appointed by the government of each ASEAN Member State, hereinafter collectively referred to as "Representative";
 - b. the Executive Director as ex-officio member.
- 6.12 Representatives shall work for a term of three years and shall be eligible for one re-appointment.
- 6.13 Representatives shall be eminent persons in the field of peace and reconciliation, including, but not limited to, academics, parliamentarians, senior or retired civil servants and civil society representatives.
- 

6.14 Representatives on the Board, with the exception of the Executive Director, shall not serve concurrently on the Council.

6.15 The Board shall advise the Council on the research priorities for the Institute.

7. DECISION-MAKING

Decision-making in the Institute shall be based on consultation and consensus in accordance with Article 20 of the ASEAN Charter.

8. REPORTING MECHANISM

The Executive Director shall make regular reports on the work of the Institute through the relevant senior officials to the ASEAN Political-Security Community Council (APSC Council).

9. REVIEW MECHANISM

This TOR shall be initially reviewed five years after the official launching of the Institute. This review and subsequent reviews shall be undertaken by the APSC Council supported by the relevant senior officials.



Annex 5

Members of the ASEAN-IPR Governing Council and Advisory Board

COUNTRY	REPRESENTATIVE TO THE GOVERNING COUNCIL	REPRESENTATIVE TO THE ADVISORY BOARD
Brunei Darussalam	<i>H.E. Pengiran Hajah Faedah Pengiran Haji Abdul Rahman</i> Permanent Representative of Brunei Darussalam to ASEAN	<i>Mr. Mohammed Bahrin Abu Bakar</i> Acting Director of the Department of International Organizations of the Ministry of Foreign Affairs and Trade
Cambodia	<i>H.E. Norng Sakal</i> Permanent Representative of Cambodia to ASEAN	<i>H.E. Ouk Sorphorn</i> Director-General of the General Department of ASEAN-Cambodia Ministry of Foreign Affairs and International Cooperation
Indonesia	<i>H.E. Artauli Tobing</i> Former Indonesian Ambassador to Viet Nam	<i>H.E. Dr. Nurmala Kartini Pandjaitan Sjahrir</i>
Lao PDR	<i>H.E. Ekkaphab Phanthavong</i> Permanent Representative of the Lao PDR to ASEAN	<i>H.E. Mrs. Phavanh Nuanthasing</i> Ambassador Extraordinary and Plenipotentiary of Lao PDR to the Republic of Indonesia
Malaysia	<i>H.E. Dato' Shariffah Norhana Syed Mustaffa</i> Permanent Representative of Malaysia to ASEAN	<i>Professor Dr. Kamarulzaman Askandar</i> Lecturer of Political Science of the Universiti Sains Malaysia (USM)
Myanmar	<i>H.E. U Min Lwin</i> Permanent Representative of Myanmar to ASEAN	<i>Mr. Kyaw Myaing</i> Myanmar Institute of Strategic and International Studies (Myanmar ISIS)
Philippines	<i>H.E. Elizabeth P. Buensuceso</i> Permanent Representative of the Philippines to ASEAN	<i>Hon. Jesus G. Dureza</i> Secretary Office of the Presidential Advisor on the Peace Process (OPAPP)
Singapore	<i>H.E. Tan Hung Seng</i> Permanent Representative of Singapore to ASEAN	<i>Prof. Joseph Liow</i> Dean S. Rajaratnam School of International Studies (RSIS)
Thailand	<i>Dr. Darnp Sukontasap</i> Co-Founder and Lecturer The Institute of Diplomacy and International Studies of Rangsit University & Advisor to the Standing Committee on Foreign Affairs of the National Legislative Assembly of Thailand	<i>H.E. Ms. Phasorn Sangasubana</i> Permanent Representative of Thailand to ASEAN
Viet Nam	<i>H.E. Nguyen Hoanh Nam</i> Permanent Representative of Viet Nam to ASEAN	<i>H.E. Le Cong Phung</i> Former Deputy Minister for Foreign Affairs

Symposium Photos



The high-level delegates pose for an official photo during the Opening Ceremony of the Symposium.



Official group photo of the Symposium delegates.



Symposium participants and guests during the Opening Ceremony.



Ambassador Erik Førner, Secretary Jesus G. Dureza, Ambassador Elizabeth P. Buensuceso and Ambassador Andrea Reichlin



Venerable Dr. Phramaha Boonchuay Doojai, being greeted by the Secretariat staff.



Ms. Dragana Kojic, Operations Coordinator for Asia and the Pacific, ICRC Headquarters, Geneva, giving her presentation.



Ambassador Elizabeth Buensuceso, Permanent Representative of the Philippines to ASEAN and 2017 Chair of the ASEAN-IPR Governing Council.



Ambassador Chilman Arisman, Permanent Representative of Indonesia to ASEAN, shares his intervention.



Participants at the same table sharing their experiences.



Mr. Pascal Porchet, Head of ICRC Delegation to the Philippines, giving his intervention on the floor.



Mr. Christoph Sutter and Ambassador Elizabeth Buensuceso delivering the Synthesis, Recommendations and Closing Remarks.



Undersecretary Nabil Tan of OPAPP and newly minted Executive Director of ASEAN ASEP-IPR, Ambassador Rezlan Jenie.



Philippine DFA Undersecretary Jose Luis G. Montales with ASEAN-IPR Executive Director Ambassador Rezlan Jenie.



Chair of the Philippines Red Cross, Senator Richard Gordon, exchanging greetings with Mr. Christoph Sutter, Head of the ICRC Regional Delegation to Indonesia and Timor Leste.

