

**ASEAN  
INSTITUTE FOR PEACE  
AND RECONCILIATION (AIPR)  
SYMPOSIUM ON PEACE  
AND RECONCILIATION  
PROCESSES AND  
INITIATIVES**

**7-8 April 2014  
Manila, Philippines**



one vision  
one identity  
one community

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**JASF**  
Japan-ASEAN  
Solidarity Fund





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## FOREWORD



The signing on 27 March 2014 of the Comprehensive Agreement on the Bangsamoro (CAB) marked a historic achievement by an ASEAN member state to show the world that peace and reconciliation are possible in the face of the most trying obstacles and circumstances.

In his speech delivered at the 24<sup>th</sup> ASEAN Summit in Nay Pyi Taw, Myanmar on 11 May 2014, President Benigno C. Aquino III said that this recent success of the Philippines motivates us to share our insights on peace, conflict resolution, and reconciliation with our esteemed colleagues in the ASEAN, and that the hosting of the first AIPR Symposium in Manila is an embodiment of our desire to contribute to building peace, whether in our country, or in the wider regional community.

Years earlier, the Indonesian Government and the Free Aceh Movement (GAM) signed a Memorandum of Agreement, ending almost 30 years of conflict in Aceh. This also demonstrated the capacity of another ASEAN member to show that peace and reconciliation are not just dreams to be romanticized only in songs and ideals.

Success stories like the CAB and the Aceh Peace Agreement are what inspired the organizers to gather together in Manila on 7-8 April 2014, the members of the AIPR Governing Council and Board of Advisers, renowned experts and speakers on peace and reconciliation around the world, as well as lovers of peace and security, in AIPR's first-ever formal activity since its inaugural meeting in December 2013.

The AIPR was borne out of the desire of ASEAN to promote a culture of peace as well as respect for diversity and tolerance in order to create the conditions necessary for sustainable regional peace and reconciliation, as stipulated in the ASEAN Leader's Joint Statement on the Establishment of the AIPR issued on 08 May 2011 in Jakarta, Indonesia.

The Symposium on Peace and Reconciliation Processes and Initiatives aimed to achieve the following goals: 1) to introduce the organization and work of the AIPR to its constituents; 2) study peace and conflict situations in the ASEAN/Asia-Pacific regions and other parts of the world and analyze resolution and reconciliation initiatives; 3) serve as a venue for stronger networking among members; 4) brainstorm on the most relevant research areas and best reconciliation methods; and 5) help frame its evolving thrusts and frame the most suitable organizational structure.

Renowned speakers from around the world, including the members of the Philippine Peace Panel in talks with the Moro Islamic Liberation Front (MILF) shared their expert views culled from long and actual involvement in peace processes and reconciliation efforts in the ASEAN region.

The Opening Ceremony, ushered in by a rendition by the Department of Foreign Affairs Chorale who sang "let there be peace on earth," was keynoted by Secretary Teresita Quintos Deles, the main architect of the CAB, while Department of Foreign Affairs Undersecretary Hon. Evan P. Garcia and Permanent Representative of the Union of Myanmar to ASEAN H.E. Min Lwin delivered the welcome remarks and message respectively.

The Symposium was divided into four sessions, namely: 1) General Overview of Major Peace and Reconciliation Efforts in the Asia-Pacific Region: Efforts and Initiatives of Peace

Institutes and Think Tanks; 2) The Government of the Republic of the Philippines (GRP)-Moro Islamic Liberation Front (MILF) Peace Process Agreement: Roadmap for a United, Progressive and Peaceful Mindanao; 3) Peace, Reconciliation, Mediation Efforts: Mechanisms and Best Practices on Third State/International Mediation, Bilateral/Regional Negotiation, Track Two Diplomacy, Preventive Diplomacy, and CSO Mediation and Monitoring; and 4) Proposals for Strengthened or New Mediation and Conflict-Prevention Mechanisms: Rules-Based Approach to Inter-State Dispute Resolution and Management.

A final session was devoted to a synopsis of lessons learned and recommendations put forward by members of the AIPR Governing Council. A list of these recommendations were submitted to the 2<sup>nd</sup> Meeting of the AIPR GC held on 21 April 2014, in Bali, Indonesia, to serve as a guide for future activities of the AIPR.

I would like to thank the Philippine Government, the ASEAN Foundation, and the Japan-ASEAN Solidarity FUND (JASF) for sponsoring the Symposium. Our heartfelt thanks and appreciation also go to all of the speakers who provided invaluable insights and laid the foundation of knowledge for the AIPR. I would like to especially thank my good friend, Secretary Teresita Quintos-Deles and the members of her team at OPAPP for sharing with us their experience with the CAB.

Acknowledgment and thanks also go to all of the officers, staff and interns of the Philippine Mission to ASEAN, as well as the officers and staff of the Office of ASEAN Affairs of the Department of Foreign Affairs in Manila for their invaluable support and assistance in making this symposium a reality.

Finally, our highest expressions of gratitude go to the members of the AIPR Advisory Board and my co-members in the Governing Council for taking time out of their very busy schedules in order

to lend their support in nurturing our fledgling institute. The way to lasting and inclusive peace may be long and difficult, but it is surely an endeavor worth investing ourselves in.

**ELIZABETH P. BUENSUCESO**

Permanent Representative of the Philippines to ASEAN  
Member, AIPR Governing Council

## MESSAGE



Congratulations to the Governing Council and organizers of the ASEAN Institute for Peace and Reconciliation (AIPR) for the success of their first ever *Symposium on Peace and Reconciliation Processes and Initiatives*, held in Manila on 7-8 April 2014.

Manila is proud to be host of the AIPR Symposium, a timely platform which was organized after the historic signing of the Comprehensive Agreement on the Bangsamoro (CAB). With the CAB, we set the wheels of peace and reconciliation on an arduous but realizable path. It is hoped that the peace dividends will finally redound to the benefit of our Muslim brothers and sisters in Mindanao.

The ASEAN member states have consistently been our committed and invaluable partners. We thank ASEAN for their joint statement issued in Nay Pyi Taw in March 2014, which welcomed the signing of the CAB and expressed continued support for just and lasting peace and development in the Southern Philippines. As President Benigno S. Aquino III puts it, the CAB brings *“peace that will serve as a strong foundation for stability, inclusivity and progress in Mindanao.”*

At the 24<sup>th</sup> Asean Summit, President Aquino also expressed high hopes for AIPR and reaffirmed that the success of the Philippine peace process contributes to ASEAN’s growing experience and best practices in the promotion of a culture of peace and respect for diversity and tolerance.

As we lay down the foundation of a post 2015 ASEAN, we look forward to ASEAN institutions such as the AIPR not only

to reflect the ASEAN peoples' resilience but also highlight the region's best assets and bright prospects: a people-centered, inclusive and progressive ASEAN.

I wish AIPR more successes in its innovative programs and research activities on peace, conflict management, and conflict resolution.

*Mabuhay!*



**ALBERT F. DEL ROSARIO**  
Secretary of Foreign Affairs

## MESSAGE



When its founding members came together forty-seven years ago to form the Association of Southeast Asian Nations, their main motivation was to advocate the spirit of friendship and cooperation at a time when the world was being divided along political lines and conflicting ideologies. It was a time when the world was divided by doubt and insecurity resulting from the Cold War, and where the dream of lasting peace seemed threatened by the possibility of nuclear conflagration.

The founding fathers of ASEAN knew that in order for the region to prosper, it needed to avoid getting swallowed up in conflict. Thus, as far back as its inception, commitment to peace and reconciliation has been a central part of the Association's guiding principles.

This commitment to peace proved to be a sound investment for the region, as ASEAN member states continue to enjoy exceptional economic growth and development in a climate of peace and stability.

The creation of the ASEAN Institute for Peace and Reconciliation (AIPR) is another major step taken by the ASEAN Leaders towards strengthening the region's commitment to peace. It is hoped that through the Institution, ASEAN will be able to create a knowledge-base of valuable data on conflict and best practices in peace processes, mediation and resolution efforts with which the Association would put to good use in addressing the peace and security challenges of the region.

The first AIPR Symposium on Peace and Reconciliation Processes and Initiatives held in Manila, Philippines from 7-8 April 2014 could not have come at a more fortuitous time than at the dawn of the realization of the ASEAN Community in 2015. As ASEAN begins to realize its vision for a Caring and Sharing Community, it is imperative that peace and reconciliation continue to be institutionalized within the ASEAN regional framework to usher in the ASEAN Community of shared prosperity .

I congratulate the members of the AIPR Governing Council and Advisory Board for taking this first step in AIPR's continuing journey towards supporting ASEAN in its commitment to lasting peace. I encourage them to continue to explore and consider new ways with which to strengthen this commitment for the benefit of present and future generations of our peoples.

**LE LUONG MINH**

Secretary-General of ASEAN

# LIST OF SPEAKERS AND MODERATORS

## OPENING CEREMONIES:

**The Honorable Evan P. Garcia** is currently the Undersecretary for Policy of the Department of Foreign Affairs of the Philippines and Senior Officials' Meeting (SOM) Leader of the Philippines in various fora, including ASEAN. Before assuming his current position, Undersecretary Garcia was the Permanent Representative and Ambassador of the Philippines to the United Nations in Geneva. He also served at the Philippine Embassy in Tokyo and as Deputy Chief of Mission at the Philippine Embassy in Washington D.C. Undersecretary Garcia earned a Bachelor of Science in Foreign Service, magna cum laude, from University of the Philippines (Diliman) and License in International Relations and Political Science from the Graduate Institute for International Studies in Geneva, Switzerland.

**Ambassador Min Lwin** is currently Myanmar's Permanent Representative and Ambassador to ASEAN in Jakarta. He is also the current chairman of the AIPR. Prior to his post in Jakarta, Ambassador Min Lwin served as Myanmar's Ambassador to Bangladesh and Indonesia. He was also assigned at Myanmar's Embassies in Bonn, Islamabad and Washington D.C. In Myanmar, he served as Acting Director-General of the ASEAN Department and Director-General of the Consular and Legal Department of the Ministry of Foreign Affairs. Ambassador Min Lwin earned a Bachelor of Science in Geology from the Arts and Science University in Yangon, Myanmar and participated in the Diplomatic Studies Program at the Graduate Institute of International Studies in Geneva and the Senior Executive Program at the University of Brunei Darussalam.

**Ambassador Elizabeth P. Buensuceso** is currently the Permanent Representative of the Republic of the Philippines to ASEAN. Before assuming her current position, Ambassador Buensuceso was the Assistant Secretary for European Affairs in the Department of Foreign Affairs of the Philippines. She was also the former Philippine Ambassador to Norway, Denmark and Iceland (2008-2011) and the Lao PDR (2004-2008). She served at the Philippine Embassies in Brussels and Beijing as Deputy Chief of Mission. Her other postings include Singapore and Hong Kong. Ambassador Buensuceso earned a Bachelor of Arts, major in English, magna cum laude, and Master of Arts in Teaching English, both from University of the East and a Master of Arts in Asian Studies from the University of the Philippines.

**Secretary Teresita Quintos-Deles** took office as the Presidential Adviser on the Peace Process of the Philippines on 1 July 2010. She has always been at the forefront of peace initiatives, whether as a civil society member or a public servant. Among the highlights of her achievements are the following:

- Co-founder of the International Center for Innovation, Transformation and Excellence in Governance, where she served as the managing trustee and focal trustee for peace and Security Sector Governance Issues. (2006-2010)
- Presidential Adviser on the Peace Process (OPAPP) (2003-2005)
- Lead Convenor and Secretary General of the National Anti Poverty Commission (NAPC) (2001-2003) - Co-Founder and Executive Director of the Gaston Z. Ortigas Peace Institute (GZO-PI) (1991-2001)
- Convenor for Women, Cause-Oriented Groups, Indigenous Peoples (1990); Secretary-General (1992-1997); and Vice-Chairperson (1997-2001) for the National Peace Conference (NPC)

- Expert-Member of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (UN-CEDAW) (1991-1994)
- Founding Convenor of the Women’s Action Network for Development (WAND) (1990-1992); and
- Co-Founder and Main Convenor of Coalition for Peace (CfP) (1987-1994 / 2000-2001)

## **SESSION I:**

**The Honorable Luis T. Cruz** is currently the Assistant Secretary for ASEAN Affairs and Director-General of ASEAN-Philippines National Secretariat in the Department of Foreign Affairs of the Philippines. He was formerly the Philippine Ambassador to the Republic of Korea. Ambassador Cruz also served at the Philippine Embassies in London, Beijing and Kuala Lumpur and as Consul General at the Philippine Consulate General in Guangzhou, People’s Republic of China. Ambassador Cruz earned a Bachelor of Arts in Philosophy from San Carlos Seminary in the Philippines.

**Dr. Gunnar Stålsett** is Bishop Emeritus of Oslo, Norway, Special Advisor of the Norwegian Ministry of Foreign Affairs, Honorary President of the World Conference of Religions for Peace (WCRP), and Member of The Nobel Peace Prize Committee. As Honorary President of WCRP, he has for ten years served as moderator of its affiliated European Council of Religious Leaders (ECRL). He is providing leadership to inter- religious cooperation for peace, justice and reconciliation between Christians, Muslims, Jews, Buddhists, Hindus and other living faiths as well as non-religious beliefs. Dr. Stålsett has been engaged in various peace-building and inter-religious initiatives worldwide i.e. in South Africa, Namibia and Guatemala and lately in Kosovo, Sri Lanka, Myanmar and Kyrgyzstan. From 2006, he has contributed to the peace and

reconciliation process in East Timor (Timor Leste), as Special Envoy until 2010, and he continues to serve as a Special Advisor. In his peace and reconciliation efforts in Timor Leste, he initiated a National Consensus Dialogue on Truth Justice and Reconciliation, which contributed to the drafting of legislation on issues related to justice for victims during wartime atrocities.

**Dr. Michael Vatikiotis** is the Regional Director for Asia of the Centre for Humanitarian Dialogue. Formerly Editor of the Far Eastern Economic Review, Dr. Vatikiotis has been a writer and journalist in Asia for 20 years. He has lived in Indonesia, Malaysia, Thailand and Hong Kong, and speaks the Thai and Indonesian languages fluently. He is a graduate of the School of Oriental and African Studies, London, and earned a doctorate from Oxford University.

**Ambassador Artauli R.M.P. Tobing** is Indonesia's representative to the AIPR Advisory Board. She served as Ambassador of Indonesia to Viet Nam from January 2004 to February 2007. She was also assigned previously at the Indonesian Embassy in Ottawa, the Indonesian Permanent Mission to the UN in Geneva, and the Indonesian Mission to the EU in Brussels. In Jakarta, she headed the Policy Planning and Development Agency of the Department of Foreign Affairs of Indonesia. Ambassador Tobing is currently the Executive Secretary to the member of Indonesia's Presidential Advisory Council for Foreign Affairs and International Relations, Dr. Hassan Wirajuda. Her duties include assisting Dr. Wirajuda, as Patron of the Institute for Peace of Democracy (IPD), which is the implementing agency of the Bali Democracy Forum (BDF). Prior to this task, she was nominated as Secretary of the Intergovernmental Committee on the Evacuation of Indonesian nationals from Egypt and Libya during the first six months of 2011. Before retiring as a diplomat in 2010, she was the Head of the Policy Planning Agency of the Ministry of Foreign Affairs of the Republic of Indonesia from 2007. Ambassador Tobing

earned a Master of Arts in American Studies at the George Washington University in Washington D.C., USA.

## **SESSION II:**

**The Honorable Luisito G. Montalbo** is currently Undersecretary and Executive Director in the Office of the Presidential Adviser on the Peace Process of the Philippines. He previously served as MBA Coordinator in the Ateneo School of Medicine and Public Health in the Philippines. He is a faculty member of both the Ateneo School of Medicine and Public Health and Ateneo Graduate School of Business. Undersecretary Montalbo's core competencies include the following: Project Management and Evaluation, Human Resource Development, Process Improvement, Change Management, Research, Training, Leadership, Organization Development, Strategic Management and Development. He earned a Master's in Business Administration (MBA) from the Ateneo Business School.

**Prof. Miriam Coronel-Ferrer** is the Panel Chair of the Philippine Government Peace Negotiating Panel in talks with the Moro Islamic Liberation Front. The University of the Philippines (UP) Political Science Professor's Career centers on peace studies. Her expertise, easily reflected in her list of credentials, revolves around conflict resolution and transitional justice. Before joining the peace panel, she served as a leading convener of Sulong CARHRIHL, a network of organizations promoting the observance of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), an agreement made between the Philippine Government and the National Front in 1998. Prof. Ferrer was involved in the international campaign to ban landmines, which won the Nobel Peace Prize. She also co-founded the Philippine campaign in 1995. She joined international fact-finding missions

investigating violence in Cambodia and human rights violations in East Timor and Nepal. In UP, she served as the director of the Program on Peace, Democratization and Human Rights. She was also the deputy director and subsequently, the director of the UP Third World Studies Center. As an active member of the academe, she has penned books and journal articles about the peace process, civil society, and regional autonomy; has been involved in various national and global peace campaigns; and has served as a visiting professor in several Asian universities. Prof. Ferrer was among the 27 Filipino women included in the initiative to nominate 1,000 women for the Nobel Peace Prize in 2005. Her rich academic background boasts of graduating cum laude in UP Diliman with a degree in A.B. Philosophy and taking up an M.A. in Southeast Asian Studies at the University of Kent at Canterbury, United Kingdom. Today, her pursuit of knowledge continues as she takes up a University of Helsinki PhD program in Political Science while shuffling her roles as a wife, mother, professor, negotiator, woman activist and peace advocate.

**The Honorable Tengku Dato' Abdul Ghafar Bin Tengku Mohamed** is the Facilitator in the peace talks between the Philippine Government and the Moro Islamic Liberation Front. He is also Malaysia's representative to the AIPR Advisory Board. He is a former Director General of the National Security Division, Prime Minister's Department and the Secretary of National Security Council of Malaysia. He has been serving the government for more than 32 years, mostly under the Prime Minister's Office, exposing him to extensive experience in diplomatic relations, international networking, security issues and geo-strategic affairs. He was involved in several significant diplomatic operations in the region and represented his Division in numerous international bilateral and multilateral talks, discussions and seminars. He has gained his strong grasp of the political, economic and security environment throughout his long career, which formed the foundation of his

current commitments. He earned a Bachelor of Arts (Honors) from the University of Malaya.

### **SESSION III:**

**Ambassador Tan Hung Seng** is the Permanent Representative of the Republic of Singapore to ASEAN. Ambassador Tan joined the Ministry of Foreign Affairs of Singapore in 1990 and served as the Ambassador of Singapore to the Arab Republic of Egypt, with concurrent accreditation to Libya, from July 2009 to July 2013. He was also concurrently accredited to the State of Kuwait until September 2012. Before assuming post in Cairo, Ambassador Tan served as the Director of the Middle East, North Africa and Central Asia Directorate at the Ministry of Foreign Affairs in Singapore. Ambassador Tan has worked in various capacities on issues related to ASEAN/ASEAN Regional Forum, the Middle East and International Organizations. 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. Ambassador Tan graduated with a Bachelor of Social Science degree, Second Class Honours (Upper) from the National University of Singapore in 1990. He obtained his Master of Arts (Merit) degree in Southeast Asian Studies from the University of London, School of Oriental and African Studies (SOAS), United Kingdom, in 1998, under the Raffles/Chevening Scholarship.

**The Honorable Rodolfo C. Severino**, a Visiting Senior Research Fellow at the Institute of Southeast Asian Studies (ISEAS) in Singapore since 2004, is a former ASEAN Secretary-General and eminent Philippine diplomat. He is the first Head of the ASEAN Studies Centre in ISEAS. He has authored four

books, all published by ISEAS: Southeast Asia in Search of an ASEAN Community (2006), ASEAN (2008), The ASEAN Regional Forum (2009) and Where in the World is the Philippines? (2010). Mr. Severino served as ASEAN Secretary-General from 1998 to 2002. Prior to that, Mr. Severino was Undersecretary of Foreign Affairs of the Philippines, and Ambassador to Malaysia, among other duties. He twice served as ASEAN Senior Official for the Philippines.

**Prof. Joseph Chinyong Liow** is the Associate Dean of S. Rajaratnam School of International Studies (RSIS) in Singapore. He earned a Ph.D. from the London School of Economics (LSE) in the United Kingdom. His research interests include the following:

- Muslim politics in Southeast Asia with an emphasis on Malaysia and Thailand
- Foreign policy and internal conflicts in Southeast Asia
- Malaysian domestic politics
- Islamization of resistance in Thailand and the Philippines

Prof. Liow's professional activities are:

- Visiting Fellow, Southeast Asia Forum, The Shorenstein Asia-Pacific Research Centre, Stanford University, October-November 2007
- Visiting Fellow, Institute of Southeast Asian Studies, June-July 2005
- Visiting Fellow, East-West Center Washington D.C., September-January 2005
- Article reviewer (Contemporary Southeast Asia, Pacific Review)
- Associate Editor, Asian Security

**Dr. Julian Vassallo** is Political Counsellor at the Delegation of the European Union in Manila since October 2011. Previously he served as Head of the European Parliament Office in Malta (2006-2011). Between 2004 and 2006, Dr. Vassallo was a

member of the Middle East and Mediterranean Task Force in the Policy Planning Unit of EU High Representative Javier Solana with responsibility for Arab reform, relations with the Maghreb countries and EuroMed. A diplomat since 1996, he has served at the U.N. in New York between 1999-2004, where he covered the Security Council and an array of political issues including post 9/11 terrorism issues, Afghanistan, Iraq and the Law of the Sea. In 2003 he was posted to the European Union Delegation in Brussels where he served as Foreign Relations Counsellor dealing primarily with sanctions and counter-terrorism. Dr. Vassallo is a lawyer by training. He graduated Doctor of Laws from the University of Malta and has a Masters in Advanced European Political Studies from the College of Europe (Bruges) Belgium.

## **SESSION IV**

**Amb. Dato' Hasnudin Hamzah** is currently the Permanent Representative of Malaysia to ASEAN since 1 March 2012. He graduated from the University of Malaya, Kuala Lumpur in 1982 and obtained Master's Degree at the National University of Singapore, Singapore in 1997. Ambassador Hasnudin Hamzah joined the Ministry of Foreign Affairs, Malaysia in 1982 and was assigned to the Malaysian Embassy in Manila, the Philippines (1988-1992), High Commission of Malaysia in Singapore (1994-1998) and Permanent Mission of Malaysia to the United Nations in Geneva, Switzerland as Deputy Permanent Representative and Consul-General of Malaysia to Switzerland (1998-2001). He was the Undersecretary for the Organization of the Islamic Conference (OIC) Division of the Malaysian Foreign Ministry and Special Officer to the Foreign Minister. Prior to the current assignment, he was the High Commissioner of Malaysia to New Zealand (2009-2011) and Ambassador to Jordan and concurrently accredited to Iraq (2006-2008).

**Prof. Sukehiro Hasegawa** is former Special Representative of the U.N. Secretary-General for Timor-Leste (May 2004 - September 2006). He is currently visiting professor of the U.N. University, Tokyo, and visiting professor and special advisor to the Institute for International Strategic Planning of Hosei University. Dr. Hasegawa spent 37 years as a career international civil servant. He held senior positions within the United Nations Development Programme (UNDP), the United Nations Volunteers (UNV) and United Nations peacekeeping operations. He was Deputy Resident Representative of UNDP in Nepal from 1978 to 1980 and in Indonesia from 1980 to 1984. He later served as UNDP Resident Representative and Resident Coordinator of the United Nations operational activities for development in Samoa, Cook Islands, Niue and Tokelau. In 1987, he was appointed Deputy Executive Coordinator of the U.N. Volunteers Programme. In 1993, Dr. Hasegawa managed the U.N. Volunteer electoral supervisors assigned to plan and administer general elections in Cambodia. In April 1994, he was appointed Director of Policy and Planning of the U.N. peacekeeping operation in Somalia, and in January 1995, he became the U.N. Resident and Humanitarian Coordinator in Rwanda. He subsequently served as the Deputy Assistant Administrator and Deputy Regional Director for Asia and the Pacific of UNDP in New York from 1996 to 1999. Dr. Hasegawa holds a Bachelor of Arts degree in political science from the University of Michigan, a Master of Arts degree in public administration from the International Christian University, of Tokyo, and a Ph.D. in international relations from Washington University in St. Louis, Missouri.

**Ms. Rahimah “Ima” Abdulrahim** is the Executive Director of The Habibie Center – a leading Indonesian think tank that focuses on democracy and human rights. In addition to running the day-to-day operations of The Habibie Center, her work includes managing its ASEAN Studies Program, as well as supervising a research project advocating peace policy in

Indonesia. Personally and on behalf of The Habibie Center, she is actively involved in track 1.5 and track 2 dialogues on enhancing relations between Indonesia and other countries. She actively participates in international fora and conferences on ASEAN affairs, particularly on topics under the purview of the ASEAN Socio-Cultural Pillar, civil society roles in democracy, global governance and democratization. She also participates in dialogues promoting the culture of peace in Indonesia and the region. In 2001, Ima was awarded the APSA Congressional Fellowship by The Asia Foundation, and for 10 months, she worked in the Office of Congresswoman Juanita Millender-McDonald in the U.S. Congress, which gave her greater insight into the workings of a functioning democracy. In 2010, she completed a fellowship in the IDEAS Indonesia Program, an Executive Program by United in Diversity and the Sloane School of Management at MIT. Ima earned her Bachelor's of Human Science (Honors) in Political Science and Islamic Revealed Knowledge & Heritage from the International Islamic University Malaysia. She later obtained an M.A. in International Studies and Diplomacy from the School of Oriental and African Studies (SOAS), University of London, UK. She is currently a PhD candidate in Political Science at the School of Political, Social and International Studies, University of East Anglia, Norwich, UK.

## OPENING CEREMONIES:

Welcome Remarks,  
Opening Message  
and Keynote Speech

# WELCOME REMARKS

by

**Hon. Evan P. Garcia**

Undersecretary of Foreign Affairs for Policy and  
ASEAN-Philippines SOM Leader

Honorable Teresita Quintos-Deles, Secretary of the Office of the Presidential Adviser on Peace Process and Member of the AIPR Advisory Board,  
Honorable Tengku Dato' Abdul Ghafar, Facilitator of the GRP-MILF Peace Process and Member, AIPR Advisory Board  
Honorable Rodolfo C. Severino, former Secretary-General of ASEAN and an eminent Filipino diplomat,  
Members of the Committee of Permanent Representatives to ASEAN,  
Members of the AIPR Governing Council and Advisory Board,  
Ambassadors of ASEAN Member States,  
Distinguished Guests, Speakers, and Participants  
Excellencies,  
Ladies and Gentlemen,

Good morning.

On behalf of the Philippine government, I take great pleasure in welcoming you all to the ASEAN Institute for Peace and Reconciliation or AIPR Symposium on Peace Processes and Initiatives, the first ever event of the newly organized AIPR Governing Council. As a country that firmly adheres to the peaceful settlement of disputes in accordance with universally-accepted principles of international law, the Philippines is proud to host this Symposium.

This important event comes just a few days after the Philippine government and the Moro Islamic Liberation Front signed the landmark Comprehensive Agreement on the Bangsamoro, a roadmap which we hope will bring enduring peace and progress

in the southern Philippines. I expect our keynote speaker, Secretary Deles, and the Honorable Tengku Dato' Abdul Ghafar to tell you more about this ground-breaking peace initiative in one of the Sessions of the Symposium. Let me take this opportunity, however, to express our sincerest appreciation to Malaysia for its role as facilitator of the peace agreement. We also acknowledge the contributions of Indonesia, Brunei Darussalam and the members of the International Monitoring Team (IMT) to the peace process, which is in accordance with the provisions of the ASEAN Charter. Finally, we thank ASEAN for its collective statement of support on our continuing efforts to bring peace and prosperity in Mindanao as well as the CAP.

The main goals of the Symposium, which are to introduce the organization and work of the AIPR, study peace processes and conflict situations in the ASEAN/Asia-Pacific regions and other parts of the world and analyze resolution and reconciliation initiatives, are, indeed, very timely and relevant, especially as ASEAN moves towards becoming a Community in 2015.

First, maintenance of peace is a core value of ASEAN. As enshrined in the ASEAN Charter, ASEAN Member States are united by a common desire and collective will to live in a region of lasting peace, security and stability and to further strengthen peace-oriented values. Since the founding of ASEAN in 1967, the organization has never wavered in its commitment to maintain peace and stability in the region for common benefit and prosperity. It is, of course, very important to note that no major inter-state war had ever happened in the region since the founding of ASEAN.

Second, ASEAN has a great responsibility to live up to its central role in the evolving regional architecture, especially in bringing together regional stakeholders in the maintenance of peace. When the ASEAN Leaders issued their Joint Statement on the Establishment of the AIPR at the 18<sup>th</sup> ASEAN Summit in

Jakarta, Indonesia on 8 May 2011, they acknowledged the need to promote a culture of peace as well as respect for diversity and tolerance in order to create the conditions necessary for sustainable regional peace and reconciliation. When the Terms of Reference (TOR) of the AIPR were finalized at the 45<sup>th</sup> ASEAN Ministerial Meeting in July 2012 in Phnom Penh, Cambodia, the AIPR was envisioned to serve as the ASEAN institution for research activities on peace, conflict management and conflict resolution. This Symposium, therefore, is a good platform to discuss, share, analyze and learn best practices and mechanisms not only for conflict resolution but also for peace building.

Third, this capacity building initiative is in line with the work plan of the AIPR Governing Council adopted at its first meeting on 10 December 2013. In order for the Governing Council of the AIPR to perform its duties and responsibilities more effectively and with deeper insight, it is important for them to be well acquainted with the various peace and reconciliation processes and conflict resolution systems and structures around the world. This Symposium will also allow them and their support staff to establish networking with experts, think tanks and other organizations involved in peace, reconciliation and conflict resolution efforts. I congratulate the AIPR Governing Council for a laudable initiative as they start to carry out their responsibilities.

Fourth, this event is consistent with the goals of the ASEAN Political-Security Community blueprint, which calls for strengthening research activities on peace, conflict management and conflict resolution. Under the APSC Blueprint, the following should be done by ASEAN:

- Compile ASEAN's experiences and best practices on peace, conflict management and conflict resolution;

- Identify priority research topics, with a view to providing recommendations on promoting peace, conflict management and conflict resolution;
- Enhance existing cooperation among ASEAN think tanks to study peace, conflict management and conflict resolution;
- Hold workshops on peace, conflict management and conflict resolution with relevant regional and international organizations, including the UN;
- Undertake studies to promote gender mainstreaming in peace building, peace process and conflict resolution. This is consistent with UNSC Resolution 1325 which reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security; and
- Develop a pool of experts from ASEAN Member States as resource persons to assist in conflict management and conflict resolution activities.

With these action lines, it is also not far fetched to consider an ASEAN arbitration body as a means to forestall escalation of sub-regional conflict.

Finally, this Symposium is a landmark event in itself. We understand that not only all the AIPR Governing Council members are present here but even the majority of the AIPR Advisory Board members. We, therefore, have in our midst the initial pool of experts from ASEAN Member States who will assist ASEAN on conflict management and conflict resolution activities in the future. As such, we expect the full operationalization of the AIPR as an important institution of ASEAN soonest. In this regard, we commend the work being

undertaken by Indonesia for the hosting and setting up of the AIPR's physical structure, including its Secretariat, in Jakarta.

Excellencies,  
Distinguished delegates,  
Ladies and Gentlemen.

As the driver of many mechanisms in the evolving regional order, ASEAN has a major responsibility in upholding regional peace and stability. To the members of the AIPR Governing Council and Advisory Board, you have a key role in achieving this major task. We, therefore, expect you to provide a profound impact in our peace-building efforts in the region.

I note the presence of renowned and eminent experts as panelists and speakers who will discuss interesting topics related to peace and conflict resolution processes. I am confident that at the end of this two-day symposium, the AIPR Governing Council Members and all participants will emerge with enhanced capacity and renewed commitment to tackle complicated peace and conflict resolution issues with new ideas, initiatives, and best practices. I am also sure that this Symposium will help the AIPR Governing Council further develop concrete actions towards accomplishing the tasks in its Work Plan for the year and beyond.

We thank the Japan ASEAN Solidarity Fund and the ASEAN Foundation which partnered with the Philippine Government in making this Symposium possible.

Let me add that peace and conflict resolution and peace building benefits tremendously from a deep and profound appreciation of the role and contribution of all stakeholders. This does not just involve governors, governments or experts. There are a lot of organizations in the ASEAN region, and in the Philippines particularly we have a very rich tradition of multi-

stakeholder cooperation and consultation. I will commend this to all of you as a very important and vital aspect to ensure that your work is dynamic and modernized and it will help you think outside the box. Beyond the confines of this room we have internationally renowned institutions that have been involved in conflict resolution and peace building and I would invite all of you to make your own special linkages with them as possible resources in your future endeavours.

Let me conclude by wishing you a productive and successful meeting. For our visitors who travelled from afar, again, welcome to the Philippines and we hope you'll have an enjoyable stay in our country.

Thank you and good morning. *Mabuhay!*

# OPENING MESSAGE

by

**H.E. Ambassador Min Lwin**

Permanent Representative of Myanmar to ASEAN, Chair  
Committee of Permanent Representatives (CPR), and Chair  
AIPR Governing Council

Honourable Secretary Teresita Quintos-Deles,  
Honourable Philippine Undersecretary and SOM leader Evan  
P. Garcia,  
Fellow members of the Governing council of AIPR,  
Members of the AIPR advisory board,  
Former ASEAN Secretary General Mr. Rodolfo Severino,  
Deputy ASEAN Secretary General Nyan Lynn,  
Excellencies, Participants, Ladies and Gentlemen.

It is a great pleasure for me to be here in this beautiful city and have a chance to meet you all at this important occasion. This is the very first activity of our institute, the AIPR. I would like to take this opportunity to express my profound thanks to the Government of the Philippines for taking these crucial steps for our organization AIPR.

I would be remiss if I do not mention our appreciation to my dear colleague Ambassador Elizabeth Buensuceso, Permanent Representative to the Philippines to ASEAN and member of the Governing Council of AIPR for her tireless efforts to make this symposium happen from Jakarta.

The ASEAN institute for Peace and Reconciliation was established under provision B. 2.2-2.1 of the ASEAN Political Security Community Blueprint and as a result of the ASEAN Leaders Joint Statement of the Establishment of ASEAN Institute of Peace and Reconciliation adopted on May 8, 2011. The main duty of the Institute is to serve as an ASEAN primary

institution for research activities on peace conflict management and conflict resolution.

ASEAN's commitment to peace and stability in the region and its engagement to peace building can be traced back to the adoption of Treaty of Amnesty and Cooperation in 1967. From there the adoption of the APSC Blueprint further strengthened the mutually beneficial tradition in preserving and enhancing peace and stability at the regional level as well as the international level.

While the main objective of the APSC blueprint encourages political and security cooperation among ASEAN member states, it also provides the momentum for ASEAN's commitment in conflict prevention, preventive diplomacy and post-conflict development. The establishment of the institute is a significant measure which proves our commitment to peace and stability in the region.

Excellencies, colleagues, and participants let me briefly touch upon the organizational structure and the work of the AIPR. AIPR is composed of a Governing Council, Advisory Board and an Executive Director. The members of the Governing Council and Advisory Board are appointed by their respective ASEAN Member States. However, the Executive Director will be openly recruited from among ASEAN Member States, and must have profound knowledge of peace and reconciliation processes due to the important role that the institute can play to contribute to the region's effort towards the maintenance of peace and reconciliation.

The Governing Council has agreed to carry out parallel activities, which include among other things, securing the premises of the institute's headquarters, carrying out research, capacity building, as well as convening symposiums with the assistance of relevant institutions.

Currently, AIPR is in the process of working out the Rules of Procedure of the Governing Council, as well as drawing up the estimated budget of the institution, including the hiring of the Executive Director and the establishment of the Secretariat.

Today's activity is one of our parallel activities which is to enhance the capacity of the AIPR governing council members, the advisory board members, and the staff in the area of peace and reconciliation process. I'm confident that this symposium will widen our horizons and will also enable us to network with experts and advocates of peace building.

Therefore, in order for us to realize our common dream which is to evolve the institution as a credible, regional organization as stipulated in its terms of reference. It is time for us to move from words to deeds, and from intention to implementation. With this note I would like to end my remarks here and thank you all for your kind attention. Thank you.

# KEYNOTE SPEECH

By

**Secretary Teresita Quintos Deles**

Presidential Adviser on the Peace Process

Since the end of the last world war, the nations that are now gathered under the flag of ASEAN have been through the painful experience of conflict, internal strife and wars of national liberation.

For all those years, our peoples have yearned for nothing more than peace. The many that have died and perished, the families rended, the homes blown to pieces—are a foreboding lesson to all succeeding generations that the price of peace is never too high to pay with our collective sacrifices.

And today, as we prepare ourselves to come together as one economic community, we thank Providence for the gift of peace that has brought us together in this hall—to say to one and all: “We have left war behind, we are ready for community, we are ready to open opportunities to each other, we are ready for the new world of friendship, understanding and companionship.”

We must continue to strengthen the ASEAN Institute for Peace and Reconciliation as a strategic force not only for peace, but for human freedom, common prosperity and collective security throughout our region.

This task extends beyond our mandate to undertake research, engage in capacity building and networking activities on peace, and assist in conflict management and conflict resolution initiatives.

It also entails gathering and consolidating all the narratives of peace in the region over the decades, extracting the lessons

learned and best practices, and finally, forging a consensus of how to move forward on future challenges.

The documentation of conflict resolution and preventive diplomacy in ASEAN could be a vital resource not only for the region but for the whole world.

Lessons learned across our organization could guide governments and civil society in several parts of the world where strife has reared its head, where workers for peace are on constant search for ways to silence guns and tempers that flare in the heat of anger and misunderstanding.

Here in our own turf, the AIPR needs to explore ways for the ASEAN and its member states to strengthen their capacity in early warning, good offices, mediation, and conciliation. We must not only wage peace by stopping hostilities, but by making sure that the gains of peace processes benefit those who need it most.

The agenda of this meeting will have something for every peace worker, peace builder, peace advocate and crusader who will be listening in and beyond this hall.

I am glad that the organizers have come up with a broad institutional overview and real-life experiences to enable us to gain both the logical and intuitive capacity to look beyond today and anticipate the challenges of tomorrow.

The Philippines is also honored that later this afternoon, we shall be given the chance to talk about our agreement with the Moro Islamic Liberation Front on a roadmap for a united, progressive, and peaceful Mindanao.

The signing of the Comprehensive Agreement on the Bangsamoro (CAB) recently is a major victory for the Philippines

and the whole of the ASEAN, given the far-reaching benefits that will resonate throughout the region—in terms of shared prosperity and shared security.

It was also a special triumph for women worldwide with the agreement signed during Women’s Month with many Filipino women prominently in the frontline of the peace negotiations.

But more than that, it paves the way for families to be reunited and rebuild homes, for children to go back to school, for farms to be sowed and communities to be liberated from fear and want.

We have many people to thank for the CAB, most of all the leadership of President Benigno Simeon Aquino III under his overarching vision of “*tuwid na daan*”, or the “straight and noble path”. He has the Filipino people behind him and I am confident that he has the region and world behind him.

We are thankful for the crucial role played by fellow member-states of ASEAN in bringing us to this momentous crossroad for peace, particularly of Malaysia as fair and honest third-party facilitator, and of Brunei and Indonesia, as members of the International Monitoring Team. And we thank ASEAN for its recent statement of support for our Mindanao peace process.

Peace is now fortified by a strong Constitutional democracy through the restoration of checks and balances in our country’s governance. And peace shall be come hand in hand with inclusive growth and social justice.

But we are only in the starting line of a broad work plan that will involve the legislature, perhaps at some point the judiciary, civil society and the international community. As we traverse the roadmap of this political process over the next two years, we bear ardent hopes that the Bangsamoro will be finally

entrenched in the Philippine Constitutional firmament by the middle of 2016.

Concurrently, we expect to start the process of normalization which will help in the inception of broader security and usher in socio-economic development in the communities. This process includes the “putting arms beyond use” and the decommissioning of the MILF’s military units and command structure. We also expect the inception of more socio-economic and development programs designed to help former rebels and community members affected by armed conflict.

We look forward to the day when the Bangsamoro will emerge in full play as part of the Philippines’ participation in the ASEAN community, given its strategic location in Southern Philippines.

We must never let go of the dream of peace. ASEAN must embrace the dream even as the world seems to be breaking in several places.

Let us strive to make our region a tranquil sea amid the pockets of strife that tend to drive fear, complacency and skepticism.

Our organization is a vital cusp in the peace agenda. Our peoples look up to us to be the vanguards of their deepest aspirations. Let us hold banner high and forge ahead.

Thank you and good morning.

## SESSION I:

General Overview of Major  
Peace and Reconciliation  
Efforts in the Asia-Pacific  
Region:  
Efforts and Initiatives of Peace  
Institutes and Think Tanks

# **Politics, Diplomacy and Religion: Conflict and Convergence**

by

**Dr. Gunnar Stålsett**

Bishop Emeritus of Oslo, Norway,  
Special Advisor Norwegian Ministry of Foreign Affairs,  
Honorary President World Conference of Religions for Peace,  
Member of The Nobel Peace Prize Committee

Excellences, ladies and gentlemen,

Peace is about the necessity of conflict and the cost of reconciliation. It is about the deepest longing in every human being for respect of our inborn dignity. It is about the right to the fullness of life. Reconciliation is about the anatomy of hatred and the healing power of compassion. Peace is the name of the Promised Land in every land.

I am honored to have been invited to share with you some personal reflections on this topic, at this important symposium of AIPR, the primary institution of ASEAN for research activities on peace, conflict management and conflict resolution.

Allow me to provide a disclaimer; I am here, not as a regular politician, nor an official diplomat. I have a varied role as a practitioner, as I have the privilege to serve both my church and my government in the mission of peace, human rights and reconciliation both on a concrete local level and on the complex international stage.

***The Bangsamoro Agreement, an inspiration for new efforts in the region and beyond.***

I have been looking forward to this important and timely event, not least because of the inspiration from the recently concluded 17-year long negotiations between the Government of the Philippines and Moro Islam Liberation Front (MILF). Congratulations! *The Comprehensive agreement on the Bangsamoro*, signed on March 27<sup>th</sup>, establishing a Muslim autonomous entity in Mindanao, is celebrated widely, by Muslims and Christians alike.

Even if this agreement is not the end of the peace processes in the Philippines, it is a momentous contribution to peace in Mindanao. The viability of the accord is expressed in the observation that rights are established, the obligations are set and the objectives are clear. This historic achievement is an inspiration for renewed efforts to address remaining conflicts with other Muslim groups and the more than 40 yearlong confrontations with communists.

The comprehensive agreement also should offer inspiration to other ASEAN countries. It is an encouragement to solve similar conflicts through dialogue, in a spirit of respect for national sovereignty and territorial integrity. Thus this historic agreement may well serve as a model for other areas in the region where autonomy, not separatism, is the answer. Indonesia, after the loss of Timor Leste, has kept the nation intact by granting special autonomy to the province Aceh and by proposing “autonomy plus” to the provinces of Papua. Of course, no situation is identical, but the Bangsamoro agreement poses the question of whether this also is relevant for such issues as the Muslim insurgency in the south of Thailand?

In any case, this Comprehensive Agreement demonstrates to the world the relevance and sustainability of international

law, based on the UN Charter and the Universal Declaration of Human Rights, as echoed in the ASEAN Charter.

### ***Norway's support of ASEAN***

Norway has a well-documented record of global engagement in preventive diplomacy, in support of peaceful settlement of conflicts. That the Ministry of Foreign Affairs has a special Division for Peace and Reconciliation is in itself a statement of Norway's priorities in international affairs, recognizing the interconnectedness of human rights to regional integration, international peace and security. The broader framework is of course our shared obligation with all other UN member states to make every effort to achieve peaceful settlement of local, regional and global conflicts.

Norway is also genuinely interested in contributing to peace and reconciliation efforts in this region, both through support to the work of ASEAN and bilaterally to member states. Our diplomatic mission covers a broad spectrum of peace and reconciliation issues, both here in The Philippines, in other countries in the region as well as in the comprehensive cross border programs of ASEAN. This is seen in many activities on the ground, such as participation in peace talks, monitoring of ceasefires and through numerous workshops. Mention should also be made of Norway's generous support to bona fide national and international non-governmental actors, underscoring the critical role of civil society for nation building and democracy.

Thus Norway also contributes to the ASEAN Institute of Peace and Reconciliation as well as to the Treaty of Amity and Cooperation. Likewise the recently launched ASEAN-wide study on freedom of thought and conscience in the region by the Human Rights Resource Center enjoys support. Professor Tore Lindholm at the Norwegian Centre for Human Rights and

Board member of the Oslo Coalition on Freedom of Religion or Belief is one of four international expert advisers on the study. He sees this study as very important, especially bearing in mind the goals of integration in ASEAN.

### ***Challenges to ASEAN***

I have followed with great interest the evolution of ASEAN as the primary instrument for peace and stability in the region. I am enthusiastic about its potential and rejoice with every new step towards fuller implementation of the high ambitions of its Charter. I am also aware of the obstacles and challenges that have to be faced in the process towards implementation of the high standards set by the Charter, and I see in such consultations as the one in which we are engaged today and tomorrow a sign of seriousness of purpose and a clear vision within the leadership of the organization.

It is a great challenge today for the ASEAN leadership to balance the commitment to shared and mutual responsibility within ASEAN with the principle of non-interference. This demands wisdom of statesmanship on the highest level. To harmonize national legislation and international law is an ongoing and compelling task all over the world.

The challenges of ASEAN are not unique, they are indeed global challenges. In the global village, groups formed around shared religious, ethnic, racial, cultural, social traditional values, will always be afraid of losing their identity, and if lost they will mobilize to regain it. This is seen in many protracted conflicts in the world. Rage related feelings of being humiliated are a central driving force underlying many armed conflicts. Add to this dismal scenario the fact that many states are experiencing an implosion of social cohesion. Increased suspicion, which often is contagious, contributes to projections of intentions that might not have been there in the first place, and to all

forms of antagonism. Its result is weakened ability to activate broad consensus across group lines. It rather enlarges the gap, making it ever more difficult to identify with each other's cause.

Social and cultural violence threatens communities around the world. Tyrannical systems and elitist ruling groups prevent, either as an intention or as a consequence, multitudes of people from participating in the shaping of their own future. People living in societies ruled by sheer power are subject to grave abuses of their civil and political rights and the denial of social, economic and cultural justice. Social divisions set individual against individual, group against group, majorities and minorities against each other. Poverty is exploited and human rights are abused.

Globalization and the new cyberspace offer wonderful opportunities for communication of good news and positive human values, but are also channels of hostility and evil. The victims are often vulnerable populations, including members of ethnic, religious and linguistic groups. Among the most vulnerable today are those rejected by the state: immigrants, refugees, asylum seekers and stateless persons.

### ***The Ambiguity of Religion***

Religion, not secularism, permeates most, if not all, ASEAN member states. A few decades ago UNESCO ran a promising program under the title: Roads of Faith – Culture of Peace. To regard religions as roads to peace – which they all claim to be – is understandably contested in the 21<sup>st</sup> century. There is today an increasing tendency globally to pervert religion. Extremists are using religion to incite violence and hatred. Unscrupulous politicians manipulate sectarian differences for their own ends.

Beyond doubt, there are within all religions groups that are guilty of hate-speech, intolerance, and outright violence. The

jihad of today is extended by social media and has become a threat to the security of nations around the world. Sectarian conflicts are increasingly damaging the very fabric of societies and threatening incipient processes toward democracy. The rolling back of religious freedom, under the pretext of security, is one of the most acute challenges today.

There is however a more optimistic, parallel narrative, which I believe we must seize as our own in order not to become cynical. Fundamental human values such as freedom of religion, mutual tolerance and respect are increasingly gaining traction notwithstanding the many signs to the contrary. There is a growing recognition of the intimate link between dialogue and freedom of religion. Without dialogue between religions there will be no peace. Without freedom of religion, freedom of expression and of peaceful assembly, there will be no dialogue.

On this backdrop of positive and negative narratives, I want to share with you some reflections based on my experiences with peace and reconciliation efforts in the region. My strongest impetus has come from my conviction that religion indeed is a source for wisdom in matters of peace and justice.

### ***Truth, justice and reconciliation – the case of Timor Leste***

Both in my role as Special Envoy of Norway to East Timor, and my chairmanship of the Indonesia-Norway bilateral working group on human rights, as well as in my engagement with the democracy issues of Myanmar, I have seen both the necessity of conflict, and the cost of reconciliation as well as the cost of conflict and the necessity of reconciliation.

Not least is this web of values demonstrated in the history of Timor Leste, the youngest nation in Asia, not yet a formal member of ASEAN, but already solidly integrated in the South East Asian region. The armed conflict is over; but reconciliation

is a process that will take time. Years will pass before the trauma of individual and collective memories are healed.

The Timor- Leste Truth and Reconciliation Commission, CAVR, is one of the most comprehensive and multifaceted truth commissions in the world. Its report has the evocative title: *Chega*, which is Portuguese for: No more! Stop! Enough! This multi-volume report with the accounts of thousands of victims is to be recommended as a resource document for similar processes worldwide. The report is a historic document that challenges a culture of impunity. It is in itself an imperative for restorative justice. It reminds us of the importance of maintaining psycho-social perspectives on conflict and peace.

In response to the crisis in Timor Leste in 2006, upon invitation from the Government of Timor Lester and supported by Norway, I facilitated a number of consultations in support of nation building. The themes of these programs suggest some of the burning issues in the fledgling nation, such as poverty, youth unemployment, and violence against women as well as security issues: “*Justice for the Poor- Time to deliver*”. “*Youth, Identity and Nation building*”, “*Women for Peace*”. In addition a comprehensive joint program with the EU aimed at the peaceful integration in the nation building process of martial arts groups, some of whom had played a destabilizing role in the conflict in 2006.

In our “*National Consensus Dialogue on Truth, Justice and Reconciliation*” that lasted for 3 years, it was important for me that the broadest possible spectrum of stakeholders, government, parliament and civil society as well as the religious institutions and academia were involved and responsible. No one was excluded from the process. (Even small dissatisfied groups, when not included, have the potential of becoming spoilers of emerging consensus. This might well be the case in the Philippines.)

These programs and processes were fully owned and run by East Timorese nationals themselves. This reflected an important lesson about third party involvement; outside facilitators should never be in command of peace and reconciliation processes. Their role should always be a more discreet one, that of witnessing, facilitating and supporting national state- and non-state actors - if and when invited.

The outcome of this national dialogue in Timor Leste, addressing transitional justice challenges from the victims' perspective, was a broad consensus on principles for a national Institute of Memory and a Law on Reparations. Key elements were memorialization, education, psycho- social support for severely traumatized individuals and families, as well as reparations for those left without any source of livelihood. For the victims this was not about revenge but about recognition.

### ***Myanmar – challenges on the road towards democracy***

In the other geographical periphery of ASEAN, I have led an ad-hoc international working group on Myanmar. The first meeting was held in Brussels under the auspices of President Barroso of the EU Commission. A series of consultations brought together stakeholders from inside and outside, with contact both with the government and the opposition, the army and the ethnic nationalities, civil society and religious groups. Chatham House Rules created an atmosphere of trust that made frank discussions and constructive exchanges possible. The format of this group may not any longer be needed as all legitimate stakeholders are able to meet freely in the country. *But support to the promising national peace building efforts also by international state- and non-state actors is much needed. This I believe is a special challenge to ASEAN.*

The recent history of Myanmar is a telling example of how struggle for human rights and freedom in the long run will overcome authoritarian rule and oppression. The complex web of ethnic, cultural, social and religious issues that for so many years were obscured under military rule, demands a wide range of strategies if the country is to move forward as *one* united federal state. A compelling issue is the place and role of the distinct ethnic nationalities and their identity and integrity within a unitary state. Human rights are *ethnic* rights. This has become a dividing issue even in the ongoing process of establishing a census in which the identity of one population group, the Rohingyas, is not recognized. This is contrary to international standards.

The Rohingya issue in Myanmar is generally seen as an interreligious tragedy, a conflict between Buddhist and Muslim faith communities. No doubt religious identity is a strong element, but there are also other factors involved, such as race, ethnicity, social status and nationalism. To make this *only* a matter of religious identity obscures the complexity of the issue. While even some religious leaders deny that this is a religious conflict at all, increasingly voices are heard, both inside and outside the country that this indeed is about religion, as the most important identity marker. It also has to be addressed as such, but not on the premise that it is only about religion. The matter has been internationalized and cannot any longer be considered as internal affairs. The international community, which is genuinely supportive of the progress made towards a viable democracy in Myanmar, is clearly alarmed. In the view of the Indonesian Foreign Minister Marty Natalegawa the “sectarian violence in Myanmar has regional impact”

## ***Inter-church and inter-religious contributions to peace and democracy***

Much of my engagement for peace and reconciliation has been through *ecumenical* and *interreligious* cooperation. I have been inspired by the confluence of values between various religious traditions, but also by a wide consensus with non-religious groups. Without denying the destructive role of religion through history and notwithstanding the hijacking of religion for extremists' ambitions, I see religion as a potential spiritual, social and cultural resource for peace.

The Golden Rule, of “doing unto others what you wish them to do to you” is cherished by all religions. Its Abrahamic echo is the commandment “to love God and your neighbor as yourself.” Both these moral statutes convey a profound wisdom with relevance beyond the spiritual realm. This is the antidote to fundamentalism and intolerance. This is the spiritual basis on which I see the positive role of religion.

I believe that the progress made in the last generation in the area of inter- religious cooperation, is under-reported in the media and neglected in politics

Let me then briefly share with you some reflections on how I see the role of religion for democracy and human rights.

In a landmark study on the Missionary roots of Liberal Democracy, Robert D. Woodberry of the National University of Singapore convincingly discusses the historic role of what he terms “activist religion.” He concludes as follows: “A century ago Max Weber argued that Protestantism helped spur the rise of capitalism. Some of his causal mechanisms may be wrong, but his main intuition seems right. Religious beliefs and institutions matter. What we consider modernity was not the inevitable result of economic development, urbanization, industrialization, secularization or the enlightenment, but a

far more contingent process profoundly shaped by activist religion.”

Within the global ecumenical movement, I have seen how Protestants and Catholics increasingly join voices - and hands - in addressing critical social issues. Differences exist on certain “traditional values”, but there is a broad consensus on a number of key social issues such as the arms race, elimination of the nuclear threat, the fight against poverty and against degrading treatment of women and children, the mobilization against the pandemic of HIV/Aids and the abolishing of death penalty. Terrorism “in the name of God” is broadly agreed to be an affront to The Divine under whatever name. Freedom of religion, mutual tolerance and respect are increasingly gaining traction, notwithstanding the many signs to the contrary.

It is a promise of greater things to come, that inter-religious platforms such as “Religions for Peace” more and more bring together Christians, Muslims, and Buddhists, Hindus, Jews and people of other living faiths. The Abrahamic religions, Dharma religions and folk religions, all play a part within this extended family of faiths and are therefore important vehicles and instruments for peace.

Altogether the global Religions for Peace movement includes national interreligious councils in more than 90 countries. I have been privileged to participate in establishing Inter-religious Councils in such diverse situations as Kosovo, Sri Lanka, Myanmar and Kyrgyzstan.

At the Religions for Peace General Assembly in Vienna in November 2013, six hundred leaders of all world religions renewed their resolve to counter the rising hostility in many parts of the world with a call to “welcome the other.” Based on a multi-religious vision for peace and reconciliation the Assembly took actions to work toward elimination of all forms

of intolerance and hostilities. One of the key messages from Religions for Peace is to promote and support a robust notion of shared and equal citizenship, and thereby to counter social hostilities, Islam phobia, anti-Semitism and persecution of Christians, Hindus and other faiths.

Religions for Peace typically plays a role in track-two-diplomacy. This time, the Assembly provided a framework for a meeting between religious leaders from North and South Korea, just as we in previous assemblies have provided space for encounters between Shiite and Sunni leaders in the entrenched conflict in Iraq and between Muslim and Jewish leaders in the Middle East. This time the unfolding setbacks of the Arab Spring and the Syrian civil war provided stark reminders of the sectarian dimension of national, communal and regional conflicts.

The Shiite-Sunni divide is today one of the greatest threats to Islam's identity as a religion of peace, and thereby to world peace. This violent and tragic conflict must first and foremost, if not only, be squarely and honestly addressed from within the Muslim world.

Here in Asia, the cradle of all major religions and a great continent to celebrate the diversity of humanity, the Asian Conference of Religions for Peace (ACRP) is the most prominent interreligious forum. Founded by lay Buddhist leaders in Kyoto, Japan in 1975, it is the regional expression of the global Religions for Peace. ACRP, under the chairmanship of Dr. Din Syamsuddin, the leader of Muhammadiyah, is typically working for healthy coexistence and mutual understanding among the peoples and communities in the region. ACRP advocates knowledge, justice, rights and socio-economic development as a contribution to overcome sectarian and ethnic divisions. ACRP has contributed to the peace process in Mindanao and is engaged in other processes to promote national harmony and international peace especially in Asia

The overall strategy of the global family of faiths expressed in Religions for Peace is not a dogmatic discourse but common action. Among its many programs in this region is care of people living with HIV/Aids and strategies to prevent the spread of the disease and involvement for instance in Cambodia to rid the land of land mines and cluster bombs. There is an increased recognition of the crucial role of women and youth as agents of social justice and freedom. High on the agenda is the work to promote a Universal Code on Holy Sites as a contribution towards conflict prevention and resolution.olyHol

### ***Human Dignity as the common ground***

So where can people of faith find a common ground for efforts toward peace and reconciliation?\_

Let me give it a try: It is about realizing *human dignity* and combatting the destructive and dangerous dynamics of humiliation. Human dignity is to me the sublime stamp of the divine on every person, the imprint of integrity and of unfathomable value of our body, mind and soul. It is about a brighter tomorrow for millions whose lives have been defined by oppression and poverty.

If human dignity is a given, democracy is a goal. As human dignity is divine, democracy is secular. But in our struggle for peace and reconciliation the divine and the secular are joined together as in humanity itself.

The basis of all true dialogue is a shared respect for human dignity. It reflects the wisdom that material interests can be negotiated and compromised, while fundamental values and identities are non-negotiable. This is difficult because often material questions are interpreted as symbols of identity and acknowledgment of being given value. Here we need to develop language and skills, to act wisely and continually to

check out how we might be understood by the counterpart. By continually acknowledging dignity as a fundamental value, we also have to learn how to repair the wounds when we in our language and actions fail to mirror and affirm that value.

### ***A Nobel concept of peace***

Let me add as a footnote to this tour d'horizon on peace and reconciliation efforts a lesson learnt during my almost 20 years as member of the Nobel Peace Prize Committee, that of an *holistic* concept of peace. This understanding is reflected in the committee's more or less successful decisions, as we have been honoring efforts of disarmament, development, and democracy, conflict resolution and human rights, gender issues and environment. Individual leadership and collective efforts are recognized as equally worthy of global recognition. Statesmen and activists, organizations and movements have shared the honor.

### ***Concluding remarks***

I am acutely aware that none of the ways towards peace and reconciliation that I have referred to in this address can stand alone, none offer instant solution to the intricate web of war and violence. We are all fallible. This should imbue in all of us who genuinely wish to be peacemakers, a sense of humility.

Consensus does not come cheap; peace is never the easiest way out. Therefore, on the individual level, in whatever position we hold, we need to be brave on behalf of peace and we need courage to promote reconciliation. We need a shared acceptance and understanding about what to agree on, and what we can differ on, if we want to avoid protracted processes due to different interpretations, which may even spiral new conflicts.

We need to be ever aware of the interconnectedness of the individual and the collective well-being. There is an apt biblical saying: when one member suffers the whole body suffers -we all suffer together - and if one member is honored all rejoice together. So let us not lose hope! Faced with the great challenges of peacemaking in the 21<sup>st</sup> century, we should gladly redouble our efforts.

Finally, in all processes of peace and reconciliation, we need the language of compassion. Many voices are needed in order to fully express the language of politics and the language of the heart. The intellectual, political, diplomatic, bureaucratic and academic discourses are all important. But we must also tune in to the emotional voice, the voice which comes from the heart of humanity, the voice from below. This is the often muted cry of women, children, and yes, of men who hunger after a better tomorrow. This is the still voice of those who look to us with trust and who expect us to deliver on promises.

As peacemakers we, like them, need words of hope. We all need grace and redemption. We need the language of forgiveness and the language of a new beginning - even as we boldly claim the divine promise: Blessed are you, peacemakers.

Thank you.

## **Presentation of Dr. Michael Vatikiotis**

Asian Regional Director of the Center for Humanitarian  
Discussion

I am delighted to be here today to speak on the topic of peace and reconciliation and it is also a great honor and delight to be addressing today the newly formed Governing Council of the ASEAN Institute for Peace and Reconciliation (AIPR) and the members of the Advisory Board. This is a long overdue occasion and it is surely a good sign for the fledgling institute that the Governing Council has come together and great thanks, I think, are due to the Department of Foreign Affairs here in the Philippines for lending momentum and support to the AIPR.

I am not so sure we should get into the AIPR habit. Acronyms are very difficult things and AIPR is going to be the institute's acronym, but I think we should every now and again remind ourselves what it stands for. For most certainly AIPR is an idea whose time has come.

The regional landscape is characterized by an increasing number of peace-making and peace-building initiatives, but there exists, virtually, no mechanism or institution to help share and learn from these experiences. So first, let me sketch what I see as the progress we've made in the region, here in Southeast Asia, in terms of addressing the challenges of peace and reconciliation.

A decade ago -- which happens to coincide with the amount of time that I've spent with the Center for Humanitarian Dialogue -- there were many unattended violent conflicts in the region and very little in the way of efforts to resolve them, but this had already begun to change. The landmark Memorandum of Agreement to mediate the ends of conflict in Aceh, in the

Northern part of Indonesia, broke a taboo in the ASEAN region, on asking for outside help to resolve an internal conflict.

Although that's not quite true, because the Philippines had already asked a number of countries to help resolve the conflict in Mindanao in the 1990s which led to the 1996 final peace agreement with the MNLF and a few years earlier, ASEAN had spearheaded an international effort to rescue Cambodia from civil war and establish a process of reconciliation and construction that remains one of the leading examples of successful international intervention in the world, although, sadly, it is an example that is not very often remembered.

Be that as it may, for much of the past decade, efforts to resolve violent conflict have been complicated by the reluctance of the conflicting parties to request help or submit to third party mediation. In Southern Thailand for example, neither the armed insurgency nor the Thai state could muster the trust or sincerity to sit down and discuss their differences until, confidentially, talks had gone under way in 2009.

In other areas of dispute, such as land and sea boundaries, pride and politics have also put obstacles in the way of effective arbitration. Indonesia spearheaded an effort, an offer rather, to deploy monitors and prevent a boundary dispute between Thailand and Cambodia from erupting in armed hostility but the offer was rejected by one side. More alarmingly, efforts to manage competing claims in the South China Sea, have proved resistant to negotiation and arbitration.

For many years, hopes were pinned on Indonesia's role as a neutral non-claimant state, spearheading diplomacy that brought about, in fact, a declaration of conduct in between China and ASEAN in 2002. But efforts to make this more enforceable by means of a binding code of conduct have so far proved fruitless and alarmingly, just last month, Indonesia

declared itself, more or less, a party to the dispute by rejecting China's claim over the Natuna islands off the coast of Sumatra, thus making the regional dispute even more dangerous for the region.

In all these cases, prolonged resistance to negotiation has perpetuated the conflict. Although it has to be said in the case of Thailand and Cambodia, a recent decision by the world court has for the time being defused the tensions in this boundary dispute, in many cases the nationalistic impulse is to insist that conflicts can be managed internally. Governments seek to undermine the case for negotiating with armed non-state actors by gaining the military advantage or introducing policies to address grievances without consultation.

It must be recalled in the case of Aceh for instance, what was offered to Aceh very early on was a form of autonomy that was eventually negotiated. There was the same form of autonomy that was offered without consultation and then rejected by the Acehnese that then, through a process of consultation was essentially accepted by the Acehnese.

Here in the Philippines, the decision was taken with the help of a popular consensus to chart a middle path: dialogue with rebels and seeking negotiated outcomes under the umbrella of a nationally-owned and managed peace process. The infrastructure of peacemaking here in the Philippines that has been developed as a result has helped to deliver concrete negotiated outcomes in the shape of the just signed Comprehensive Agreement on Bangsamoro.

Myanmar has moved in the same direction. The challenge there is daunting as more than a dozen ethnic armed groups need to be persuaded into agreeing to a national ceasefire framework and a national dialogue process to end more than 60 years in some cases of civil war. The Government of Myanmar and the

ethnic groups have been meeting in Yangon to work on a draft agreement that will hopefully be signed by August.

The trend therefore is encouraging. These peace processes are as complex as they are sensitive. They require significant resources and support. On a technical level, they rely on expert advice and provisions for broad-based inclusion and in many cases the intensity of technical discussion helps to build trust when none existed before. It was certainly the case here in the Philippines and it is now the case in Myanmar and this is where I think the AIPR can play a very useful role.

There is of course an active civil society community in the ASEAN region which has done a lot of work on conflict resolution and could be drawn upon, through the AIPR, to help support ongoing peace efforts in ASEAN member states. The whole idea is kind of like a one-stop shop. Much of this has been done in ASEAN and other areas. It could also be done through the AIPR. In other words, not to duplicate what's already been done by civil society but to channel civil society efforts through an institute and provide institutional support. The AIPR could also become a platform to encourage the sharing of experiences between the different levels of peace making (i.e. track 1, track 2, and track 3) in the region.

Now this has all been rather controversial, but no one is saying that ASEAN should be empowered to intervene or interfere in the domestic affairs of sovereign member states. There are those who wonder: what is the point of having a regional security blueprint for ASEAN as a group without some capacity to offer to help manage or resolve conflict and promote reconciliation? Should Thailand for instance be turning to the United Nations Secretary General to seek help address a deeply polarizing political conflict or quietly seeking the good offices of neighboring countries in ASEAN, much as

the Cambodians did 20 years ago? Why go outside when you can find help in the neighborhood?

The Comprehensive Agreement on the Bangsamoro that was just signed in Manila at the end of March is one of the most important negotiated peace agreements of the past two decades, not just in Asia but perhaps in the world. One really has to only think back to the last peace agreement of its kind in Nepal which was the comprehensive peace agreement that was just as significant. It helped fix a whole country but in the case of this negotiated outcome, it's probably the most significant peace agreement on paper that we've seen in more than two decades. Doesn't it make sense to share the lessons learned over the past 17 years of negotiations with ASEAN neighbors? And as was pointed out earlier by Secretary Deles to go beyond ASEAN into the world and actually show that this is a region that is capable of negotiating with the help of its neighbors a complex peace agreement to help resolve an internal conflict.

I firmly believe that to keep a neighborhood safe and secure, you need above all to help out your neighbors. In a small way, the Center for Humanitarian Dialogue has been contributing to this good neighborly behavior. We've promoted the dissemination of lessons learned from peace processes in Indonesia and in the Philippines. In Myanmar for example, just recently, we arranged for a team of innovative local mediators from Sulu to present their toolbox for containing election related violence to civil society actors in Indonesia ahead of the April 9<sup>th</sup> legislative elections.

These are all initiatives that could all be effectively undertaken by an ASEAN Institute of Peace and Reconciliation but sadly this is not proving very easy to organize. ASEAN remains institutionally suspicious of the peace and security agenda even when there's good news. I was sad to note personally

that at the signing ceremony in Manila on the 27<sup>th</sup> of March, I would have liked to have seen all the ASEAN Foreign Ministers present, and a much more present ASEAN contribution and support for that agreement. Of course ASEAN has formally supported the agreement but I think it's very, very important for everyone to show that there is solidarity on regional peace making. For what kind of signal does this send to the parties to an agreement that once implemented will contribute to regional security in a big way in and around the Sulu Sea.

So hopefully the discussions at this symposium today can help build support for a more active and enabled AIPR and I'd like to salute the parties to the agreement on the Comprehensive Agreement on Bangsamoro that you've done more than forge peace for Mindanao. Like the 2005 MOU in Aceh, a decade earlier, I believe you provided another catalyst for peace in the region and perhaps also beyond. The Comprehensive Agreement on Bangsamoro is a wake up call for ASEAN and I know that in Thailand and in Myanmar there are those closely involved in peace processes, who are watching closely the Philippines and the lessons that have been learned here and the model that's been forged of peace-making and look forward to watching closely the implementation of the agreement.

Thank you very much, Mr. Chair.

**THE INSTITUTE FOR PEACE AND  
DEMOCRACY:  
A COMMITMENT TOWARDS BUILDING  
DEMOCRACY AND SUSTAINABLE PEACE IN  
THE SOUTHEAST ASIAN REGION**

by

**Ambassador Artauli RMP Tobing**  
Member, AIPR Advisory Board

Excellencies, Members of the AIPAR Governing Council,  
Excellencies, Members of the AIPAR Board of Advisers,  
Distinguished Participants,  
Ladies and Gentlemen,

At the outset I would like to express the Institute of Peace and Democracy's (IPD) appreciation and gratitude to our host the Government of the Philippines , in particular the Department of Foreign Affairs, for organizing this first important symposium of AIPR. I would also like to send the best wishes from Dr. I. Ketut Putera Erawan, the Executive Director of IPD and his apologies for not being able to be here in person, as at the same time the IPD in Bali is hosting two programs, back to back, namely one program on Indonesia-Myanmar Dialogue on Election Management and the other is on CLMV-Indonesia Dialogue Sharing Experiences and Agenda Setting. Participants of both programs will witness the Legislative elections in Bali on Wednesday the 9th of April.

I am grateful to Ambassador Bagas Hapsoro for the opportunity given to share with you on the work of IPD which I have worked with on some occasion. I am likewise privileged to share with you on some of the vision and mission of the IPD. However, before doing so, perhaps it is important at this juncture to first share with you on the background on how democracy and peace has become a strategic agenda in our region and at

the same time paving the way for the establishment of the Bali Democracy Forum and PD as its implementing agency which is now entering its sixth year.

## **The Development Gap**

I do believe that you all recall that in the 1990s the process of development in our region focused primarily on transforming our region from a backward economy to a respected one, thus creating such Asian Tigers in our region including the East Asia, obtained through totalitarian regimes. Countries in the region aimed at achieving a strong, government with weak judiciary and no checks and balances. There was a monopoly of power where human rights violations were rampant, intolerance and most of all, non-democratic. This same approach was also applied by ASEAN when it expanded from six to ten with “narrowing the development gap”.

Economic development of course has its merits, provided that it is balanced. However, it would have not been balanced if we did not admit and address ASEAN’s political development gap. Therefore, Indonesia submitted an ASEAN Security Community concept in 2002, which laid the groundwork for the ASEAN Political and Security Community. We strongly believed that ASEAN could not develop into a strong and cohesive organization if the political development gap was not addressed. This existing gap is the reason why in terms of our political orientation ASEAN’s ten countries is divided into democracies, half democracies (which hold regular but not genuine elections), and authoritarian states.

It is therefore important to note that the core values behind the political and security pillar are the promotion of democracy, respect for human rights, good governance, and peaceful conflict resolution. This is a lesson that Indonesia has learned,

namely in choosing an imbalanced concept of development for 32 years and in the 1997-1998 experiencing the monetary crisis with multi dimensional effects. The situation has almost brought the country into collapse, similar to the case of the Arab Spring sweeping across the Middle East. It was also a lesson to learn for ASEAN, as it was often divided over the lack of democracy and human rights in Myanmar until 2010.

This political development gap is referred to as non-adherence to the covenants on civil and political rights as stipulated in the International Declaration of Human Rights. There is certainly a close relationship between democracy, human rights and peace. By human rights, the two major instruments included are the Civil and Political Rights (CPR) and Economic, Social and Cultural Rights (ESCR). Developed countries have always focused on civil and political rights, while for developing countries, as well as the communist and socialist bloc, the focus was on economic, social, and cultural rights. Many of these developing countries were very uncomfortable or sensitive to the issue of civil and political rights such as human rights and democracy.

Included in the elements of civil and political rights are the right to elect, freedom of speech, the right to assemble, which are the core values of democracy. It is not enough for countries to only hold regular elections, but rather how a free and fair election is run or now referred to as election with integrity. The challenge is how to make democracy work, and make it deliver a better life for the people and also to maintain cooperation not focusing only on the economic well being of member countries but also how to respect and strengthen both the social and cultural rights as well as the civil and political rights.

That was why ASEAN since its summit in 2003 agreed to put forth the ASEAN Political and Security Community concept to complete and balance the whole community building process.

It is in that spirit that the Bali Democracy Forum (BDF) was established on Dec. 10, 2008 on the anniversary of the Universal Declaration of Human Rights, as an intergovernmental forum at the Ministerial level to advance democracy in the form of sharing of experiences and best practices and not to impose as democracy cannot be imposed on others.

### **The Bali Democracy Forum (BDF)**

As an inter-governmental forum the BDF is primarily at the ministerial level. It begins with a leaders' session attended by a limited number of Heads of State or Government, serving as co-chair with the President of Indonesia.

- Participants are countries from the Asia-Pacific region. Countries in other regions may attend as observers. Participation has grown from 32 in 2008 to 83 in 2013.
- The discussions during the Forum are aimed at promoting the sharing of experiences and best practices in political development. There is no attempt to impose any extraneous value or to recommend a single model of democracy
- To maintain a level of comfort for all, the Forum makes no judgments on the situation or conditions in any country.
- The BDF is meant to encourage the articulation of perceptions on democracy and how it can be attained within the context of national realities.

The first Forum, with the theme “Building and Consolidating Democracy: A Strategic Agenda for Asia” was co-chaired by Indonesia and Australia. It is hoped that this forum meant for democracies and those aspiring to democracies, is not only a forum which shares the successes but also the failures in of a country's development of democracy. The BDF has developed and become a global premier forum for dialogue on democracy with 83 members from the Asia Pacific Region and beyond.

As an inter-governmental forum, the BDF is meant to encourage the articulation of perceptions on democracy and how it can be attained within the context of national realities. The BDF is intended to maintain a level of comfort for all and the Forum makes no judgments on the situation or conditions in any country.

### The Work of IPD

The BDF established the Institute for Peace and Democracy as its implementing agency. The Institute has been tasked with the promotion of sharing through capacity building and technical cooperation on thematic issues such as elections, democratic leadership, democracy and rule of law, etc. Its programs are also designed on a country-specific basis.

The BDF is a political forum while the IPD translates the ideas that transpire in the BDF into concrete programs. IPD has four primary objectives upon which it bases its activities, namely,

- **Sharing experiences and lessons learned on democracy and peace.** Providing opportunities for reflection and sharing on the significant lessons learned in Indonesia's and other nations' journeys of democratic reform.
- **Building knowledge and developing skills on democracy and peace.** Training and equipping the broad range of individuals who are actively engaged with democracy including those that work for state actors, the media, political parties and civil society.
- **Designing and consolidating the institutions of peace and democracy.** Strengthening effective democratic institutions that can respond to people aspiration and support the process of democracy and lasting peace.

- **Making democracy deliver: leadership, initiatives and networking.**

IPD's program has taken a two pronged approach, namely country specific and thematic.

In the country specific programs the focus is on sharing with countries that are undergoing democratic transitions such as the case of Egypt, Tunisia, and Myanmar. Programs that have been done with Egypt involved such issues as setting the agenda for countries that are in democratic transition. There is also the theme of constitutional reform, Islam the state and politics, elections visit. With Myanmar, the programs so far involve elections, regional autonomy, peacemaking, military reform. Tunisia has had an elections program and also took part in the Islam, the state and politics program.

The participation from the different democracies are inclusive in the sense that in the case of Egypt, there were representatives from ruling parties, opposition, the media, government, media, NGO's and think tanks. IPD has also used certain actual events such as in the case of witnessing an actual election to complete the workshop process. Sometimes the saying "seeing is believing" is proven. For example the ballot counting process which for many Indonesians perhaps is take for granted or nothing special, for the Egyptian participants who witnessed this in a provincial election, was an inspiration and a learning experience to be used in their own elections one year after their visit.

In addition the experience of some Tunisian MPs, political parties, government officials, think tanks, media representatives attending a session on elections held in the IPD building in Bali, and also the election of the governor of Bali as well as doing a mass gathering at the largest temple in Bali to pledge

for a peaceful election by all candidates, with a religious tone, was quite an experience for the Tunisians to see how politics, democracy and peace can blend together.

On the thematic programs, IPD has held leadership training programs for political parties with participants from ASEAN and also Iraq, Afghanistan and Fiji. There have also been capacity building programs for elections commission, election visits, women and politics. The topics are indeed wide ranging and there is also a need for resource persons and expertise to take part in these undertakings. Therefore IPD has invited resource persons with experiences coming from the Government, retired government officials, MPs, civil society, the media, those involved in elections, judges, both foreign and domestic in order that a synergy is achieved.

As for the methodology and modules used in the training in some cases are borrowed such as the case on the issue of democratic leadership. However, IPD has to modify these modules and adjust to the needs of developing countries.

IPD also receives funding from donors referred to as “friends of IPD”. The Ministry of Foreign Affairs of Indonesia also has backed IPD programs as well as the Ministry of Education and Culture of contributed in building IPD’s huge compound located at the University of Udayana.

IPD stands ready to work together with the ASEAN Institute for Peace and Reconciliation (AIPR) in developing both institutions to support peace and reconciliation efforts in ASEAN and to run joint-programs on capacity building, on governing council and think tank issues, to form the basis of AIPR development and the bedrock of mutual understanding and closer cooperation. IPD is committed to support the institutional and programmatic development of AIPR with the support from IPD partners by working closely with the AIPR governing council to generate an

institutional architecture that could support the organizational performance as an effective peace-broker drawing from regional and international expertise, as well as improving awareness and networking among peace builders. Perhaps AIPR and IPD could start with some practical approaches on what could be some achievements on peace and reconciliation efforts experienced by member countries.

## **Democracy and Peace**

Democracy could also prevent intra state conflict. A case in point is for example the issue of sharing of revenues between provinces is possible in a democracy. The experience in Aceh the special autonomy system as a result of our reformasi or democratic transition has contributed to an end of long years of arms conflict in.

For Indonesia, a more open and democratic State allowed us to express more ideas and realize engaging in continuous dialogue with conflicting parties. This has lessened the burden of the Military to protect National security and interests. There are various conflicts happening in our region. Therefore, it would serve us well if we would be more open with one another rather than positioning ourselves within the notion of non-interference. We have to see and believe that we can function as one family. With this approach, it is not about interference, but helping each other to mend differences and address challenges.

We commend the Philippines for having invited Indonesia in the 1990's to negotiate for peace between the Moro National Liberation Front (MNLF) and the Government and later Malaysia between the Moro Islamic Liberation Front (MILF) and the Government. More so, in pursuit of sustainable peace, Indonesia invited the EU and ASEAN members to monitor the Aceh Peace Process.

In conclusion, we have restructured ASEAN cooperation from one that emphasized more on economic cooperation striking a balance between economic and political cooperation and at the same time promoting cultural cohesiveness among the societies of its members.

As the democratic deficit was an untouched situation in our region, the BDF has succeeded in placing the promotion of democracy on the strategic agenda of intergovernmental discourse in the Asia-Pacific region. This constitutes a breakthrough in the political development of the region.

The promotion of democracy in the region should be part and parcel of intensified regional cooperation and integration -- for the promotion of democracy which will further help create peace and stability in the increasingly important Asia-Pacific region, and consequently in the world at large. Democracy after all is a work in progress.

Thank you.

## **SESSION I OPEN FORUM**

Moderator: **Hon. Luis T. Cruz**

Assistant Secretary

Office of ASEAN Affairs, Department of Foreign Affairs  
Philippines

**AMS:** Thank you, Your Excellency, Luis T. Cruz. Let me begin by congratulating and expressing our deep appreciation to the Government of the Philippines for hosting the 1<sup>st</sup> AIPR Symposium on Peace and Reconciliation Processes and Initiatives and I think we are very gratified to be here in the beautiful city of Manila and let me take also this opportunity to thank Secretary Deles, Ambassador Elizabeth and her team for making this event so organized and I really hope that the next symposium in Bali can also have a template from Manila to be used as best practice. Straight to the point: my comments have to do with the statements by Dr. Stålsett and also our good friend Dr. Michael Vatikiotis. Dr. Gunner Stålsett mentioned that he has been 20 years member of the Nobel Peace Prize committee and that this committee has adopted a holistic approach. My question is the reflection of the function of the Nobel Prize Committee because this Committee has been honoring the kind of achievement of individuals or collective groups in terms of disarmament, democracy, human rights and other issues like environment. My only question is: is this coming from different regions and this is very important, do you consider that national or local wisdom should also be taken into account because consensus and more than that, subtle diplomacy, is the culture of dialogue on that issue and I know that individual leadership and collective efforts are equally important like regional achievement also contributes to the global, peaceful situation and when you say that a lot of achievement in the global level or so is spread by local wisdom I tend to agree. I give the one case of Nelson Mandela - I think when he introduced a commission on truth and reconciliation

that would be one of the inspirations by Ramos Horta and even he was Nobel laureate but he chose to use this kind of commission, truth and also reconciliation. Not only Ramos Horta but also other leaders who think that it is better to see other neighbors- Indonesia, in a big picture and peace is more important than justice. But I need to know exactly, about the Nobel Prize committee, what are the criteria to in awarding it, because it's very, very rare for Nobel Laureates to come from Asia. Number two is our good friend, Michael Vatikiotis, I agree with Michael and you encourage the interaction and cooperation between states, international organizations, NGO, and also civil society and you also very consistently encourage localization to ensure the capacity is generated in the countries affected by conflict. My only question is on the proliferation of CSO's, which has inevitably generated a lot of competition and you also mentioned about the degree of duplication and I need to know more about this issue. Which NGO? Which CSO are we going to deal with? Because, yes, they are very important but we'll need to know what the criteria should be of the right CSO. Do we need to have local content? Do we need to look for more criteria? But this kind of question, I think, may be also asked of the other question. Thank you very much.

**Stålsett:** Thank you so much. Thank you Ambassador, for your question. I always hesitate to mention the Nobel Committee because it opens a number of questions both about this history of 110 years and decisions over the last few years. I've sat in the Committee close to 20 years often on so when people are critical about a Laureate I say, 'maybe I wasn't on the committee that year.', that gives me a chance out. In the history of the Nobel Peace Prize more than 110 years now, it started, as you know, with the mission of the founder, Alfred Nobel and contribution to fraternity between nations, peace congresses, reduction of standing armies. It has to be interpreted every year, in every generation to see what does this mean today. In the first years and for a very long time,

it had a very Scandinavian-European, Western-Christian perspective. In the testament of Alfred Nobel he says it should be granted to so and so even if they are not Scandinavians. So that perspective has been absolutely enlarged but we certainly see in the history of the prize the great missions, the failure of not honoring Ghandi for instance will always be engraved as one of the great mistakes of the Committee. So I always have the reservations saying for better or worse, success and non success but the overall impact I believe for this prize is seen that this is most watched peace prize decision in the world. We have in this coming year, we have almost 300 nominations and they reflect all the categories which are mentioned and which you repeated. I would say that in the history there are real examples of movements and initiatives from below. The prize to those who initiated the campaign against the land mines was sort of a few individuals who got together and who raised a global attention which moved the hearts and minds of politicians and governments, so that dimension is there. On the other side you have those, you mentioned Mandela, those with that stature – we need more of those of course. But I think it is very good that the peace prize was awarded to him and his counterpart. I was myself a member of the committee when we gave the peace prize to Ramos Horta and Bishop Belo and I consider the peace prize to those two gentlemen as one of the most important in the history of the Nobel Peace Prize because it brought the issue of East-Timor to international attention. It was one element, not the only one, but one element in the process that led to the referendum that changes contributed greatly to that. Actually the statehood of this new nation, is to a certain extent, was possibly seen in light of the peace prize to those two. As an afterthought, after my years occupied with East Timor I feel that there was an equally worthy Laureate or candidate for being a laureate who was not awarded the prize, namely: Xanana Gusmao. I think in the history of the Peace Prize, we must come to a point about also honoring those who in given situations have had

to struggle to take the cost of the conflict and to stand up against those situations in history where freedom is denied. It was Mandela who was a liberation fighter, freedom fighter who has been very much neglected by the Nobel Committee. It failed to honor his memory and contribution and this is one big learning process. The Prize is a work in progress and inputs like the one from your Excellency gives me also reason to think about how it is perceived. I think that we need to strengthen the global perspective to get in more impulses from other regions of the world as we are getting some feedback including the place of women in peace processes and conflict situations. The number of women involved in this issue has increased in the last 20 years but it certainly is not satisfactory taking into account the leading role of women around the world in terms of peace and reconciliation.

**Vatikiotis:** Thank you very much, Ambassador, your question is really very, very important because one of the most profoundly challenging aspects of all the peace making, peace building activities now in this region is in fact, has become, the issue of crowdedness and I'm glad that you in fact also use the word competition because that is in fact, a reality. When I first, back in 2004 entered this field, there were very, very few actors. The whole notion of civil society, NGOs, private actors engaging in this field in fact was considered rather audacious and therefore there weren't very many players. Well in fact it was really very much as I said earlier – the success of the peace process in Aceh that began to draw more players into the field and it was also, I think, a product of the fact that states and the United Nations and regional organizations were still very tentative about, if you like, 'sticking their toe in the water', and the UN had gone through a bruising period, the post Kofi Annan period of confidence as we've heard around the table today – ASEAN has been slow to develop its political security blueprint and so the CSOs, the NGOs proliferated and here in the Philippines of course the very inclusive nature of peace making has seen a

growth of civil society, organizations supporting the nationally owned peace process at all levels. There's no better example of the way in which this has provided support for the peace process and the creation of, a few years ago, the international contact group to support the GPH-MILF peace process but I raise that because I think, - so we all know the problem and it is very much a problem that is emerging in Myanmar where the peace making landscape is also now very crowded and it has become a bit of an issue here and I can see it happening everywhere. So let's then focus on the ways to meet that challenge and to mitigate the problem. There are really only two ways to approach this: one is transparency and a sort of collaborative, collective spirit of endeavor. Now in the case of Myanmar, what is very interesting is that right from the beginning all the actors involved in the peace process, and the donors, realized there was a need to develop a very, very clear set of guideline or mechanism to encourage transparency. The private actors and the donors separately and then also together created a regular consultative body which we call the International Peace Support Group which meets on a monthly basis, all the actors involved essentially share information and make sure that people are not duplicating and stepping in each other's toes and the same goes for the donors. It is not working terribly well but at least it is there. I think it's also fair to say that the ICG, to some extent, was maybe not, initially conceived as such but it certainly became a very, very important mechanism to make sure that all the private actors and the states supporting the peace process were able to come together. Not just to help the facilitator and the parties but also to ensure that what they were doing was together in a collaborative spirit and so I think this leads down to the immediate logic that of course the ASEAN Institute of Peace and Reconciliation can also help make sure that collective efforts and all, I think, of peace making today is essentially a collective effort. Gone are the days when single people, individuals and single organizations and even single states are essentially the architects of peace. I think what

we're seeing around the world is that the international system is much more open, that there is much more collaboration. I think one of the most innovative things about the international contact group here in the Philippines, I believe, is the first time that states and non-governmental organizations have come together to support peace process. I think we're going to see a lot more of that. I think it's precisely that kind of coordinating, cooperative role that the AIPR can help develop. Based on the lessons that have been learned from other processes and I could see a great deal of utility in helping to apply those to what is now becoming, probably the most crowded landscape of peace making in Myanmar. Thank you.

**AMS:** Thank you very much, Mr. Chairman. First of all I would like to thank the Philippines. In particular Ambassador Elizabeth who organized this seminar, and we look forward to another seminar in Bali. This morning's session has been very fruitful to me as a Governing Council member. We are happy that we have a chance to learn from the experience of a prominent and distinguished speaker. Dr. Gunnar Stålsett from Europe and who comes from the religious community in particular. Having been working and living in Brussels for eight years and also in Europe, in that country for some time – Europe is really a place where you know the conflicts, he can share a lot of his experiences with us. Europe has experienced a lot of conflicts over the years. In the religious world, the Catholic and Protestant in the 18<sup>th</sup> century caused a great hole. People migrated from Belgium to other countries, to many countries. So we have a chance to learn. The world wars - first and second world war. Also in England, a lot of conflict also took place. So what I want to say is that in our AIPR's work/activity. We can also learn from other conflicts in the past. Dr. Vatikiotis talked about the Islamic religion to be a religion of peace because of the Shiites and Sunni problem. What about in Europe? You had the Catholic-Protestant conflict in the past. How did you manage to achieve. In the first and second world war, Europe also brought us to

this problem. After the Second World War, they had a peace conference and then you started remarking borders. Since then, the borders became inviolable in Europe between Poland, Germany and others. Political integrity became sacrosanct because if you do something in the border then it will generate a lot more conflicts. So the European Union was created on this basis – respect for territorial integrity. Coming back to ASEAN, the principle of ASEAN also, we have to say, has been very wise from the very beginning. It started with the concept of cooperation among countries on various topics – economic cooperation in particular but actually during those days there were military and political conflicts in ASEAN. The real purpose in ASEAN was in order to deal with political conflicts, ‘put them under the rug’ so to speak. I remember ASA before ASEAN became a household name but people forgot about ASA now; when only five countries started coming together. Thailand was a member during that time, before ASEAN was born. So the principle of ASEAN was to take things slowly, ‘put things under the rug’, if you may. Quite a few issues in ASEAN have been ‘put under the rug’ and even AIPR has this principle of non-interference with the internal affairs of member states. All this we also have to keep in mind and then, I think in the future activities of AIPR, we have to look also beyond ASEAN borders because here we are facing a period of geo-political change, very rapid change in our region. In the future, perhaps AIPR will also study about security, potential security landscape, political, geo-political in our region. In order to avoid possible conflicts as well. Here it seems that we have a full plate of work to do but anyway, at this period of time I’d like to hear the Bishop. How did you manage to make your religions, probably based on tolerant behavior to become more or less, I think, now a religion of peace, is that so? I heard no more conflict about Catholic and Protestant anymore. That conflict is now a thing of the past.

**Stålsett:** Thank you; we need another seminar on that one. Just briefly, from a European perspective, one has only to speak humbly about our history. Wars of religions have been part of our European history. Holocaust happened in Europe; from this history, I think that we have to see the emergence of the United Nations and the Universal Declaration of Human Rights. Contributing to that change in history were also the experiences in Europe and the commitment of religious leaders. The United Nations is not a religious body. The Universal declaration is not a religious document but it reflects experiences shared by people around the world and if I speak from the European perspective, a very painful experience of two world wars which started in Europe and where there were conflicts of culture, nationality, nationalism and religion, language and all those identity markers which are so contagious still today. If Europe today has overcome some of these seasons of the past, I think there are many stages – reformation which put the Catholics against the Protestants, and so on, you know all that history which then went through religious wars to a period of enlightenment, to a period of tolerance, to a period where the fundamental understanding of religion not as the conveyor of conflict but the contributor to peace should be the defining role. Today in Europe we see, as we saw when we had this terrible event in Norway - one person who killed 77 innocent people. He did it, he said, to save Europe or to save our country from Islam and to maintain Norway as a Christian country. This is what I refer to as the perversion of religion and we see that there is a conversion of political extremism, religious extremism, nationalism, also today in Europe. So we speak about a Europe today, we are not speaking about a perfect condition be that in terms of extremism and democracy or in any other term. So therefore it is said only with a sense of humility that we can participate in the international dialogue. I have a rather radical view; sometimes people are shocked to hear it. In a conversation with Kofi Annan, he said, there is nothing wrong with religions, it is the peoples of religion who

cause a conflict and I said I beg to disagree and he looked at me and he was rather shocked and then I said, no, there is no such thing, if you look at it historically as a pure religion, all religions are interpreted religions and therefore you see, in Islam, in Judaism, in Hinduism, in Buddhism and in Christianity you see the different interpretations and these interpretations are then expressed in sects, in divisions and so on and through history they are confronting each other. Unless we are ready to understand that and even to pose question ‘how religious is religion?’ and ‘how holy is the holy?’ If we are not able to raise that questions held critically we are not seeing neither the problems of religion or potentiality of religions and this is a sort of dialogue we need in Europe and I think we need it in Africa, Asia and in Latin America and if we, in my context in sort of the cross section between diplomacy and religion between politics; I’d been the leader of a political party in Norway before I went into church work so I have that background and I know what politics is about for better or worse but I can see the convergence today and I see it here and I think that we need to support each other in overcoming the perversion of religion and to use the values that religion promote for human dignity and democracy. I think this is what it is about.

**Secretary Deles:** Thank you very much. I just wanted to speak on the question that was raised with regard to CSO involvement, civil society involvement because as had already been mentioned: the Philippine-Mindanao peace process has , in fact , been a very open process and that the international contact group that was set up was perhaps unprecedented in having both state parties and international NGOs which was not always smooth sailing but in the end I think we welcomed that there were , in fact , state parties and NGO’s because they had their strengths. There were instances when it was best for state friends of the process to carry messages to both sides and there were times when NGO institutions being NGO’s, being freer to undertake some things, being bolder,

being perhaps in some cases more creative about how these things could be resolved. So we were certainly happy that we were able to avail of the strengths of both state parties and NGOs but I think, very importantly, whether you're dealing with one or two, or more friends of the process, in the process itself, it is important to make sure that it is nationally owned. It is a process that is led and we had to, at that time that this government took over, it was a very important message we had to set down because in the previous administration, friends of the process were pretty much left to do what they wanted to do and the first message we put on board is that the Philippine government and the MILF – we are in the driver's seat here and we welcome the friends, we welcome the support but it will have to be led by us. It will have to be supportive of what the two parties want to be able to do together and how they want to resolve it and we are very thankful that in the end, that is how it worked. Both state parties and NGOs were always making sure and checking back with the two parties whether their help in facilitation or shuttling between the two parties was indeed wanted whether it was helpful or not but a second aspect I think that's important had been already mentioned by Michael, is the need for accountability and we do have that; that is a problem that exists with regards to CSOs and State parties – you know where the accountability is. Between state parties we have our bilateral protocols. You don't always have that with NGOs especially when they are funded from different sources and the question is: when an NGO takes up certain action and in the end it might not be so positive, who do you raise this to? Of course you can raise it to the NGO but in the end you also had need to raise it to the donors because the donors enable the parties to act almost without needing to ask anybody for anything because they have enough resources to do with. So the ownership of the process on our part means that we need to be able to raise those questions directly to the ones that sit at that table, to whom we give the privilege of seating at that table. As well as those who may be behind

them, providing resources, but third and lastly, and I think most important: international NGOs, of course are very helpful. They have more experience than others, they have plenty of experiences because they in fact can cross over to many geographic areas, and many issues but always our message was: In the end, we need to build a capacity of our local civil society organizations. In the end, local capacity building is most important and that in this competitiveness or in the rush to be helpful the local NGOs of course have much less resources, have much less personality, have much less projection. We need to make sure they are not the ones that are in fact put out of the table because in the end – and that’s the message – in the end, it is our peace. In the end, the consequences the cost of war and the cost of peace making and whatever its mistakes, are going to be suffered by our people and in the end, as the international parties move to other more interesting areas we are the one that are left here. Our message as well to both states and CSO partners: Don’t forget the locals who were there to begin with who were there that started this all and that whatever new capacities are brought in, whatever new learning are brought in, each one who is privileged to have been part of it, I think, has the obligation to make sure this is passed on to the local because in the end, we are the ones who need to make sure that whatever agreement we come up with does indeed become sustainable. I just wanted to put that in.

**AMS:** Thank you, Mister Chair. I’d like to really thank our distinguished panel of speakers for being able to put across a very honest assessment of the opportunities and challenges of peace making and reconciliation processes in the region because this will go to my question. But first, when I was told by my government that I will also, aside from wearing four other hats, that I will also be the representative of my country to the AIPR Governing Council. I accepted reluctantly because I thought that it was just too much work. This was just another job for me. But since we started to form this group and now

listening to all of you, I am getting convinced by the hour how sensitive, how important this job is and how much this group, the AIPR, could finally contribute to a culture of peace in the region and for is, I would like to give credit to our chairman, Ambassador Min Lwin from Myanmar- Because we have done a lot of initiatives even before we have even set up (we are not fully set up yet. We do not have a secretariat. We do not have an Executive Director. Thanks to Indonesia for telling us that they will soon provide us with a space for our HQ in Jakarta. But we have not even set up yet formally and yet here we are doing our first activity. I agree with you- many people say that ASEAN is very slow to move but here is an organization newly born and is in a hurry to grow up. In fact this morning, we were already saying that we will do this, we will do that initiative. We have so many plans. But come now to my question or maybe comment about the role of AIPR. All three of the distinguished speakers alluded to the need to narrow a deficit, a trust deficit. On the one hand, government people view CSOs as opportunistic groups whose job is to demolish government efforts; that's one extreme. On the other extreme, there are CSOs who view governments as, bureaucrats, legalistic, greedy, etc. I am contemplating on my role as a member of the AIPR Governing Council, entrusted with this responsibility. We are looking to an ASEAN community beyond 2015 and by the way, in our other capacity as Committee of Permanent Representatives, we are being asked to brainstorm what the ASEAN community will look like especially here in the political security pillar and here is how I look at the AIPR in the future, in the coming years. I'd like to see the AIPR be able to bridge this trust deficit between CSOs and government. I'd like us to be able to recommend policies to our heads of governments and therefore, as mentioned in our terms of reference, contribute to the development of a culture of peace and so therefore, Ambassador Tobing mentioned this, How to marry non-interference in the internal affairs of governments with inclusive participatory decision-making. Bishop, you also mentioned that. In fact, the key phrase here

is – inclusive and participatory peace process. Secretary Deles also mentioned peacemaking as a middle ground to narrow this trust deficit between or among the stakeholders in the peace processes. We may not be able to participate directly in peacemaking but we need forums like this to know the heart of peace making and I'm so happy that Bishop mentioned that one of the requirements of being a good peace maker is having compassion. I fully agree with you that people will refuse to be converted to so called better religions but nobody will refuse to be loved. We can use ourselves as a conveyor, a mechanism, to transfer God's love to other people. Thank you very much.

**Vatikiotis:** That's very well said. I think the danger, of course, is if we try to imagine the development of institutions whose objectives are to try and fix problems that have been brought about by the lack of those institutions then we might actually lose sight of the goal which is to build a proper institutional capacity for this region to be able to resolve its own problem. So I think actually the larger challenge, is the one that's been addressed by many of the commentators today which is, and I think more specifically by Ambassador Tobing, to take ASEAN to another level which is not just think in terms of the people to people community issues but the very real collective problems that the region faces. That the region has not been able to address collectively and ,so while I agree, I think it's particularly important what Secretary Deles said about accountability, that it's important now in this proliferation of states and nongovernmental organizations and governments within the region to want to be able to help each other. There needs to be, as I said earlier, 'a one stop shop', a place, a forum where people can come and talk transparently and openly about their experiences and part of the accountability process is transparency and also making sure that people are known to one another, and what they're doing, and they're not hiding and they're not - to use the word again, competing with one another in order to make things more complicated than

they need be. I think it's on two levels, the AIPR can play that role and help build a bridge between CSOs and states and help to blur the lines between, if you like, the track 1, track 2. I think that's kind of happening anyway in individual processes. I see it very much in Myanmar. I've seen it here where there are sort of complex peace processes under way. The traditional definitions are crumbling because of course the world now has to operate in a much more interactive way but I also echo Ambassador Tobing's remarks, that your role and function on the governing council and also for the members of the advisory board will be to help push that boundary that ASEAN is finding very, very difficult to do on a member state basis. I think it goes back to the role and function of the ASEAN PRs and that group of people you have in Jakarta – Are you there to help the Secretariat and to make the organization a regional organization more progressively interactive on complex and sensitive issues or are you there to block that from happening? I think that's the fundamental question.

**Stålsett:** Thank you, first to echo it, with great joy and affirmation what Secretary Deles was saying about the double side of the non-governmental civil society involvement. I have seen situations where NGOs have almost come like or being parachuted into a situation. They have come with prestige and money and the local existing organizations have said, 'yes, we need you' and then after a year or two this new comers have disappeared because there is no more to gain in that situation and the local NGOs were totally exploited and almost crushed in that. So I think that your point is very important in positive affirmation of solidarity between non state actors and state actors, nongovernmental and governmental actors but with a clear understanding of who is the owner. The short formula for me is that those who own the problem must also own the solution. You can propose as many good ideas as you want, you can see them develop for one or two years but if they are not owned locally, the day you have moved on, they will be

forgotten and that's it. That's the first point I want to make, just in saying how important this is to observe and to be almost very firm as you move to the future. The second is the thematic which I was alluding to and which has been developed further into the discussion also in the presentation from the panel. Maybe this forum is the one which can openly pursue the idea of how far does non interference go in today's world in respect to the fundamental principles of integrity and national sovereignty and at the same time affirming values which are so clearly expressed in the ASEAN Charter and the institution which have been developed since. Some of them wouldn't make a sense if you were not able to speak as a family and if you speak as a family you must be able to speak about the difficult things and this is not sort of a spirit of animosity or of judgment but simply lifting up that which is, if one member suffers, we all suffer. I can see it is very difficult to discuss on the highest levels but maybe a group like this could do it with mutual openness and respect and say, 'yes! There is a case for that principle and yes, there situations where that principle cannot be regarded as holy because then we cannot move on.' The body language of ASEAN, the body language of this organization is simply to say that we have to transcend a national understanding in the way that others not allow for those within the association to share the burden and the progress. In the member countries and one must try to tolerate a discussion which also lifts up that which is seen as a problem in terms of international standards.

**AMS:** Thank you Luis, I know time is short. I just wanted to share with you, I think this is going to be my observation rather than comments or questions because much have been said about what I wanted to ask regarding religion for peace as discussed by Dr. Gunnar because I see that it may be part of a solution but in so far as AIPR, I think we have to be very, very certain on how we should move because I don't see at any moment AIPR is in a position to really work to that extent to making this association with religions for peace as part of the

effort in peace making and peace building. Not at the moment at least but I fully support your thesis that this is one of the things that we have to pursue and as you may be aware, Dr. Gunnar, that in Malaysia our Prime Minister has launched the global movement on moderates which is going to be relevant in these efforts to be undertaken, hopefully, by AIPR in the future. Move forward from rhetoric using religion as peacemaking and peace building tools. One that can be implemented in all practical ways so as to enable us to attain the vision, the goal of maintaining peace and stability in the region because you talked about just now, extremism has been one of the many problems in achieving peace and stability because of different interests. Even you mentioned the politicians and other things. So I think if I can seek your cooperation maybe you can look into how this GMN can work with your organizations in furthering the cause of AIPR in this respect. My second point is I think I want to thank all the speakers, distinguished speakers who shared their thoughts because I think today, as members of the Governing Council and admittedly I'm no expert in this peace building and peace reconciliation. Hopefully I'll be one soon. I think what I can take away from the discussion today especially from all of you is that we now have to find means and ways how to create an environment that enables all stakeholders from the governments, NGOs, and CSOs to work together in confidence so as to the advance the cause of peace and stability. I think this is a very tall order for AIPR and surely we can do it on our own. In as much as I agree, I agree with my colleagues on the issue of proliferations and the involvement of CSOs but I think now the world is such that we have to be part of that. Let us find the best way forward and of course I think Dr. Michael, you have mentioned about the possibility of what is bridging between track 1, track 2 .m I think that's also very important but AIPR is still in our infancy we need to move in tandem with interests of all stake holders in regard to maintaining peace and stability as well as reconciliation efforts. That is just my brief observation. Thank you once again. It was very educational for me being a non-expert in this field.



*(From top left, clockwise) Philippine Foreign Affairs Undersecretary Hon. Evan P. Garcia, AIPR Chairman and Permanent Representative of the Union of Myanmar to ASEAN H.E. Min Lwin, and Presidential Adviser on the Peace Process Hon. Teresita Quintos-Deles deliver their respective messages during the opening ceremonies of the AIPR Symposium.*



*In a show of solidarity, members of the AIPR Governing Council and Advisory Board hold hands in the ASEAN Way at the start of the symposium.*



*(Top Photo) Philippine Permanent Representative to ASEAN and AIPR Governing Council Member H.E. Elizabeth P. Buensuceso welcomes the delegates prior to introducing the keynote speaker. (Bottom Photo) Members of the DFA Chorale sing during the opening ceremonies.*



*(Top Photo) Participants listen to the opening messages. (Bottom Photo from left to right) Hon. Teresita Quintos-Deles, H.E. Elizabeth P. Buensuceso, Hon. Evan P. Garcia, Dr. Gunnar Stålsett, Prof. Sukehiro Hasegawa and Dr. Michael Vatikiotis pose for a candid shot before the start of the symposium.*



*Members of the AIPR Governing Council and Advisory Board listen intently to the presentations given by invited speakers during the symposium.*



*Members of the AIPR Governing Council moderate the discussions during the open forum after the presentations made by the speakers.*



*(Top Photos) “Let there be Peace on Earth.” Members of the AIPR Governing Council and Advisory Board join the symposium speakers in lighting a candle for peace and reconciliation during the welcoming dinner hosted by Foreign Affairs Undersecretary Hon. Evan P. Garcia. (Right Page Photos) Governing Council and Advisory Board members take a break from their hard work to showcase their musical and dancing talents during the dinner.*





*(Top Photo) Hon. Tengku Dato' Abdul Ghaffar gets interviewed by the members of the media. (Bottom Photo) H.E. Elizabeth Buensuceso presented the speakers with tokens of appreciation for participating in the symposium.*



The Members of the Governing Council and Advisory Board of the ASEAN Institute for Peace and Reconciliation (AIPR)



## SESSION II:

The Government of the Republic  
of the Philippines (GRP) –  
Moro Islamic Liberation Front  
(MILF) Peace Process Agreement:  
Roadmap for a United,  
Progressive and Peaceful  
Mindanao

## **Presentation of Prof. Miriam Coronel-Ferrer**

Panel Chair, GPH Panel for Peace Negotiations with the MILF

Your Excellencies, Secretary Teresita Quintos-Deles, the members of AIPR Governing Council and Board of Advisors , and guests, *magandang hapon po sa inyong lahat.*

I am joined here today with other members of our negotiating panel; behind me are former Secretary of Agriculture Senen Bacani and Undersecretary Yasmin Busran-Lao who is also the Presidential Assistant for Muslim concerns. The panel has not been disbanded as some might think, in the same way that all that we have agreed upon, especially the creation of the Bangsamoro is not automatically produced just by the act of signing. As agreed in our process, the panels will remain in order to see through the implementation of the agreement until such time that we are able to sign what we have called the exit agreement, hopefully by 2016.

On March 27 we signed the Comprehensive Agreement on the Bangsamoro which reiterates the principles of the negotiations, namely: recognition of the justness and legitimacy of the cause of the Bangsamoro people; their aspirations for meaningful autonomy through a democratic process; the aim of finding a solution to the Bangsamoro question with honor justice and dignity; and the aim to end the fighting between the Government and the Moro Islamic Liberation Front in order to promote peace and stability not only in that part of Mindanao, but in the whole of Mindanao and certainly the whole country and also the Southeast Asian region and the rest of the world. It also recognizes the responsibilities of the parties to protect and enhance the rights of the Bangsamoro people and all other inhabitants, correct historical injustice and equitably diffuse wealth and political power.

So the CAB actually puts together all the signed documents that were produced over 17 years of negotiations beginning in 1997.

In 1997 a very important document - the first such document to be signed by the two parties - was the document with regards to the ceasefire or the agreement on the cessation of hostilities between the two parties. The ceasefire has been a very important context to provide a favorable environment for the two parties to progress from talking about conduct of war or the modalities for the observance of the ceasefire, onwards to achieving the political solution as you would find now in the main documents that comprise the CAB as follows.

First of all is the Framework Agreement on the Bangsamoro which was signed in October 2012. As the framework document it provides the general shape and direction of the negotiations and reiterates the principles that I have just now enumerated or provided in the beginning of this presentation.

But after the Framework Agreement on the Bangsamoro, we produced the four documents that we have said we will produce as part of the totality of the Comprehensive Agreement and these are the following.

Let me just course you very briefly to the four Annexes because these annexes provide you with the detail and the breadth and depth of the arrangements that we have agreed on and the political solution that the elements of the political process as well as of the aim of achieving a meaningful autonomous governance in that part of Mindanao.

The first annex signed in February 2103 is called the Annex on Transitional Arrangements and Modalities which provide the roadmap. The roadmap leads to the Bangsamoro Political Entity, which is the new autonomous region that would replace the current Autonomous Region in Muslim Mindanao (ARMM).

So the process essentially entails passing a new legislation beginning with the work done by the Bangsamoro Transition Commission (BTC) which was created and instituted by an Executive Order 120. The BTC includes members of the Moro Islamic Liberation Front (MILF). It is in fact headed by my counterpart in the negotiating panel, MILF Chief Peace Negotiator Mohagher Iqbal, who concurrently served as the head of the transition commission that was tasked to draft the basic law. Other sectors have been represented through the nominees provided for by Government as well as by the MILF.

Upon drafting the Bangsamoro basic law, it shall then be submitted to the Office of the President who would ensure that everything will be in order in terms of being true to the spirit of the agreement as well as being true to the parameters of the Philippine Constitution. It shall then be submitted to the Philippine Congress certified as an urgent bill by the President and Congress moves on with its legislative process.

We hope that the new law would be passed by the end of this year after which a plebiscite shall be held in the areas that are targeted to comprise the new Bangsamoro political entity or the new autonomous government. When the plebiscite is done and the ratification process is completed, the existing autonomous region in Mindanao would be abolished and the new Bangsamoro government will be in place in the form of a transition authority. This transition authority shall see through the transformation from the previous ARMM to the Bangsamoro until elections are held, together with the national elections that are scheduled in 2016 .

This is the roadmap that will put in place the new autonomous government that has been called the Bangsamoro. The Second and Third Annexes pertain to the features that will define the Bangsamoro autonomous government . The Second Annex

which was signed in July 2012, is titled Revenue Generation and Wealth Sharing. This Annex provides for the sources of revenue for this autonomous government including taxes that have been devolved to the region, shares in all different kinds of government income, especially income accrued from the utilization of natural resources, and all other mechanisms that would enable them to generate sufficient revenues and progressively decrease their dependence on the national government for resources. The whole idea is to provide for a very good foundation for this new autonomous government to exercise fiscal autonomy, meaning less dependence on national government support and more capability to be able to raise the revenues needed for the operations and development of the region.

The Third Annex which is the Annex on Power Sharing provides for the structure of government in the Bangsamoro. It will have a very unique structure as it adopts a ministerial form of government, while the rest of the country is largely founded along the lines of a presidential system. The whole idea is that this kind of structure will enable broader representation from different segments of Bangsamoro society. Because the Bangsamoro is not a monolithic group of people, but is actually made up of different ethno-linguistic groups, the majority of whom are Muslims. Also among them are other indigenous peoples that do not identify as Muslim or Moro. There also other people, migrant communities coming from other parts of the country that also find their place in and now reside in the Bangsamoro. So it is the intention that the structure of government will provide for that kind of representation of the different segments that make up that society .

Other than structure of government there has certainly been a long discussion regarding the overall powers that would be devolved to the Bangsamoro, from the whole gamut of governance to the utilization of natural resources and raising of

revenues, urban development and so on. But essentially these items are also the same items provided for in the Philippine Constitution, which had set the parameters for the exercise of autonomous governance in Mindanao.

Finally, Annex on Normalization which was signed in January this year, provides all the other elements that would bring about the kind of sustainable peace and development that we hope to achieve in the region. In the Annex on Normalization, all the different dimensions, from the socio-economic to transitional justice and reconciliation and all the different aspects relating to security, including the very important matter of the decommissioning of weapons and combatants of the MILF are put together in this annex. Most of these are programmatic, meaning they do not need to be legislated but would essentially be undertakings of the Central Government with the Bangsamoro and the MILF towards putting down the foundation for sustainable peace and development in the region.

These are in brief, the major documents that comprise the Comprehensive Agreement on the Bangsamoro. The sealing of the comprehensive agreement is important not only for the Bangsamoro, but the people of Mindanao and all the Filipino citizens have all to gain as one country in pursuing the unfinished task of nation-building. It is also a global contribution to the pursuit of peace in our immediate neighborhood especially the Southeast Asian region. and in the rest of the world.

The last momentous agreement of this kind was the Memorandum of Agreement sealed in Aceh between the Republic of Indonesia and the Free Aceh Movement (GAM) of 2005. Many other countries however, continue to face similar troubles. Our experiences, our mechanisms, our approaches, can be a rich source of inspiration for those countries challenged by their respective domestic conflicts.

On another note our document will also be unique in that it will be the first such agreement to be signed by a woman as the chief negotiator. In fact there are two other women that are signatories to these documents coming from our panel. You have already met Undersecretary Yasmin, and there is another woman who has been very much involved in the Annex on Normalization.

The point however is not simply that you can have women participate in Track 1 negotiations, but that this agreement is more specially a partnership in many ways between the Bangsamoro and the Philippine Government, between and among the different peoples of different faiths and ethnicities, and also between men and women.

The signing of the CAB is but a short stop to the bigger task of implementing everything that has been agreed upon and moving forward in this journey to build peace attain development and exercise meaningful autonomy for the Bangsamoro and the other parts of Mindanao that will fall under the autonomous government.

With that I will stop here and welcome your comments and suggestions in the open forum.

## **Presentation by Tengku Dato' Abdul Ghaffar**

Facilitator, GPH - MILF Process

To answer the hypothesis of a Roadmap for a United, Progressive and Peaceful Mindanao, one has to understand and appreciate what the Comprehensive Agreement on Bangsamoro (CAB) is and its implications to the decades old conflicts Muslim Mindanao.

A peace process resembles a never-ending love story. Within it are milestones to achieve rather than a finite end. Its aim is to strengthen the democratic fibre of a nation and to remove violence from politics and social life in the affected areas. Enhancing the building of economic and public institutions and planning and crafting of the long term blueprints for economic and social- political developments programmes are other essential ingredients.

The CAB signed on the 27th March 2014 is the product of 17 years of politically negotiated agreements between the government of Philippines (GPH) and Moro Islamic Liberation Front (MILF). It is not a quick fix conflict resolution but a cumulation of 12 agreements within the span of 17 years of negotiations. The MILF described the past 17 years as confidence-building blocks that help them to boost up their confidence and trust in the government and allowing them to continue their political negotiations instead of armed struggle. As the MILF Chief Peace Negotiator, Iqbal put it: "... to pay for peace, real peace in Mindanao , we (MILF) have to decommission our arms and put them beyond use...".

Creating this trust is the very heart of any peace-building process where decades of conflicts have taken a heavy toll on human life and property. The five decades of armed conflicts in Mindanao had cost more than a hundred thousand lives and displaced millions of people, especially women and children, while the cost of conflict on the Government of Philippines

has amounted to billions and years of impact on its national gross product (GDP). The partnership in search of peace between the GPH and MILF is seen as a concrete step towards achieving this elusive peace and stability in Muslim Mindanao.

I believe the CAB will stand up well in international scrutiny and comparison to other peace process agreements. In the same way that the parties in the Mindanao peace process have drawn on previous peace agreements as reference point and for inspiration, I hope that this agreement will become a resource for others as they look to resolve domestic conflict elsewhere. But is not perfect - no political agreement ever can be. It is the product of negotiation, disagreement, compromise, passion, and fear. It was not drafted by a collection of experts on each side of its constituent parts, but by two parties trying to achieve their objectives within the context of each other constraints.

The CAB was crafted within the framework and parameter of the Philippine Constitution. It is a political agreement between Executive Branch of the GPH and the MILF and will undergo a legislative ratification by the Philippine Houses of Congress and Senate and a referendum for its acceptance by the people in effected geographical areas. It is a credit to the progressive nature of the agreement that responsibility for drafting that legislation - the basic law - has been given to the Bangsamoro Commission (BTC).

The Government has taken cognizance of the plights, grievances and the aspirations of the Muslims in the areas of conflict and acknowledged the past ' failed experience' of the current Autonomous Region of Muslim Mindanao (ARMM) in finding resolutions to the Moro questions. This visionary approach is not only able to handle the Moro questions but can also strengthen and preserve the sovereignty and integrity the Philippine nation.

For the MILF, the CAB is not a surrender or reintegration

but a reconciliation with the rest of the nation and through a normalization process; a prerequisite to a peaceful Muslim Mindanao. normalization process must be done in an orderly fashion and must be accompanied by peace dividends. The CAB allows for that. One of the major peace dividends to the Government is the willingness on the part of MILF to lay down their arms, participate in the political mainstream and be part of the democratization of Philippine nation building. To them, once the agreements are signed, there is no turning back: it is point of no return. To this end, the Government has agreed to troop redeployment from and within the conflicted areas and the creation of a new demilitarized Mindanao that is free from the proliferation of firearms. The elimination of 'gun culture' is within the provisions of the CAB. Disarming and the abolishing of private armed groups will further reduce the root cause of conflicts. The gun culture in Mindanao or any part of the world is often the key factor in low-level conflicts.

also claims that the foundation of the CAB is its inclusivity, pluralism and equity; the agreement has been subject to a process of consultations, and the GPH and the MILF has engaged stakeholders at both the national, regional and grass root levels . Although the agreement is signed between GPH and MILF, it is not just for MILF but for all in the affected areas. Ownership of the CAB by the various segments of the population in the conflicted areas will, therefore, ultimately assure the success of this agreement .This is very essential in context of the Muslim Mindanao or what we now know as the Bangsamoro. It is vital to enhancement of confidence-building among various stakeholders and peoples of the Bangsamoro.

The CAB recognized importance of opening up of various economic opportunities, fair allocation and distribution of public resources and wealth, and theof the justice system. This sharing of political and wealth gains are of paramount importance to the success of Bangsamoro entity. This sharing

will create a stable and just society, bring about social order and reduce the possibilities for low-level conflicts among various ethnic and tribal communities that inhabit Muslim Mindanao.

The concept of Bangsamoro as stipulated in the CAB should be seen as a tool for unity in bringing together and bridging the gap of the divided peoples of Muslim Mindanao. In some cases, the people in Mindanao are deeply divided along ethnic and tribal lines. This gap must be narrowed down as people of the area need to be united if Muslim Mindanao wants to be a progressive and truly stable autonomous entity.

Normalcy in the Bangsamoro will depend on several factors. Chairman Murad of the MILF described the Agreement as the “ grandest articulation of the MILF’s aspirations.” Those articulated aspirations must now be made a reality. The CAB marks the end of the beginning of the process rather than the beginning of the end. The next stage will take time, resources, and continued engagements of parties through the various inter- government relations created by the CAB. A general acceptance by various stakeholders from within and without the Bangsamoro political/geographical entity to the CAB is a must. Securing genuine support from among non-MILF stakeholders in some cases will prove to be a challenge. It needs hard work and sacrifice from the parties involved. The development of a democratic political system of governance that is acceptable to all stakeholders, participated in by all sectors, including women, traditional community entities, mainstream politicians, and civil society organisations is absolutely vital. A process for economic reintegration with the rest of the nation, social cohesion and reconciliation for the betterment of future must be factored in.

Thus, the CAB can be seen as a new setting for a strong foundation towards creating a peaceful and progressive Bangsamoro.

## **SESSION II OPEN FORUM**

Moderator: **Undersecretary Luisito Montalbo**

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**AMS:** First of all I would like to congratulate the Philippines for this very historic achievement. I am interested to know how were you able to reconcile the agreements of the Philippine Government between the MNLF and the MILF, which govern the same autonomy for the same region in the southern Philippines and also for the same people -- the Bangsamoro. Thank you.

**AMS:** Thank you very much. First of all I would like to join my colleagues in thanking the Philippine Government for organizing and hosting this symposium, in particular my good friend and colleague Ambassador Elizabeth Buensuceso. Thank you for the initiative. Congratulations too for the Bangsamoro comprehensive agreement. Having heard the two presentations, and as a follow up to the first question, I wonder if the panelists could distill for us some of the key lessons that we can learn from this long process that stretched over 17 years and which has eventually led to the successful signing of the agreement. Are there lessons we can learn from this process that could be applied to similar situations in Southeast Asia? One situation that easily comes to mind, although they are not the same, would be the situation in southern Thailand. We would love to hear your thoughts on that. Thank you.

**Liow:** Thank you, it's also a follow-up but let me also join my colleagues in congratulating the Philippines and Malaysia for the work towards the CAB. I was intrigued by the point that was made, including by (chief negotiator) Mohagher Iqbal of MILF, that this was the combination of 17 years of effort. Of course, in hindsight, we didn't know that it was going to lead

to this 17 years ago. So my question is, what made this work, where all the others in the last 17 years failed? I think we are very interested to find out what was the X factor or the factors that made this work this time.

**Montalbo:** Let's give our panel a chance to answer the questions before they get overwhelmed with more. So far we have three questions: (1) how to reconcile the MNLF and the MILF peace agreement; (2) what are the key lessons learned from the long process and how these can be applied to other situations in the region, particularly in southern Thailand; and (3) what made this work?

**Tengku:** Thank you, Excellencies, these are very good questions. First, how do you reconcile the MNLF and MILF peace agreements? Let me put it this way. The signing of the MNLF peace agreement was reintegration of the MNLF to the main body - to the Philippine politics. It was signed during the time of President Ferdinand Marcos and during the time of Libyan President Muammar Gaddafi. The ARMM was created as an autonomous region and I think everybody knows that it was a failed experience because of reintegration. In the case of the MNLF, the Muslims were reintegrated into the mainstream power system of the Republic while in the case of the MILF, the concept was not reintegration but reconciling their differences, not with the Government but with their past history. It is the history that MILF argued about -- the history of Spanish occupation, the history of the American annexation, the history of Martial Law and the history of countering communism and the history of counter-insurgencies. So these are the histories that MILF wanted to change. The current (Philippine) government, the current administration, provides that the President acknowledged that the ARMM was a failed experiment. The ARMM was not a perfect solution to resolve the problem of being able to realize the Muslim aspiration. Since the conflict started way back in the 1960s, I think the

basic problem of the Muslims, then and now, is their aspiration and they are demanding their ancestral domains. Thus, the current administration under President Aquino, had admitted that, yes for the first time, the Philippines as a nation, admits that the Muslims have problems and grievances in the south. [The administration acknowledged that] yes, the Muslims are not given a chance to attain their needs, both political and economic. [The difference between] the two agreements is that the MNLF agreement was more exclusive for the MNLF but the MILF agreement, (the CAB), is inclusive of every citizen that inhabits Muslim Mindanao today. Of course there was an agreement in 1976 and 1996 and [they had to reconcile these with the] current agreement. I'm sure (that) there are ways and means to reconcile [these agreements] because the important thing is that the CAB is the answer to the aspirations of the Bangsamoro. The Bangsamoro have to sit down among themselves to reconcile these differences. As for lessons learned, [these include] trust between the state and the other party,. We have learned this because most of the problems in Southeast Asia or ASEAN States are trust problems between the majority and minority, between ethnicity and religion. Trust is very important. It took 17 years for MILF to come out of the war zone and bring about what is today the CAB because they had to trust the (Philippine) government. Another lesson is learning about the concept of intervention and interference. I think that this is the second time for an ASEAN country in its peace process [to involve members of the] international community. For the MILF, yes we have so many layers of involvement from the international community (because) I think interference is not the question in issues of conflict resolution. The question is how are we going to resolve the problem of conflicts, which if not resolved, can bring about bigger conflicts in the area, especially among the Muslim minorities. We don't want to have another Syria in Mindanao, we don't want another Syria in southern Thailand and we don't want another IRA in (Myanmar). We have to resolve these

conflicts and ASEAN states have to move on because we are a little bit behind Europe and America (in resolving conflicts). Another clear lesson that we learned is [about having] peace-building infrastructure. I think one of the classic examples of these is the MILF-GPH peace process. The peace building infrastructure involved a ceasefire mechanism involving the international monitoring team to be there, playing the role as a referee in the ceasefire and [responsible for the] introduction of the International Contact Group (ICG). [It also involved] inviting a third party country to get involved in the peace process, that is Malaysia. The introduction of the ICG is playing a vital role in this peace process. I think the question that I need [to address] is what happened between those 17 years for MILF when initially they refused to negotiate because they said, “we don’t trust the (Philippine) government.” If you don’t trust the government ,you must try to trust the government because [trust] is a block building each agreement, a block contributing to confidence-building. One [block] builds upon another [block]. First is a cessation of hostilities [between the parties]. Then another block of agreement is a ceasefire agreement, [involving] one economic component of the agreement, then the 10-point consensus points, then the framework agreement of October 12, and then all the annexes. Even the annexes had to pass through a confidence-building level. It’s not an easy task because two parties have to negotiate, really negotiate - politically, morally and sacredly negotiate - until the signing of the Comprehensive Agreement on Bangsamoro. The process was a process of confidence building especially for the minorities. [This was true] especially for the insurgent group since they never trusted the government. It took a long time for them to trust [the government]. I think for this administration, trust is present because the President plays an important role. He was a key player in this peace process as he was willing to come down and meet the chairman of the rebel group in Tokyo in a secret meeting. I think that was the key. Without him going

there, I don't think the process would have moved. Thank you sir.

**Ferrer:** I can only agree with the points that have been discussed by our good facilitator Tengku Ghafar but let me try to respond by framing the answer to both sets of questions according to the principles that have governed our negotiations. These are actually provided in a memorandum - instruction that was issued by the President addressed to the negotiating panel. The (Philippine) government negotiating panel's number one guidepost was for the process to be inclusive and transparent, which means that along the way we had to bring in all the different stakeholders into the process, not necessarily of course on the negotiating table. Certainly it was not the case that the MNLF was willing to share the same table with the MILF. That's certainly part of the problem but it is a given. In any case, the whole process was informed by that kind of a necessity that all the different groups, the stakeholders should be involved. They should be duly informed all along the way as to the process of the negotiations. I think one very important concern that disrupted the whole process during the previous administration was this lack of inclusivity and transparency. According to the Supreme Court decision that rejected the document that was to be signed in 2008, it did not involve the people, it did not provide for that kind of consultation that were actually part of the constitutional requirements that we undertake. [These are] consultations to involve everybody and also [provide for] the kind of inclusivity that should be both in terms of the process and the outcome of the negotiations. The second guidepost was to learn from the lessons of the past, and that past included previous negotiations with the different armed groups not only with the MNLF. The first one was in 1976 under former President Ferdinand Marcos. Another was in 1996 for the signing of the final peace agreement with the MNLF and all the other armed groups. Our [OPAPP] Secretary (Deles) might not have told you that there are so many other

armed groups and these are in different stages of negotiations as well as implementation of signed agreements with them. The mechanisms that Tengku Ghafar had mentioned were important lessons that we had been bringing to this process. When the final peace agreement was signed with the MILF in 1996, it wasn't very clear as to who (will implement the agreement) and how the process and the implementation would be sustained. In this case, you will find that we have a whole host of mechanisms to provide for that kind of guarantee, that there will be bodies that will address problems as they come along the way and that there will be coordinating groups that will implement different parts of the agreement, including third parties that will be put up such as the independent decommissioning body or a mixed-type of bodies involving both local and international experts, such as the transitional justice and reconciliation commission that will be providing us with their recommendations on the kinds of programs to be instituted in order to heal the wound of the conflict. So there are many lessons from the witnesses of previous agreements that we have consciously addressed in the documents that we have signed both in terms of the substance and the institutional design of the Bangsamoro, which tries to address the weaknesses that we have found in the Autonomous Region in Muslim Mindanao. For instance, I've stated earlier the need to be more representative, be more accountable and to enjoy that kind of fiscal autonomy to lessen the dependence on national government. That's guidepost number two - learning from the lessons of the past. The third guidepost was the (Philippine) Constitution. [These guideposts are] not [prioritized] in this order but all are equally important. The Constitution [is essential] as the parameter within its flexibilities, meaning not a rigid reading of the Constitution but precisely to explore the spaces in the Constitution that would allow us to give life to the aspirations and address the concerns or the fears of our brothers and sisters who ascribe as Bangsamoro and therefore that kind of flexibility allowed us to come up with the

compromises that you would now find in the different compromises. Lastly, the (fourth) guidepost was, “do not promise what you cannot deliver and deliver what you promise,” because the whole trust issue rests on both parties being able to do their part of the deal. Of course they work together but to be able to do it, to really commit to realizing what both parties have agreed to, deliver to each other, for each other and for the rest of the country, so that is very important. [It] guided us when we said, “no we cannot give that.” It’s because we had this in mind - the constitutional framework and the learning from the lessons of the past. When we opened up and said, “yes that can be possible,” it is precisely [because] these are the spaces that we have found that could be giving life to the aspirations that would rest that kind of historical injustice. [These would] be able to empower a citizenry that felt alienated from the national government for the longest time. I thought that these four guideposts are really helpful in guiding us in our work and in the implementation stage, we will still be keeping these in mind. If I’ll be allowed to give some additional points, which are about the learning and clarifying more the situation with the MNLF for those who don’t know we signed a final peace agreement with the MNLF, from which the MILF had broken up from very early on in 1996. [This agreement] completed the 1976 Tripoli Agreement and was supposed to be a final peace agreement. When we reassumed office in 2010, we continued on this and we still had a table for the MNLF because there were still complaints about the implementation. So the table was not for new negotiations but it was an implementation review. [We thought], “let us look at how it was implemented and if there are problems let’s fix those because we are not entering new negotiations.” Those were the terms under which the OIC facilitated the implementation review process, which had started in 2007. So note that this is already a process that has been ongoing on for seven years. A review process for seven years certainly needs to come to some completion. In the mind of most of the Philippine public, the 1996 final peace

agreement had already been implemented. The implementation of the integration of the MNLF into the Armed Forces of the Philippines and the Philippine National Police have been completed. The OIC had agreed that Phase 1 was done, Phase 2 was political. The passage of an enhanced Autonomous Act, which was done in 2001 with a plebiscite and therefore the existing Autonomous Region of Muslim Mindanao government is based on that new law. (But) they said the law did not fully incorporate all of the provisions in the final peace agreement. This is why the government agreed in 2007, which was before our term, to an implementation review, that this review process had already come to an agreement to doing an amendment of the current Organic Act with 42 consensus points. We would have been ready to have this done very early in the term of this government except that it was the other side, primarily the founding chair of the MNLF, Nur Misuari, who then added new issues, which we cannot consider implementation review issues, (specifically) the demand for a provisional government. Note that a provisional government for the MNLF more than a decade after the agreement had been signed was never a part of the 1996 final peace agreement because in fact the MNLF had taken already leadership of the politically autonomous government for a good 10 years. The other one was on the plebiscite, (which) had been done. Of the 13 provinces (that participated in the plebiscite), only five said yes. This area had already undergone a plebiscite twice. [Despite that this had been done] the insistence was to do a new review. Having said that, this process of working on amendments to Republic Act 9054, the current Republic Act, did not push through because they said that, “no there are still unresolved issues which we could not agree on and there are unsolved issues under implementation.” At the same time, the (negotiation process with the) MILF, which had started in 1997, one year after the signing of the 1996 final peace agreement, had begun to move and through those negotiations we had agreed not just to amend the current act but in fact to create a new law. There is

an open possibility now to create an entirely new organic act named the Bangsamoro Basic Law in the mind of the government and most people who are able to see this. The 42 consensus points agreed upon with the MNLF certainly could be incorporated and much more because in the negotiations with the MILF, we looked at other stuff. The two panels were able to look at other stuff and look at provisions that had not even been thought about in 1996 because more than a decade later you understand what autonomy means. You understand more what may be missing, so in fact the government already went beyond the original demand of the MNLF and suggested that let's not just amend the law. You can have the chance to start and re-write this -- all Bangsamoro together. In fact if you will look in the documents in the Annex on power sharing, look at the last section there, it says how the two come together. It does not abrogate the 1996 final peace agreement. It says, "built on the gains already made through past agreements and through past laws," but in fact what we are saying is as good as that agreement may have been, if the implementation was lacking, now is the chance to do it all and do even more. In our mind, [there] is no problem about the reconciling process it builds on. You don't erase the gains, you build on them. You transfer as much as that has been agreed upon and you build on the new law as well and add all of those other things that more than a decade ago was not even in the imagination of Bangsamoro leaders. What are these? The ministerial forces of government was not on the table with the MNLF, the Bangsamoro waters was not on the table with the MNLF, the new provisions for fiscal autonomy was not in the imagination of the MNLF. There are new possibilities here that bring us forward instead of holding us back. So having said that, the MNLF was quiet for 10 years when they were in office, they were quiet for much of the implementation review process. It was only when the MILF negotiations looked like it was going to come to something, which meant that these new negotiations certainly would mean that MILF would now have a bigger say

as to what would happen, that is when [the MNLF] started to complain. This is part of the lesson, what were some of the things that we are trying to pay attention to now? One is the lack of a normalization framework and a normalization implementation plan. The most that the 1996 peace agreement said was so many numbers -- thousands--- were to be incorporated into the Armed Forces of the Philippines and into the Philippine National Police. It did not talk about the leaders who would not be integrated into the security forces, therefore what happens to them? There is an agenda on the general development of the area that it did not set and did not say how it was going to be done. It was just left blank. Therefore that will always be an area of contention. The government says we put so much money in the autonomous region and MNLF says none. The reality is that there was [but] did it go to the right places? Who's to blame if it didn't go to the right places? That sort of a framework in terms of normalizing [is crucial], not just looking at the political settlement but what happens on the ground. That was not in the framework of 1996 and it needs to be there because the reality is the guns of those who do not enter the security forces remain guns in their possession and something that they are able to come out with again when there is grievance. I think that a very important [factor] here are the things we really need to watch for and the challenge of moving forward together with the building of democratic institutions. The MILF should ask the MNLF: what have been done on the concept of political empowerment in the comprehensive agreement (in 1996)? There will be elections and the MILF right now is thinking about setting up a political party because they will have to put themselves in the electoral process by 2016. This was never taken, this was not a framework. It was not part of the framing of the MNLF struggle. What you see now is a frame that looks at perpetual entitlement on the basis of an agreement. (But) we say that you cannot have perpetual political entitlement from a political settlement. Political entitlement will need to be won, therefore the concept

of a peaceful process as a negotiated political settlement needs to look at how that party, an armed group trained in those ways, trained in the ways of war, get to become relevant and (supports) constructive engagement in the political process by empowering themselves. Like everybody else, they will have to go there. I think these are the things that were missing at that time, the realization that when you do a political settlement, you'll need to look at what is happening on the ground, how that situation is normalized, how lives in that community are affected by conflict, and are transformed so that people will enjoy a life without reliance on guns. Secondly, how that leadership of an armed struggle become politically empowered to learn how to struggle for others? The aspirations are not completed but there is that transformation that it will now need to be a political process for that group to lead them into embodying and claiming those other aspirations.

**AMS:** Thank you. I would like to join my colleagues in thanking the speakers for sharing their experiences on this peace process. I would like also to congratulate the Philippines and those who are involved in the negotiations. (We) also have a long history of experience fighting against armed groups and against our minor nationalities. Now we can see the light at the end of the tunnel as a result of negotiations for nationwide peace agreements. All the groups, including indigenous people, are negotiating with our government negotiators, including from the military side. But you may notice that in the western border of our State, there is also another conflict, which started as a criminal case then it became a sectoral violence. This nearly ended as a religious [conflict] between the majority Buddhists and minority Muslims. To manage this kind of conflict, our Border Affairs Deputy Minister visited Indonesia to learn about the success of the Indonesian experience (on this matter). However, I learned from our Deputy Minister that the Indonesian case is different because people came from the same country with the same culture and background but

with different religion. So this kind of (conflict in our western border) is difficult to resolve because the people [involved] are from a different country with different culture and different religion. (Therefore), we cannot consider or we cannot try to wear the same shoes. So I'm sure that when I ask the origin of the Moro, [I would get the answer that they are] indigenous people from the Philippines, making it easier [for the parties] to resolve their differences. As I mentioned earlier, (it is easier for our government) to negotiate with or bring to the negotiating table the 18 plus armed groups although (the conflict) is more than 60 years old. I had just shared with you our experience (on peace process.) (I hope) the experts around the table could give any guidance or suggestions on this important issue. Thank you.

**AMS:** Thank you very much Mr. Chairman. What I would be asking is really to try to get some insight into your negotiations. First you mentioned that there have been negotiations going on for 17 years. My question is, how did the Philippine government come up with the baseline for negotiations? You know when you negotiate you must have a baseline to tell how far can it go. And also with these negotiations, you have to know the people who negotiate with you, you have to know their baseline (for negotiations). What is the baseline of the MILF? Second, it seems you have quite a few factions, quite a few groups that come and negotiate with you. How can you be sure that the person that you are negotiating with now will represent the whole population of Mindanao? Third, how can you be sure that what you have will be accepted by the rest? It seem like some of the MILF are trying to break away from the agreement. Fourth, you must have some sort of implementation mechanisms and are seen at the end of the agreement. I must admit that I have not yet read [the CAB] carefully but I just got it and this is a new thing for me. Fifth, what kind of mechanisms do you envision in order to oversee the implementation of the agreement with (the MILF)? Sixth, when you have an agreement

with them and if there is no implementation on either side or on one side how can you be sure to enforce the agreement? Who would do that? Seventh, if you cannot enforce the agreement what would you do? (Eight), the agreement itself provides (a clause for its) termination. What [is meant] by this note clause? I have not read it but (you said that) the (agreement may be terminated, but with a) six-month notice in advance. In that case what happens? (Ninth), if you have an agreement of this kind that come out, how can you be sure that the agreement would conform to the Constitution? (Tenth), in your Constitution does it provide the kind of a unitary state where the territory can be divided? (Eleventh), but if you have another autonomous region or government how would you reconcile with that? Is it in the Constitution? If it is then in what chapter? If it's not [provided for], you cannot change it. You know you have to change the Constitution, you have to amend it. Twelfth and last one , how can you get the consensus in your society (to support the implementation of the agreement?) Thank you.

**Montalbo:** Thank you, this looks like a bilateral meeting between (two AMS). I will leave it to the wisdom of the panel to answer these questions.

**Ferrer:** Very quickly, and also to give opportunity to the other members of the panel to say something at least to address some of the twelve questions. [On] the earlier comment, when you mentioned baseline, sir, I knew you were not referring to the other conflict with regards to archipelagic baselines. But on our end certainly the baseline was to keep the country together, it's not a negotiation that would lead to the breakup of the country. It's a negotiated process that will enhance the unity of the country through very specific arrangements that would enable a segment of society that has been minoritized historically, to be able to exercise meaningful governance. That is our baseline. How that will happen will be of course at the level of detail. There are many matters that had to be

sorted out but in principle, the Constitution allowed for that. We have a very progressive Constitution. Remember this was a product of our People Power revolution in 1986 and it had a solution for all the problems that we had all this time but there are limits as well that had to be taken into account. One, we have fixed terms, three years of election terms, so we cannot have a system, a ministerial form of government where there is unlimited terms or the elections cycle would be different. It would have to follow the election cycles as provided in our Constitution and we have constitutional bodies such as the Commission on Elections (COMELEC), Commission on Audit, Civil Service Commission. They can have their own civil service guidelines and put up their own auditing mechanisms but they will still have to fall under the Commission on Audit. There can only be one body that will oversee and administer elections and that is the COMELEC. They cannot have their own COMELEC, and with civil service, there will have to be standards that will need to be followed. [There are] national standards, meaning the regional standards will conform with national standards. That's the kind of openness that have allowed us to bring in the operationalized aspirations but still see how it could be a part of a compromise that will fall under the Constitution. There are so many other questions but maybe very briefly, no single group can represent the country. For waiting for that single group to come up and rightfully say that they can represent everybody will never get to any negotiation but we know that there are limitations and we are also consciously addressing these limitations that consensus building, the bringing in of the populace in the process, maybe not in the formal talk although we did have mechanisms that allowed them to participate in formal talks, [could address]. Some civil society representatives sat in as observers in the negotiations but beyond that is the bigger public sphere where everybody really had to be brought in so that's the thing - enforcement issues. Third parties will play a very crucial role for the MILF especially we know that this is not a symmetrical relationship. The government is more

powerful than the MILF and that is why we understand when they say there shall be third parties in this process to serve as a neutral observer maybe to a certain extent where necessary or allowed by the parties to arbitrate on difference that may come along the way. Thus, third parties play a very important role in the whole negotiation mechanism and briefly on the case of the Rakhine state, note that we know that, we have always said that our conflict is not a religious conflict, it is a political conflict. In any case, we cannot deny that there are religious dimensions. First of all the identity that propelled the conflict is also founded on a religious identity. Second we have serious social biases and discrimination between Muslims and Christians and that is why part of the prescription is to look at that socio-cultural realm, even the economic realm, to be able to address these biases and discrimination that had defined our relationship historically. I think the biggest challenge for us is not to allow any religious differences to be elevated at the political plane and therefore these should as much as possible be addressed respectively at the socio- economic levels. I hope I can give some opportunity for other members of the panel to put in their thoughts as well.

**Undersecretary Yasmin Busran-Lao:** On the Constitution, we know that the aspiration of the Bangsamoro is extensive. It's spanned more than 500 years so we cannot address [all issues] within this agreement. That's why we need guidance from the President. We ensure that we negotiated with them [based on] the Constitution but that does not preclude, for the future of the Bangsamoro, to try to expand the gains that they have in this agreement to attempt constitutional amendment because every Filipino has the right to do that. Within this agreement, we have to meet the aspiration as much as possible within the Constitution, and its flexibility. We are certain and confident that our agreement will pass the scrutiny of constitutionalists. On the issue of consensus, this is a complex problem. We addressed the vertical [issues] and tried

to ensure that we could also address the horizontal [issues], but the Bangsamoro people themselves will have to work hard to through the horizontal dimension of the conflict. There is the [issue of] the intra- Bangsamoro projecting ethnicities, the different political groups and all that, the process they have to continue. The process along that line [has to be considered] as they also negotiate with the government. [With regard to] the consensus on this [agreement], we are looking at a plebiscite and the passing of the Bangsamoro Basic Law by the National Congress where the other representatives of the people in the entire country will participate. We hope that this passing of the Bangsamoro Basic Law will be some kind of a national dialogue between the Bangsamoro and the entire Filipino people, in terms of their own political aspirations, and for the communities that will be part of this political entity. The plebiscite is also some kind of a plebiscite as to who would want to participate and who would want to be governed by the Bangsamoro Basic Law.

**Tengku:** Some views from the MILF. MILF has options because the question is more related to your problem in the south. MILF has options – the two options they have [include] armed struggle and another option is political negotiation. They have do the first option for 40 years of armed struggle until today and there was nothing to conclude that armed struggle. Now 17 years of political negotiations, they see the flow of negotiations, that is peace in the province, the peace which I think for now [has been observed] for 10 years (in) Cotabato and in Bangsamoro areas. So these are the commitments. The answer to your question just now whether they want to go back to the armed struggle or they want to retain the political process. If they see the light in the political process, they see the fruits of their struggle have been realized from [joining the] the armed struggle to the political struggle, then the process of the peace agreement will continue, because this process will continue and continue for years. Thank you.

**AMS:** Tengku, when I asked my question, I did not relate to anything about Thailand and they were not mentioned to do anything about Thailand so please don't link it to whatever issue. I'm an academic, so when I asked you it's about my curiosity. I agree with the Myanmar delegation that every situation requires different approaches. They are not the same so they require different medicines. One size doesn't fit all so we are here to learn. So please when I ask questions don't interpret that I'm asking about anything dealing with my country. I'm asking because I am an academic, so I want to make sure. So correct me if I'm wrong but what I heard over there in Mindanao is more on the side of conflict between religions, right? And my second question is how's the distribution of Muslim communities in the Philippines because in Thailand, the Muslim communities are only in the south, not like you who have Muslims around the country.

**Ferrer:** Well we do have Muslims all over the country but their homeland as they would put it is in the south of the Philippines, which is in Mindanao, where they comprise 20 percent of the population. But because of the history in the last 100 years of migration from other parts of the country to Mindanao that we know, from 70 percent from the 1900s they are now only 22 percent in Mindanao and they are concentrated in the five provinces that are part of the autonomous region where they may make up 78 to 85 percent of the population in these provinces, and several adjoining municipalities. There are, however, Muslims in other parts of the country but their roots are mostly in Mindanao although not all because there are also converts to Islam from different ethnic groups, former Christians who had converted to Islam. However, [it would be the case that] it is the other way around because we were Islamic before Christianity came that is why they say return to Islam rather than convert to Islam because that already was the process that was cut off by Spanish colonial rule, the Islamization of the country in the 16<sup>th</sup> century.

## SESSION III:

Peace, Reconciliation, Mediation  
Efforts:

Mechanisms and Best Practices  
on Third State / International  
Mediation, Bilateral / Regional  
Negotiation, Track Two Diplomacy,  
Preventive Diplomacy, CSO  
Mediation and Monitoring

# AEC 2015, the AIPR and the Philippines

by

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According to the *Roadmap for the ASEAN Community 2009-2015*, the Association of South-East Asian Nations (ASEAN) agreed to “Consider the establishment of an ASEAN Institute for Peace and Reconciliation” (AIPR) under the rubric, “Strengthen research activities on peace, conflict management and conflict resolution”. According to its Terms of Reference, as adopted by the ASEAN foreign ministers in 2012, the AIPR’s principal functions, the results inevitably of compromise, are cooperative research, conferences and workshops, networking, and training.

One will note that the Blueprints for the ASEAN Political/Security Community and the ASEAN Socio-Cultural Community, two of the “pillars” of the ASEAN Community, are full of words like “promote”, “encourage”, “strengthen”, “study”, and “enhance”, indicating that these communities are never-ending works in progress and that they are not expected to be established by a certain date, although 2015 is often given, so as to have integration a target year to aim for. Moreover, the two “pillars” reflect the fact that numerous sectors are involved in them. This is why the ASEAN leaders themselves have had to take control of the process.

However, the ASEAN Economic Community (AEC), the third “pillar”, has been dominated by the trade ministries and has been receiving increasing attention, particularly from business people. It projects certain measures for the of the regional economy to be done by a definite date, in four two-year tranches in a “Strategic Schedule”, from 2008 to 2015. Indeed,

of the three “pillars”, the AEC has been receiving the most attention and anticipated with no little trepidation on the part of many.

Several deadlines, set by ASEAN itself, many of them for good reasons, have already been missed. For example, the national “Single Windows” in customs processing of the ten ASEAN member-states are supposed to be “operationalised” by 2008 and 2012, years that have come and gone without all national “Single Windows” being “operationalised”. In accordance with the AEC Blueprint’s “Strategic Schedule”, non-tariff barriers applied by the first six ASEAN members – Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand – should have been identified and dismantled by 2012. Restrictions on intra-ASEAN trade in logistics services should have been “substantially” removed by 2013. According to the same schedule, the ASEAN states promised to apply by 2013 information and communications technology to “all areas related to trade facilitation and customs management”. The ASEAN member-states pledged to implement on an ASEAN-wide basis the single aviation market agreement/arrangement by 2015. Yet, Alan Tan Khee Jin, professor of aviation law and policy in the National University of Singapore, wrote in 2013 that “the single (aviation) market is unlikely to be realised in substance, certainly not by 2015.”

### ***The Study on AEC 2015***

In 2011, the ASEAN Secretariat asked the Asian Development Bank (ADB) to study the prospects of AEC 2015. In turn, the ADB teamed up with the Institute of Southeast Asian Studies (ISEAS) to study whether the AEC could be achieved by 2015, the year set by ASEAN’s leaders for its achievement. The joint study also examined the domestic political obstacles, if any, hindering that achievement.

Commissioned for the joint study, the papers, compiled in the ISEAS-published 2014 volume, *The ASEAN Economic Community: A Work in Progress*, are unanimous in concluding that the Southeast Asian economy is still far from being fully integrated and would most likely continue to be so even after 2015. Most of the papers observe, implicitly or explicitly, that “behind-the-border” measures are considered to be more effective than tariffs in protecting favoured firms, industries or sectors, in this case, from regional competition and that such measures remain prevalent in Southeast Asia.

There are other ways of looking at AEC 2015, however. Aside from the commitments made in the “Strategic Schedule” that have been fulfilled, Jayant Menon of ADB and I, in our joint “overview” chapter, insist that AEC 2015 can be regarded as a measure of how far ASEAN has gone in terms of regional economic integration since its founding in 1967. It can be looked upon as a milestone in a work in progress.

It can also be considered as a re-affirmation of the ASEAN states’ aspiration for and commitment to regional economic integration, the market as a driving force of development, making trade and investments more efficient, lowering their cost and thus, at least potentially, prices in general, creating jobs, raising incomes, and increasing competition, productivity and choices. One may agree with them or not; but these are the aspirations and commitments of ASEAN’s leaders and other decision-makers.

At the same time, the concerns and fears of ASEAN business people cannot be ignored. Many business leaders claim that their businesses or sectors or the national economy itself are not ready for AEC 2015 without specifying what exactly they are not ready for; we can only surmise that they are reluctant to face regional competition. In other words, it is domestic politics at work.

Moreover, states do not do enough in linking, for example, economic development and business profitability to the peace and stability that have prevailed in the region, thanks, at least partly, to ASEAN. Nor do they do enough in placing them against the backdrop of the constant calls by ASEAN for faster and more effective regional economic integration, beyond sporadically deploring the low level of ASEAN awareness and regional affinity on the part of Southeast Asian people as if Southeast Asia were alone in this.

### ***The Mindanao Peace Process***

The Mindanao peace process in the Philippines culminated in the signing of the Comprehensive Agreement on Bangsamoro (CAB) on 27 March 2014, a few days before the first official symposium put on, in Manila, by the AIPR Governing Council. The Mindanao peace process has been projected as something that can be emulated in other countries and regions where similar dissidence threatens national unity, despite the fact that no two situations are exactly alike by dint of geography, history or culture or, more likely, all of these at once.

Nevertheless, the largest and most significant impact of the agreement's implementation may well be on the rest of the Philippines itself. I have always held that the problems of Mindanao, including the putative Bangsamoro envisioned in the CAB, do not arise from a religious conflict but are a microcosm of the ills plaguing the political, economic and social systems of the country as a whole. These include the generations-long rivalries between clans in most political constituencies, the resulting elevated levels of corruption, the extraordinarily wide gulf between rich and poor, the lack of a voice on behalf of the economy and society as a whole, the preponderance, as in many other countries, of lobbies and special interests, which often retard regional economic integration as well as national

economic development, and the undermining of the normal state's monopoly on armed violence.

If the CAB's implementation breaks down early, that would be a severe setback to national reforms and the prolongation of the political, economic and social ills rampant in the Philippines as a whole. If, on the other hand, the CAB were, by some miracle – here, we must remember that the CAB's implementing agreements have still to be concluded and signed – if the CAB were somehow carried out as intended, that would give significant momentum to the long-awaited reforms in the whole country and thus constitute a triumph for the entire nation, not only in the corner of the Philippine South covered by the agreement.

The CAB is something of value in itself, in making peace possible, and therefore giving momentum to economic development, in the extreme South of the Philippines. It would be even more valuable if its substantially successful implementation showed the way for the rest of the country. Value would be added also if the proponents of the CAB were to demonstrate whether and how economic development and business profitability are tied up with it.

After all, ASEAN and the Philippines have contributed a great deal to regional peace and stability. It is time for the peoples of Southeast Asia, including the Philippines, to experience a significant improvement in their lives. For this, peace and stability – and a regional or national identity – are necessary, but not enough.

## **Presentation by Prof. Joseph Liow**

Associate Dean of the S. Rajaratnam School of International Studies (RSIS) and Member, AIPR Advisory Board (Singapore)

### **Introduction**

All states possessed social, political and economic fault lines. From Africa, Yemen to India, Brazil to China, Israel, Palestine, Afghanistan and Iraq, Sri Lanka to Guatemala, fault line exists. While fault lines produce conflicts in many countries, some countries such as India, Canada and Ireland have managed it better. The reality is the nature of violence around societal fault lines is dynamic and the contours of domestic mass violence will continue to evolve. Such violence is more likely to happen within states instead of between states. It is therefore a phenomenon that must be understood.

The causes and dynamics of fault lines are often complicated. In actual fact, mass conflict over fault lines is actually extremely rare. Despite the many divisions in the vast majority of societies, most of the time people do not resort to killing, much less to large scale violence. There is widespread agreement in the academic literature that cultural differences by themselves are not sufficient to ignite conflict. When violence does break out, the sources of conflict are often confusing for insiders (much less for outsiders) to understand. While every country and societal division is unique, there are at least four important issues to bear in mind when thinking about how to address the underlying causes of fault lines and conflict: governance, the democratic context, globalisation and external intervention and the need for flexibility of response.

### **Governance and the Spark of Economic Grievance**

Good governance is absolutely critical to prevent societal fault lines from becoming violent especially in the aspect on the

distribution of resources. The primary measure that national leaders and the international community can take to prevent 'constituency of losers' to become too powerful is to prevent them from developing. If the number of aggrieved people is relatively low, they are usually unable to initiate violence which is self-sustaining.

While relative economic grievances may be the base of fault lines, it is rarely defined in such terms. Religious and other differences are regularly overlay to economic resentments. Sometimes extraneous global trends might exacerbate the existing fault lines. As such, institutions and practices that ensure check and balances, accountability and transparency are essential to prevent aggrieved groups to resorting to violence.

## **The Democratic Context**

Institutionalised democratic structures can play a critical role in healing divides and to address fundamental issues in the society. However, democratic structures are not institutionalized in much of the world that currently suffers from societal fault line.

One should be generally sceptical about the immediate utility of elections to address societal fault lines, for a number of reasons. Elections that have an 'us versus them' aggravate tensions or societal conflicts as politicians try to mobilise supporters around differences. Elections also fail to deliver genuine progress if it is aimed at satisfying domestic Western consumption by itself (i.e. immediate interests). Furthermore, elections may actually allow leaders to continue to hold on to power, and at its extreme may even foster authoritarian tendencies. This is not to say that elections have no value or always aggravate the problem. India is an example where democracy has managed complicated fault lines in the society. Elections may also serve to bring new leaders to power who

have different visions and are more willing to address fault lines. A case in point is Indonesia.

Other aspects of democracy are arguably more important than elections such as federalism which decentralize the power to regional or local authorities. It is also worthwhile to mention basic grievances were often addressed by other political arrangements. Another example will be military professionalism, where the military is committed to remaining in the barracks.

### **Globalisation and External Intervention**

Global approaches to conflicts had its limitations because the West is not able to fully understand the developing world. Military solutions are rare and at best avoided. Such intervention often involves a host of mediators from different countries, NGOs and esteemed individuals. But this will create a scenario of oversupply of mediators and the technocratic views that there are solutions to almost all fault lines.

That said, the amount of influence that outside mediators bring to bear varies enormously from country to country. For instance, in the case of Iran, the government is not interested in external help in managing its fault lines. In other cases, the problem is the undersupply of peacekeepers. In addition, while wanting to intervene, the international community is not clear on what it truly wants because managing and solving issues of fault lines are different and often complicated.

In essence, while international intervention can help to pressure good governance practices, it is only the national governments that can truly implement it.

### **Flexibility of Response**

Dealing with fault lines is difficult and seldom comes with a permanent solution. The international community has to react in a flexible manner to the particularities of certain crises. For

instance, because the international community insists that the colonial boundaries in Africa (and elsewhere) be respected in all instances, it has been unable to recognise the breakaway of Somaliland, despite the fact that it has created a viable government. In some cases, states staying together is not necessarily the best solution. Aside from Somaliland, another example that can support this claim is Sudan/South Sudan. Separation may in fact remove seemingly obdurate differences. Therefore, external interveners should examine what is possible on a case by case basis rather than go in with a one size fits all approach. Each case and every solution is unique, and this might include the redrawing of certain boundaries. In some situations, strengthened regional union and deepening integration might also ameliorate the destructive nature of fault lines.

## **Conclusion**

Fault lines are universal. All countries suffer, and benefit from cultural divisions. It is impossible to have a state with homogenous population, because people and politicians seek out differences at every level of societal interaction. Violence around fault lines usually breaks out in the context of poor governance and economic grievance, especially when the government is corrupt and unfair. A fundamental means of preventing societal violence is to promote good governance so that the 'constituency of losers' is never too large or powerful enough to threaten social order.

Election by itself will neither manage nor solve fault lines in the short term. The construction of other democratic institutions including federalism, free media, control of military, and rule of law is often more important than election. It is also important for national and international policymakers to manage expectations regarding solutions to fault lines. The realistic aim should be to manage fault lines to minimise violence rather than to solve them.

# **The Why and the How of European Union efforts in Mediation**

by

**Dr. Julian Vassallo**

Chargé d'affaires a.i.

Delegation of the European Union to the Philippines

Distinguished guests, ladies and gentlemen.

Before starting, I would like to congratulate once again the GPH and MILF Panels for the signature of the Comprehensive Agreement on Bangsamoro on the 27<sup>th</sup> of March.

Their tremendous efforts, along with those of the Malaysian Peace Facilitator, have shown once again the importance and efficacy of dialogue, mediation and mediation support.

And it is about this matter that I am glad to talk about today, presenting the why and the how of European Union efforts in Mediation.

Over the last 10 years, there has been an increased recognition that the practice of peace mediation is a cost-effective instrument in conflict prevention, conflict resolution and peacebuilding. Reports suggest that the drivers of the marked decline in conflicts, including in sub-Saharan Africa, is due to a surge of policy initiatives to stop wars, often labelled peace-making. While mediation traditionally was the exclusive prerogative of states and large multilateral organisations like the UN, the mediation field has recently witnessed the emergence of new actor such as regional, sub-regional and private diplomacy actors. These can have certain comparative advantages and skills, for example their access or proximity to the parties in a conflict or their capacity to use innovative approaches.

The rather chaotic year 2013 with the conflicts in Mali, Syria, CAR and South Sudan, reinforced the urgent need for negotiations, mutually beneficial solutions, and scenarios that would suit all parties. In particular, the conflict in Syria and the roles played by the world powers and regional countries has shown a readjustment in global politics and, accordingly, mediation. The stronger roles played in the conflict by emerging political powers such as Turkey add a new dimension to mediation efforts while the agreement on Syria's chemical weapons in the autumn showed the possibilities for settlement where there is a political will.

It has been a busy time for the EU's comprehensive approach to crisis which employs the 3Ds of Diplomacy, Defence (understood as the provision of security and rule of law) and Development.

But one may ask why the EU is engaged in mediation outside its region – What added value does it bring to a scene where regional organisations or the UN are already active? Here is my answer:

Firstly, the very creation of the EU is based on efforts to overcome divisions and promote peace – a fact which was recognised when we received the Nobel Peace Prize not long ago. These internal experiences make the EU well placed to promote conflict prevention and peace building also beyond its borders.

While not easy to implement in practice, our partners often expect us to bring them our specific mediation and dialogue know-how. Let's be clear the Nobel Peace Prize was received not for peace-making around the world but for keeping the peace amongst ourselves for 70 years (a big feat considering our European history). The 'art of compromise' where 'all countries emerge victorious from talks' was identified as the

specific contribution that the EU has mastered. To quote from the Nobel lecture:

*'Boring politics is the small price we pay for the EU's secret weapon – the art of compromise. No drama of victory or defeat, but ensuring all countries emerge victorious from talks'.*

Secondly, The EU has also developed its capacity and experience in mediation and dialogue over the last 20 years including as a mediator itself (such as in Aceh) but also in providing political, financial and technical support to dialogue and mediation efforts of key partners.

This means today, it is hard to find a region of the world where the EU is not active to some extent in peace mediation.

Here we of course interpret the term mediation very broadly to include political facilitation and dialogue and initiatives in the whole conflict cycle ranging from conflict prevention to peace-building.

Examples are many: on the so-called Track One, the EU (HR/VP) Catherine Ashton has been a key player in the positive developments in the Kosovo-Serbia dialogue. It is, however, a mistake to count EU peace mediation activities only in such settings where the EU has a formal mediation mandate.

If we consider the daily work of our Heads of Delegation and EU Special Representatives, whether in the countries of the Middle East and North Africa, Madagascar, Mali, Guinea Bissau, Afghanistan or here in the Philippines they are in contact on a daily basis with local political and civil society actors; so too, incidentally, are the EU staff working in military and civilian crisis missions and managing external aid programmes. When such countries are in a fragile, conflict or post conflict transition we will not be delivering on our duties under our Treaties if we

do not strengthen our ability to mediate, and to support local mediation, dialogue and confidence building efforts. This is the reality of the EU's preventive diplomacy on the ground.

Thirdly, one advantage for regional organisations is that their members are often more familiar with the parties and the situation on the ground. Proximity can make a situation more salient and ensure earlier attention to a problem since neighbours are likely to take a greater interest in conflict prevention in an adjacent State. In some situations, however, neighbours may have a vested interest, such as when members of an aggrieved group in a neighbouring State are "ethnic kin".

Regional politics can play either a positive or a negative role. Regional influence may have more impact on the warring parties than international influence; in others, the opposite may be true. Therefore although geographically distant from Asia, over the last years the EU has been engaged in mediation efforts in Aceh- Indonesia, Myanmar, Sri Lanka, Nepal and of course here in the Philippines.

Fourthly, it would be incorrect to assume that the EU support to other mediation actors is limited to providing funding through its wide array of financial instruments. Instead, the EU's added value in global mediation lies precisely in applying a comprehensive approach to conflict prevention and resolution based on its many related experiences. Mediation is a key complement to other EU interventions, such as civilian crisis missions, in contributing to sustainable solutions.

To illustrate the EU's comprehensive approach to mediation one could look at our experience in Aceh:

The EU was involved in the Aceh process from the timid beginnings. We co-chaired a 2002 conference in Tokyo – this was inconclusive because while the monitoring of the process

on the ground was recognised as important but the monitoring roles could not be resolved.

We did not give up. In 2004 the EU was approached by former Finnish President Ahtisaari. We realised the – historic, albeit small – chance to support nascent talks that had been launched between the Government of Indonesia and the Free Aceh Movement. Christmas 2004 saw the devastating tsunami – the Acehese were the main victims.

While the tsunami did not trigger our mediation initiative, it helped it to take on new momentum. We tasked President Ahtisaari to undertake a mediation effort. He had only six months to do so. In the Memorandum of Understanding in August 2005, the parties recognised the role the EU could play and we were invited to monitor the peace process.

We broke new ground in launching the Aceh Monitoring Mission – 250 monitors, one third of them from ASEAN. It was the first concrete security EU cooperation with ASEAN. Together, we developed the concept of “active monitoring”, i.e. reaching out to regional and local authorities and communities including participating in local meetings with civil society and police. In parallel, the European Commission developed an assistance programme to support the implementation of the MoU.

This intervention was comprehensive in character including firstly Security support in the form of the Monitoring Mission itself; secondly structural support including mediation, the opening of the EU Office in Banda Aceh as an open house for dialogue and assistance to the administration in drafting regulations and preparing local elections in 2006. And thirdly Developmental support, including economic policy planning and giving health and gender issues the importance they deserved.

Last but not least, conflict prevention, crisis management and peace building are at the heart of the work of the EEAS, as set out in the Lisbon Treaty. This priority is reflected by the fact that over half of the EU external assistance is spent in the support of fragile and conflict affected countries. Already in 2005 the EU has stated in its core development policy that it believes there cannot be peace without development, and no development without peace - the “security and development nexus”.

This is also recognised in the 2009 Council Concept on the Strengthening EU mediation and dialogue capacities where member states set out an ambitious goal: to use mediation as a tool of first response to emerging or ongoing crisis situations. For a diplomatic actor on the world stage this is one of our *raison d’être*.

To achieve this goal is not necessarily straight-forward. Peace mediation is a crowded field and close coordination between the different players is essential to ensure that we jointly bring added value rather than complicate the situation additionally.

Since 2011, the EEAS Mediation Support Team has been working on building the EU’s mediation support capacity. Equipped with its own earmarked funding, the team is now able to provide rapid operational support, such as assessing opportunities for mediation engagement, setting up the mechanisms to be able to ensure the deployment of internal and external expertise to the staff of EU Special representatives and EU Delegations.

It provides Coaching and training in partnership with external training providers and experts delivering tailor-made on-demand coaching for EU Special Representatives and Heads of Delegation.

Mediation support in these different forms has been provided to my colleagues working on Mali, Myanmar, Yemen, Lebanon, Syria, Israel/Palestine, North Africa, Afghanistan, South Caucasus, Central Asia, Western Balkans, Zimbabwe, Kenya, Nigeria and Central America.

Having presented what I believe lays at the core of the why and the how of EU mediation let me say something about the EU-ASEAN relationship in this field. I believe that it is worth recalling that the EU was the first dialogue partner formally engaging ASEAN, including at SOM level into a constructive and open discussion on mediation, reconciliation and crisis management.

Our level of interest and commitment is based on what we perceive as ASEAN's vocation to act as a regional mediator which is fully reflected in the unique architecture of its external relations. We are therefore committed to work together with ASEAN in this field including to develop mechanisms and institutions like AIPR as reflected in the Bandar Seri Bagawan Plan of Action.

Indeed this is a good moment to wish the AIPR every success at this its first formal event and to commend those who brought the idea to fruition.

Allow me now to illustrate the EU approach to mediation on the basis of our experience here in the Philippines. I will draw very much from an external assessment of EU mediation activity carried out last year by the ECDPM – the European Centre for Development Policy Management in the Netherlands.

The case of Philippines is indeed telling and exemplary in its own way. It shows the wide concept of mediation we have and reflects the great variety of ways in which the EU uses this

tool at different levels and through different actors and financial instruments.

Engaged in Mindanao since the early 1990s, the EU and a few EU MS have been significant bilateral development and humanitarian actors in the conflict-affected provinces of the southern Philippines. At the time of the escalation of the crisis between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) between 2008 and 2009, the EU intensified its presence in the region of Mindanao, evolving from an established donor to a more political actor supporting the peace process.

I do not want to overstate our role in the Peace Process but given its longstanding development and humanitarian engagement I believe the EU was seen as a credible actor in Mindanao with a thorough knowledge of the context. After careful political consideration and through the then relatively new Instrument for Stability, in 2008 the EU started providing support to the peace process in Mindanao by financing the activities of two international NGOs and one national NGO network engaged in facilitating dialogue among the stakeholders to the conflict. The Centre for Humanitarian Dialogue (CHD) worked primarily on dialogue, mediation and facilitation, while the Nonviolent Peace Force (NVPF)'s key activities included regular patrolling and reporting on cases of human rights violations and other specific threats to civilian populations. Crucially, both had good links to senior parties to the conflict.

In addition, the local NGO the Mindanao People's Caucus (MPC) worked at the grassroots level to broaden and expand the consultation processes among the various stakeholders in Mindanao in order to ensure transparency, participation and ownership of the peace process, yet also to connect this to other levels.

During the peak of the crisis in the peace process, the EU and MS' representations in the Philippines created a favourable environment for the MILF to reach out to the diplomatic community in Manila and to raise awareness of its firm commitment not to let the peace process collapse. Reflection on how to bring forward the on-going efforts led to the EU's being party to the gestation of the idea of a mechanism to accompany the talks and to mobilise international support to the resolution of the conflict. Thus the MILF and the Government of the Philippines agreed in September 2009 on the establishment of an International Contact Group (ICG), inclusive of Japan, Saudi Arabia, Turkey and the UK, and four international NGOs.

The EU's previous positive engagement in Aceh-Indonesia had somehow made the point that both in the region and within the EU, that we could fulfil a useful role in this type of action in Asia, smoothing the path for our own engagement.

The EU was requested in 2009 by the Government and MILF to contribute by being an active participant in the International Monitoring Team and lead the supervision of both parties' compliance with their commitments on humanitarian, rehabilitation, and development activities in the south of the country.

A politically significant financial commitment under our Instrument for Stability with a first tranche of €3 million was allocated in support of the EU's team. In parallel, the EU provided support to the political dialogue process, in particular to the innovative participation in the ICG of INGOs. This 'peacekeeping' and 'peace-making' programme has proven to be instrumental in improving, or at least preserving, the peaceful situation on the ground and in promoting political negotiations and ensuring these stay on track.

In the crowded space of Mindanao's peace process, the EU was able to use its funding instruments in a strategic way which we understand was also appreciated by the parties. The EU was not seen as having a biased agenda and thus secured credibility with both the Government and the MILF.

We believe Mindanao is one of those cases where the EU managed to draw on its internal experience in mediation and dialogue, leading to positive results. Through the initiative of the CHD and with the support of the UK as an ICG member several meetings were organised with two former negotiators in the Northern Ireland peace process, while separate visits to Northern Ireland in 2009 proved useful for the parties in determining the way forward to peace. These activities raised awareness of the Northern Ireland experience and the validity of the lessons learned from the peace process in Mindanao. I think it is fair to add that while EU officials were of the opinion that other internal EU experience of the devolution of political power might also have been instructive, this was not taken up.

When all is said and done the Mindanao example represents, in our humble view, the lesson that the EU can find the space and the tools to provide crucial and appreciated support to a peace process by knowing the context, supporting and managing the right partners and by leveraging its more neutral profile.

Ladies and Gentlemen,

I hope that I have managed to convey the message that mediation is at the core of European external action and very much at the centre of what we stand for. You could even say that, based on its internal peace-making experience, the EU as a value-based organisation should be confident enough to strive to provide the international community with the gold standard of mediation in its global engagement.

Thank you very much for your kind attention.

## **SESSION III OPEN FORUM**

Moderator: **H.E. Tan Hung Seng**

Permanent Representative of Singapore to ASEAN and  
Member, AIPR Governing Council

**Hasegawa:** Thank you very much for this opportunity. I would like to ask a point of clarification or question to Professor Joseph Liow. He mentioned what we scholars call 'greed' and 'grievances' and that it's a sort of dissatisfaction of those disadvantaged, be they in the form of soldiers and so forth. At the same time, you referred to poverty, and that these cannot be neglected. If you could kindly elaborate a little more between these two things – what is the issue of poverty as such, and of inequity?

**AMS:** This is not really a question but seeking more clarification and explanation from Professor Liow. Among the four points that you mentioned, one of those that really struck me was the issue of ASEAN intervention or interference from outside parties. We have listened quite a lot throughout the day about this issue of non-interference as the backdrop of ASEAN policy in establishing cooperation, among other things. So the issue here is, come 2015, we have the ASEAN Community. How do you see the evolution of this external interference or intervention in terms of furthering the cause of ASEAN integration? Will it be something sacrosanct that we will not be able to touch at all? And in regard to issues of common interest, when it comes to holding on to ASEAN's principles, how do you look at it? Because once conflict happens, you have to have the possibility of accommodating the differences and interests of various parties. And of course you cannot run away from having all these external parties once we talk about the Community in the larger parameter of ASEAN engagement with the outside world. Thank you.

AMS: My questions are related to what was asked earlier on poverty reduction, that we also have to take this into account when we are considering peace and reconciliation in a country. I firmly believe that human resources and education and also poverty reduction are prerequisites for democracy and good governance. That's my comment on what Professor Liow articulated earlier. And second, on law enforcement, I think that creating and adopting laws is easy, but enforcing those laws is more difficult. Sometimes, especially in my country, laws have been created from the top-down, without consultations, cohesiveness, and inclusiveness. Perhaps Professor Liow can enlighten us on this further.

**Liow:** Okay, thank you. Those are all very good questions and you got me thinking. Now, on this issue of greed and grievances and, by extension, poverty as well – I'll deal with that first. This greed vs. grievance debate essentially arose, as far as I know, out of the African context, where there were a lot of internal conflicts in Africa and a lot of those conflicts were about extraction. It was about political groups extracting resources, taking advantage of communities – so greed in that sense, very crudely defined, as opposed to grievances, among which is this issue of, as I mentioned earlier, poverty, but also redistribution of wealth and things like that. I don't think that the two are mutually exclusive. I mean, it's very difficult to draw a line between the two. I think, very often in conflicts, what you find is what I call political entrepreneurs who take advantage of grievances for reasons of greed, if I can play around with those two words, and basically stoke up sentiments and leverage issues of religion, race, language – you know, all these identity markers that mean a lot to communities, especially traditional communities. But, unfortunately, because it means so much, it makes it easy for people to mobilize constituencies around them. That is an unfortunate reality and fact of life that we need to recognize. Tied into that is this issue of poverty. It's one dimension of it. I think, again as I mentioned in my presentation,

I don't think that poverty is at the root of everything. It's much more complex, much more complicated. But you will find the issue of poverty and unequal distributions of wealth in, I believe, any conflict. It won't be the only thing but it certainly will be there. In the case of the Philippines, it's been recognized, right? That's why you have this annex, an entire annex, on revenue generation and wealth sharing. It's recognized as a conflict, as an issue. If I may use the example of Thailand, but purely because I have done research on it, I'll give you an anecdotal example of some interaction I had in a fishing village in Pattani, by Pattani Bay, where the local community is very upset because the Government promised development, but what they meant by 'development' was bringing in large fishing trawlers owned by politically-connected interests up north and basically sucking up the resources of the local community. And these are traditional fishing villages that have existed for a long time and rely on traditional ways of fishing. Of course, that can be improved in terms of technology modernization and all that, but, nevertheless, it's resentment out of – So you see how on paper the policy of bringing development sounds very good, but when it's implemented it actually aggravates the situation. So that is something that we need to keep in mind. This question of external intervention is a very good question. I was just looking at the Terms of Reference for the ASEAN Institute for Peace and Reconciliation. I really should have looked at it earlier because I'm supposed to be on the Advisory Board, but I have looked at it. Under "Principles" it says, "A. Respect for the independence, sovereignty, equality, territorial integrity, and national identity of all ASEAN Member States." I'll skip B. I'll go to "C. Non-interference in the internal affairs of ASEAN Member States" – the sacrosanct principles you were talking about. In fact, I was thinking about that even as I prepared my presentation because when I talk about all options being on the table, in some cases of internal conflicts in the world, one option was basically independence. Timor-Leste is a prime example. South Sudan. Somaliland – not quite accepted by

the international community, but that's a different issue. And then now you have Crimea – some permutation of that, right? So there are these examples. Of course, that's the opposite of what we hold as sacrosanct in ASEAN. But, nevertheless, I don't think that shuts the door and I don't think that precludes opportunities to actually look sincerely at some of these issues. I give you some examples. Already the issue of invitation. I don't know whether its been brought up, but certainly alluded to, that ASEAN – well, certainly in the case again of the AIPR, where the AIPR can give advise when invited by a Member State, right? So there is that option. And, indeed, Malaysia has been invited by the Philippines, invited by Thailand even. So Malaysia is a prime example of that. There are also unofficial channels. I mean what we are talking about here is official positions, but in the entire history of ASEAN there are multiple examples of unofficial kinds of discussions, so it doesn't mean that it's held so sacrosanct in that sense. What is sacrosanct may not be all that sacrosanct. And as my colleague Ambassador Tan alluded to earlier, this issue of face is something that we still hold very dear. You don't want to put a neighbor in an awkward position, certainly not internationally. But there are other ways, and I'm sure you are much more familiar about it than myself, there are other ways that State A can raise concerns and flag things to State B without it having to be an issue of compromising the face or reputation of that particular state, you know? I think, in fact, ASEAN has been quite creative in finding ways around the sacrosanct principle without undermining it. Third question about laws – I do agree with you that laws that are sort of top-down don't really work. I think we can think of many, many cases. I think it is absolutely critical that you get the buy-in from people. People have to – communities have to have a stake and feel empowered. And if you deny them that then those grievances, the disillusionment, the sense of frustration will be there and will always be there, and the danger is that it starts to brew and percolate and before you know it, it opens up. And I think, again, there are many cases of that. So rule

of law should entail also a conversation and the building of consensus. If not consensus, certainly of getting the support and getting the buy-in from key constituencies. I think that is a very important aspect of it.

**Severino:** I agree with Prof. Liow that non-interference is not as sacrosanct as it's made to appear. And the second thing that I wanted to point out – it flows from the first, and this is something to do with the concept – that principle is not a principle from which actions flow. ASEAN is a very practical organization and it does what it feels is necessary. But if you look at the world today, non-interference is not unique to ASEAN. In fact, it is enshrined – the principle is, the policy – is enshrined in the charters of other regional associations and even in the Resolutions of the United Nations. The third point that I would like to make about non-interference is that the concept is not static, but it changes over time and according to circumstances. Thank you.

**AMS:** Just one addition: I think the purpose of the principle of non-interference enshrined in Article II of the UN Charter is to make the Member States comfortable, to assure them that as an organization you will not do anything against the will of the country concerned. This comfort level should be maintained. That's why the question of requests comes in. Immediately it is one of the principles. But, of course, the UN cannot be compared to ASEAN. The UN Charter also has Chapter VII on collective responsibility, but we don't have that. We have to keep in mind that ASEAN is a loose organization. So the concept of non-interference is recognized everywhere, but with some qualifications and limitations.

**AMS:** I'm looking at the Terms of Reference of the AIPR and it says here "Develop a pool of experts from ASEAN Member States as resource persons to assist in conflict management, conflict resolution activities." I was just wondering whether

we will have the capability someday to develop an indigenous pool of third-party facilitators. Of course, this will not put Dato' Tengku Ghaffar out of job. We also appreciate very much the assistance of Norway, for example, and the EU in the Philippine peace processes. But I'm looking at these Terms of Reference and I wonder whether we can have this capability someday, to have a pool of experts we can draw from when Member States request not for intervention but for assistance. And parallel to that question is what, then, do we look for in these experts or mediators, conciliators, third-party facilitators, and maybe one-day arbiters in conflicts among Member States?

**AMS:** I really enjoyed the presentations made by our distinguished friends. I think that Ambassador Severino, Professor Liow, and Mr. Vasallo were very, very precise. I was very inspired by Ambassador Severino's discussion about the future of ASEAN, about the Regional Comprehensive Economic Partnership and ASEAN 2015, which is very close. This region is an economic power and a self-engine of global economic growth, and everyone's eyes are looking to this region, even the superpowers. I really want to see close cooperation between AIPR and ISIS. A lot of the ISIS publications are very important for AIPR, especially on the balance between peace, security, and stability. On the question from Mr. Vasallo, I tend to agree with fellow AMS that, at least in the eyes of Europe or the West, AIPR is not there yet in terms of the three criteria of confidence building, preventive diplomacy, and conflict resolution. We are still engaged in scoping the Terms of Reference of the AIPR and, with the ASEAN Regional Forum, we are still in the confidence-building phase. I also agree that we have to be very careful in using external interventions even if this is becoming imminent, because we really need to have everyone onboard on the same boat at every step, especially since we have brothers and sisters from CMLV. We have to recognize also that they are at a different stage, not only of economic development but also political development. So I

just want to mention here that, yes, Europe may be the gold standard in mediation with its global engagement in Sri Lanka, Beirut, and other places, but on this issue, and I will be very consistent with my first intervention this morning, having local wisdom and its own internal interaction will be a good recipe for ASEAN. I really agree with some friends here that, based on our own information as well as information from our friends, especially the EU, that we need to grow bit by bit, also taking into account the question of ownership by ASEAN.

**Stålsett:** I warm to this question not because of the question about qualifications of personalities, but because it suggests that there is a role on the ASEAN level which goes beyond the role on the Member State level. And the body language of ASEAN goes beyond – it transcends – the paragraphs which have been quoted. If these are the – I’m referring to the non-interference business – if that would be taken strictly, you would not have an ASEAN Institute on Peace and Reconciliation. You would have a Filipino and Myanmar and so on Institute. But you have an ASEAN Institute which in itself gives a mandate to look at a conflict which is not Filipino. I mean this is the main point. I’m very impressed with the dialogue this morning and the openness simply to sit back and say where are we going in the future. When it comes to the concrete question of one ASEAN Member State, I think that there would be people available from the academia, from the civil society, from religious communities, if and when invited. That is for me the bottom line: if and when invited. Because those of you who are responsible, who have the mandate, you should also seek those qualifications which you see serve the purpose with openness. And the main qualification would, I think, be in openness, in building trust, in competence, and in understanding that no situation is identical, that you really cannot come and say that this is the way we have done it and this is the way it has to be done here. So that flexibility, which I suppose comes under one word of ‘wisdom’, wisdom built on experience, and,

again, what I tried to communicate in my speech, that about humility about one's own role. You are the owners of it. You shape ASEAN's future. And, particularly when it comes to this Institute, I think this is a very active exciting moment where you begin to develop that which will initiate a new phase in the history of ASEAN in this region.

**Tengku:** Thank you once again. My point is just to differentiate negotiation, facilitation, mediation, and reconciliation. I think that's very important. Sometimes we confuse facilitation and mediation. As far as Malaysia is concerned, when we worked with the Philippines, we are facilitating. When we facilitate, we give the space, the time, and resources such as they are our contact group. The EU's, the UKs, and non-State, when they are in contact group, they bring examples, just facilitating the mind how to see certain issues get resolved, for example in Ireland, in Spain, in Sudan, in Timor. So the role of facilitator is to give space and time, while mediation is a totally different thing. I think mediation has been in ASEAN for a long, long time. I think our fore fathers, if you remember well, our fathers have been mediating on ASEAN from Day One. And for negotiation, it is the State and the Party that are involved in the negotiation. The third party is not involved. They are the ones who make decision, they are the ones who chart and direct the process of negotiation. Thank you.

**AMS:** I just want to say that if we look at the mandate of AIPR, we are an institution that is supposed to be the freezer of another institution. We collect data. We learn about all of these mechanisms, the way they are run, and our work will continue if requested by Governments. We are not the organization that will become the implementor or even be mediators in my view, or that will play an active role in negotiating whatever on behalf of Governments. I also think that AIPR already has Eminent Persons in the form of the Advisory Board. They come from everywhere. They advise on the topic of what would be relevant

to our thinking if ever we are requested by Government. I think that is our job. And in the field of mediation, negotiation, there are Governments. We are not much involved but we know we can give advice.

**Vassallo:** Yes, a couple of comments on this issue. Obviously, in terms of the ability to provide a good service as a third party in a mediation situation, there's no doubt that the neutrality of the person involved, the knowledge of the situation – an in-depth knowledge of the situation, the ability to bring examples from past experiences are certainly extremely important in creating the credibility of the purpose. But I would like to add something else. The EU's approach to mediation now is taking on a what we call “comprehensive” approach. Taking the example of Aceh, it was not the mediation on its own that allowed us to make ourselves useful, it was the fact that we could bring several elements to the table. We could bring the security element in terms of mounting the monitoring mission itself. We could bring structural support, for example, in drafting the regulations for the local elections, of which we are a little bit more enthusiastic than perhaps Joseph. And also, to add to it, a development package that you put on the table when the time is right, a development package so the mediator can be helping the process along the way and finding the right time in which to put financial instruments on the table. Let me just say something about what you mentioned, this business of going back to the idea of compromise and of saving face and everybody feeling that they leave the table victorious. Well, of course, it's never completely true. There are always, to an extent, winners and losers. What we've learned in the EU, having worked together for so many years, is that, after a while, a dynamic is created around the table where you know this is not a one-off game, this is not the only game. Today you're negotiating a regulation on fisheries and maybe some countries are losers, but tomorrow you'll be doing something about energy and I will be a winner then. And it creates a dynamic where it's not

a zero-sum game. It's a long process where nobody is put in a corner for no apparent reason. There's always an effort, a big effort, to accommodate everybody's national interest. But at a point, a decision must be reached. There will be some winners and losers today, but the configuration of winners and losers today will be different from the one of tomorrow.

## SESSION IV:

Proposals for Strengthened  
or New Mediation and  
Conflict-Prevention  
Mechanisms:  
Rules-Based Approach  
to Inter-State Dispute  
Resolution and Management

# **Lessons Learned from Rules-Based and Situational Leadership Approaches to Conflict Prevention and Resolution of Disputes: Case Study of Timor-Leste's Management of Disputes with Australia and Indonesia**

by

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Following the referendum on independence on August 30, 1999 and two and half years of transitional administration by the United Nations, Timor-Leste became an independent nation on May 20, 2002. Since then, it has maintained cordial and productive relationship with its neighboring countries, Australia and Indonesia. The purpose of this paper is to examine how Timorese leaders exercised their rule-based and situational leadership and achieved the protection of their national security and interest, while maintaining peaceful relationship with its two neighboring countries.

## **Issues related to maritime boundary and natural resources**

Australia and Timor-Leste have maintained close security and economic ties. Being just about 610 kilometers south of Timor-Leste, Australia has played a critical role in maintaining the security and stability of the newly born country. Australia led the multinational security forces that helped quell violent attacks by militia after the popular consultations in 1999 and also after the internal armed conflict in 2006 in order to restore peace and stability in the country. Australia has been the largest provider of reconstruction and development assistance with more than 800 million US dollars extended during the first ten years since 1999 and its aid budget has been running at the rate of 120 to 150 million US dollars a year since 2010.

In spite of this impressive security and development assistance provided by Australia, its relationship with Timor-Leste has affected by disputes over maritime territorial boundary lies, natural resources and most recently espionage allegations.

Large oil and gas reserves lie in the sea between the two countries in an area known as the Timor Gap. When it was an Indonesian possession, Australia broke with many of its allies and recognized Indonesia's annexation of East Timor in 1976 in what was widely seen by analysts at the time as a quid pro quo for a treaty favorable to Australia involving oil and gas exploration in the area. Since its independence from Indonesia in 1999, disputes over the maritime territorial boundaries and the allocation of revenues from the oil and natural gas resources caused serious strains in the relationship of the two countries.

The issue of ownership of natural gas, oil and other resources in the seabed of the Timor Gap became a major issue once Timor-Leste achieved the restoration of its independence. The then Prime Minister Alkatiri played a critical role in asserting Timorese ownership of the natural resources which some geologists initially estimated at the value of \$1.7 billion. As the special representative of the Secretary-General of the United Nations then, I vividly remember the very difficult negotiations Prime Minister Alkatiri had with Australian Foreign Minister Downer who was physically large and imposing personality. Downer felt that Timor-Leste should be grateful for the security support given by Australia at the time of referendum and tried to intimidate the Timorese Prime Minister who, however, was tough in character and vigorous in spirit. While Downer argued that oil resources were in the area that belonged to Australia as it was part of the continental shelf of Australia, Alkatiri insisted on the application of international law in determining the maritime boundaries.

The maritime boundary and the sharing of natural resources were two separate issues. Neither Australia nor Timor-Leste was willing to agree on any definite lines. Timor-Leste wanted to take the matter to the International Court of Justice, but Australia refused to do so. Recognizing the need to move forward, the Timorese leaders adopted three pronged legal approaches and concluded first, the Timor Sea Treaty in 2002, second the Sunrise International Unitization Agreement commonly known as SUNRISE UIA in 2003, and thirdly, the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS) in 2006.

Officially known as the Treaty between Australia and the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea (CMATS), the treaty provided for the equal distribution of revenue derived from the disputed Greater Sunrise oil and gas field between Australia and Timor-Leste. The field is located in the Timor Gap where Australia and East Timor have overlapping claims over the continental shelf or seabed. Prior to the treaty, Timor-Leste would have received only about 18% of the revenue from the field. CMATS was signed in Sydney on January 12, 2006 by Australian Foreign Affairs Minister Alexander Downer and his East Timorese counterpart Jose Ramos-Horta. It came into force on February 23, 2007 with the exchange of notes in Dili, the capital of Timor-Leste.

The way the Timorese leaders managed the territorial disputes with their counterpart of Australia showed their insistence on following international laws as well as their readiness to adopt a realistic approach to manage disputes and prevent irrevocable conflict of interest. Once they found out the issue could not be resolved by international law, they engaged pragmatically with Australia for the exploitation of the Bayu Undan oil field by Philips Petroleum, and agreed to determine the share of revenues from the Greater Sunrise field area. The fruitful

negotiations the Timorese Government carried out on the Timor Gap demonstrated its ability to be seen as a serious player on the international scene. The Timorese leaders' unexpectedly strong reaction against Australian interests showed they were not intimidated, despite their relative weakness.

Prime Minister Mari Alkatiri skilfully used the requirement for parliamentary ratification of any treaty as a means to stall acceptance of Australian demands. He introduced the Timor Sea Treaty (TST) to the National Parliament, and on 25 November 2002 they started deliberations on its ratification. Later, in the afternoon, a member of the Office for Timor Sea Joint Development Area made a full presentation of the treaty. The Parliament purposely took time to debate the treaty while the Prime Minister renegotiated it. Domestically, the Prime Minister was criticized for having agreed to even a 50–50 split, for there was a strong feeling that the area belonged to Timor-Leste. Nevertheless, the split still reflected a major progress compared with Australia's original plan, and Prime Minister Alkatiri should be given full recognition for having defended the national interest of Timor-Leste. The Timorese leaders since then worked hard on a plan to establish a pipeline which would link to a refinery in Timor-Leste instead of Darwin, Australia. The oil refinery company Woodside of Australia claimed it would be very expensive, but the Timorese leaders insisted, as it would create several thousand jobs in the countries.

If there is any other step the Timorese leaders should have taken with regard to the final settlement of borders, I consider that the validity period could have been kept to 20 years instead of 50 years until 2057. This “postponement” on settling the question of sovereignty over the seabed was meant to provide stability for the legal regime governing the exploitation of the Greater Sunrise field and removing the “petroleum factor” once the two countries get down to settling their maritime boundaries. But, the long duration tends to solidify the arrangement in this

rapidly changing world as CMATS will not prejudice or affect Timor-Leste's or Australia's legal position or legal rights to the delimitation of their respective maritime boundaries. Both parties are prohibited from asserting its claims to sovereign rights, jurisdiction and maritime boundaries for the period CMATS is in force. Timor-Leste will not be able to start any proceedings against Australia before any court on issues related to maritime boundaries or delimitation in the Timor Sea. Furthermore, no court proceedings involving the countries shall decide or comment on anything related to maritime boundaries or delimitation and any such comment or finding shall be of no effect and shall not be relied upon at any time. Neither country shall also pursue any matters related to maritime boundaries or delimitation with any international organization, thus closing any room for an appeal to the international community.

### **Espionage Case**

In 2013, East Timor demonstrated successfully its will and determination to resort to the international legal mechanism to step Australia from allowing its intelligence agency to continue acts of espionage.

Timor-Leste launched a case at the Permanent Court of Arbitration in The Hague to pull out of CMATS that it had signed with Australia as it accused the latter of having its intelligence agency, the Australian Secret Intelligence Service (ASIS), bugged the East Timorese cabinet room in Dili in 2004. The Australian lawyer Bernard Collaery, who was representing the Timor-Leste government, alleged that agents from the Australian Security Intelligence Organization (ASIO) as well as the Australian Federal Police (AFP) had raided his Canberra office and seized his electronic and paper files. Collaery's allegations were later confirmed by Australia's Attorney General George Brandis, who asserted that he had authorized the ASIO raids to protect Australia's national security. The International

Court of Justice (ICJ) ordered Australia on 3 March 2014 not to make use of the documents it had seized over the dispute on oil and natural gas resources which was now estimated to value more than \$40 billion dollars and must keep them under lock until further notice. ICJ also ordered Australia not to interfere with communications between East Timor and its legal advisors in the arbitral proceedings and related matters. The ruling was reported widely as a victory for Timor-Leste by international media. The Financial Times report “UN court orders Australia to cease spying on East Timor” was echoed by other newspapers.

It is noteworthy that the Timorese leaders did not proclaim this ruling of the International Court of Justice as a victory in their inter-state dispute with Australia. Instead, they used it to affirm the importance of promoting dialogue between the two countries as a first line mechanism to rectify existing disputes. It is noteworthy that the Timorese leaders did this by utilizing good faith and conciliatory means to resolve outstanding matters. As Minister of State Agio Pereira noted “We express our gratitude to the International Court of Justice and the 16 member tribunal for their time, consideration and swift action to protect the rights and interests of Timor-Leste. These provisional orders were sought not only to protect and promote the rights of Timor-Leste but for all sovereign States in their pursuit to uphold the international laws and conventions we prescribe to. Particularly, this is a win for the people of both Timor-Leste and Australia who prefer to see their Governments work together in an honest, frank and more collegiate manner, for their collective long-term national interest.”

An international doctrine advocated that any lasting success in peacebuilding in post-conflict countries depends on achieving truth, justice and reconciliation aimed at strengthening the rule of law. In Timor-Leste, the leaders worked with the international community first in establishing truth and then in carrying out

judicial processes. The Timorese leaders were less interested in adhering to international human rights norms than establishing peaceful relationship with Indonesia. They set aside the issues of past wrongs to move forward by pursuing restorative justice rather than retributive justice. This approach resulted in reconciliation between the two countries and strengthening their relationship, while undermining human rights and justice.

Following the popular consultation of 1999 which led to the independence of Timor-Leste, the United Nations and Timorese authorities constituted four separate mechanisms aimed at addressing the issues of truth, justice and reconciliation. The United Nations first established a commission for reception, truth and reconciliation or in Portuguese language known as a comissão de acolhimento, verdade e reconciliação (CAVR), launched what is called the serious crimes process (SCP) and engaged a commission of experts (COE), while the Timorese authorities established with Indonesia a commission of truth and friendship (CTF). The UN and Timorese approaches reflected two divergent views on the relationship among truth, justice, reconciliation and peace. The UN insisted on finding evidence of serious crimes such as mass murders and killings and on punishing those who were responsible for these acts. It is the exercise of retributive justice in order to eliminate the culture of impunity. The Timorese leaders, on the other hand, pursued restorative justice with its emphasis on healing the relationship between victims and perpetrators. Truth was sought to achieve reconciliation.

The Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR) was set up in 2001 and started its work from 2002 until its dissolution in December 2005. It was an independent, statutory authority led by seven East Timorese Commissioners and mandated by UNTAET Regulation 2001/10 to undertake truth seeking for the period 1974-1999, facilitate community reconciliation for less serious crimes, and report on

its work and findings and make recommendations. Its 2,800 page report entitled 'Chega!' was presented to the President, Parliament and Government of Timor-Leste following its completion in October 2005. This was an independent entity with the objective of investigating human rights violations committed by both sides, i.e. both Indonesian and Timorese entities. The period covered by the investigation was a total of 25 years from April 1974 to October 1999. CAVR was also tasked with facilitating community reconciliation for those who had committed less serious offences. In doing so, CAVR was to help establish the truth about these violations, and carry out the process of reconciliation aimed at restoring the human dignity of victims. It was neither a tool of retributive justice nor a prosecutorial mechanism. CAVR was, however, empowered to refer serious crimes of human rights violations for prosecution by the serious crimes investigation team. CAVR's report was released in January 2005 and detailed the torture that took place systematically and dismissed the claim that "rogue elements" of the military were responsible for the human rights abuses.

Another mechanism which was created by the United Nations Transitional Administration in East Timor (UNTAET) to pursue retributive justice was the UN special panels within the District Court of Dili. Also created was the serious crimes investigation unit (SCU) to investigate and prosecute the crimes committed in East Timor. Despite the indictment of Indonesian military officers, trials could not go forward because the Indonesian government did not recognize the court and refused to extradite the accused. In Resolution 1272, the UN Security Council recognized that serious crimes had been committed before and after the popular consultations in 1999 and demanded "that those responsible for such violence be brought to justice." In response to this call, UNTAET established the serious crimes unit (SCU) to investigate and prosecute war crimes, crimes against humanity and individual offences of murder, torture and

rape, committed between 1 January and 25 October 1999. All charges brought by the SCU were to be tried before one of the Special Panels of Serious Crimes, each panel consisting of two international judges and one East Timorese judge. As I observed this judicial process, it was carried out reasonably well as a whole, although the process was not able to address the need for holding the “big fish” accountable. The initial sentencing was rather harsh, as I recall the first defendant found guilty was sentenced to 24 years in prison. Later on, the number of years of imprisonment ranged between 10 and 15 years. There was, however, a major shortcoming in the process. In theory, it was possible to arrest and put on trial the key individuals who had planned and organized the killings. In practice, however, this approach was fraught with the impossible political reality. Although arrest warrants were issued for 20 Indonesian senior officials who were implicated, none of the Indonesian military commanders could be found guilty, starting with its military leader, General Wiranto. Wiranto was popular among the Indonesian public as he played a moderating role and took care of the difficult transition period in 1998 when President Suharto was forced to resign and was succeeded by Vice-President B. J. Habibie as the new President of Indonesia.

The third body created by the United Nations was the Commission of Experts in 2005 mandated to review the status of legal and other measures taken to prosecute human rights violations in Timor-Leste. After lengthy deferrals in the Security Council, the Commission of Experts was finally able to release its report on the prosecution of human rights violations committed in East Timor. The report called the Indonesian Ad-Hoc Court “manifestly inadequate” owing to the prosecution’s “lack of commitment” and proposed the establishment of an international tribunal for East Timor if Indonesia failed to promptly strengthen its judicial system. The Commission also included the possibility of an exceptional International

Criminal Court investigation (that would extend the Court's jurisdiction to crimes committed before its establishment) if the above recommendations were not implemented. This hard assessment of the legal actions that had been carried out surprised many of the Security Council members as the Commission was asked, *inter alia*, to "recommend legally sound and practically feasible measures."

In 2005, the Government of Timor-Leste set up the Truth and Friendship Commission (CTF) with the Government of Indonesia to establish the conclusive truth into the violent events and to further promote reconciliation and friendship. The commission was made up of four members appointed from each nation, and these commissioners were instructed to conduct a document review and analyze previous trials and investigations into the subject, including the UN Special Panels for Serious Crimes and Serious Crime Units in Dili, and the report of the Commission of Reception, Truth and Reconciliation of Timor-Leste. The commission also stated its intent to research the "historical background, political dynamics, and institutional structures that shaped events before and during 1999" to "inform its conclusions with a broader understanding of the way in which the causes of the violence in 1999 were connected to previously established institutional structures and practices.

Operating over three years, the CTF gave its final report on July 15, 2008, and presented it to the Presidents of Indonesia and Timor-Leste. The report contained startling findings about what actually took place immediately before and after the Popular Consultations in 1999. The Commission concluded that gross human rights violations in the form of crimes against humanity did occur in East Timor in 1999 and that these violations included murder, rape and other forms of sexual violence, torture, illegal detention, and forcible transfer and deportation

carried out against the civilian population. The CTF made four distinct conclusions:

- There was institutional responsibility for these violations.
- In regard to crimes committed in support of the pro-autonomy movement, Commission concluded that pro-autonomy militia groups, TNI, the Indonesian civilian government, and POLRI must all bear institutional responsibility for gross human rights violations targeted against civilians perceived as supporting the pro-independence cause. These crimes included murder, rape and other forms of sexual violence, torture, illegal detention, and forcible transfer and deportation.
- In regard to crimes committed in support of the pro-independence movement, the Commission concluded that because of the lack of previous systematic judicial investigations of such violations the exact nature and extent of such violations could not be conclusively determined. The Commission also determined that it was nonetheless possible to conclude that pro-independence groups were responsible for gross human rights violations in the form of illegal detentions that targeted civilians who were perceived as pro-autonomy supporters.
- Persistent patterns of organized, institutional involvement in these gross human rights violations provided the basis for its determination about institutional responsibility. The Commission further noted that because of the nature and scope of this involvement, from a moral and political perspective the respective states must accept state responsibility for the violations identified in the Report as linked to their institutions.

It is noteworthy that the CTF made recommendations that both nations begin institutional reform enhancing the strength of investigative and prosecuting bodies involved

with investigations into the events, as well as forming joint security policy to ensure the safety of individuals in case of the recurrence of violence. It also noted the need to resolve other standing border and security issues between the two nations to allow for more cooperation. Notably, the report gave no recommendations of amnesty or rehabilitation, although human rights advocates expected that the CTF would allow amnesties for perpetrators of serious crimes and for its biased treatment of victims during hearings. It is also significant that the report which was critical of Indonesian military, police and other state institutions was endorsed by Indonesia President Susilo Bambang Yudhoyono, making it the first recognition of the Indonesian government's complicity in widespread and gross human rights violations in East Timor by Indonesia in 1999.

Despite the initial misgivings of its critics, as noted by the War Crimes Study Center of the University of California at Berkeley, the CTF Commission produced a credible report as it rejected the notion of amnesty or political rehabilitation for any individuals who were thought to have committed crimes against humanity in East Timor in 1999. The Berkeley Center also noted it was significant that the CTF stated clearly that in addition to the direct role of Indonesian-backed Timorese militias, Indonesian institutions including the army (TNI), police, and civilian government were directly or indirectly involved in every phase of the organization and perpetration of these crimes. Furthermore, it was noteworthy that the CTF pointed out that despite limited investigations, there was credible evidence to indicate that Timorese institutions were also responsible for illegal detentions and possibly other crimes. On the basis of these findings the Commission made recommendations for institutional reform in military and security forces, as well as other recommendations to ensure that such violence would not reoccur. The credible outcome of the CTF exercise meant that the bilateral approach favoring reconciliation was productive,

while the United Nations pursued retributive justice with a sense of failure to prosecute all of perpetrators of serious crimes.

The conciliatory approach towards Indonesia, however, did have an adverse impact on the perception of what the Timorese leaders stood for when they were confronted by the Indonesian request for release of Martenus Bere who was arrested for trial when he crossed the Indonesian border into Timo-Leste in August 2009. The former commander of the pro-Indonesia Laksaur Militia had been indicted for crimes against humanity in a Suai church massacre that took place on 6 September 1999, when more than 30 people, including priests and children, were killed. The Timorese leaders, particularly Xanana Gusmão, felt that it was in their national interest to release Martenus Bere, without due process of law. The international community appeared outraged by this act of disregard of the judicial process. The United Nations spokesperson stated “The UN’s firm position is that there can be no amnesty or impunity for serious crimes such as war crimes, crimes against humanity and genocide.” The UN position was then elaborated by the UN High Commissioner for Human Rights, Navanethem Pillay, who warned that the release of Martenus Bere would have serious consequences for the prospect of sustaining justice and accountability in Timor-Leste. However, President Ramos-Horta and Prime Minister Gusmão vigorously defended the action they had taken and asserted that fostering a culture of tolerance and friendship would secure peace, stability and prosperity for all people in the long run. Knowing the importance the major global powers put on the maintenance of peace in Southeast Asia, Ramos-Horta thought that peace was more important than justice, and felt that the Bere case would not become a serious issue and lead to a heated debate in the Security Council. Ramos-Horta’s assessment of the Bere case proved accurate, as the Security Council members hardly discussed the case when they met later in the year.

## **Lessons Learned from Timorese Management of Disputes with Australia and Indonesia**

In managing contentious disputes with neighboring countries of Australia and Indonesia, the leaders of Timor-Leste have resorted to international legal mechanisms to the extent possible, but they also adopted realistic situational approaches to resolve temporarily if not permanently the immediate issues at hand.

In conclusion, it can be stated that the Timorese leaders applied to the extent possible universal principles and laws to resolving issues with the neighboring countries. However, the Timorese leaders found it necessary to adopt a realistic approach given Australia's unwillingness to go to the International Court of Justice. Before Timor-Leste became a sovereign independent nation-state, Australia withdrew from the jurisdiction of ICJ by declaring that it no longer accepted the UN Convention on Law of the Sea. In its disputes over the revenue sharing from oil and natural gas resources in 2002-2006, Timor-Leste again insisted on the application of international laws but found it necessary to adopt a realistic approach given Australia's unwillingness to resort to the international jurisdiction. On Australia's espionage case in 2013, Timor-Leste was more successful in obtaining the international arbitration on espionage carried out by Australia than the maritime boundary case.

In dealing with Indonesia, the Timorese leaders were less interested in adhering strictly to international human rights laws. They set aside the issues of past wrongs to move forward by pursuing restorative justice rather than retributive justice resulting in reconciliation and strengthening the relationship between the two countries. They were even agreeable to releasing a former militia leader who commandeered a killed of many civilians when demanded by Indonesia. This approach had adverse impact on the perception of general public about

the commitment of the Timorese leaders to the judicial process, but it also revealed that the major powers with seats in the Security Council of the United Nations favored the maintenance of peace at the expense of justice.

# **The Role of CSOs and Think Tanks for Building a Culture of Peace in ASEAN**

By

**Rahimah Abdulrahim**

Executive Director, The Habibie Center

Your Excellencies Permanent Representatives Of The ASEAN Member Countries

Your Excellencies, Governing Council And Advisory Board of AIPR

Distinguished Speakers,  
Ladies And Gentlemen

Good morning and peace be unto you.

First of all, allow me to congratulate our wonderful hosts the Government of the Philip-pines for convening the 1st event of the ASEAN Institute for Peace and Reconciliation. I of course applaud the amazing leadership of Ambassador Elizabeth Buensuceso and the ever helpful team from Jakarta and here in Manila that have ensured that we are well taken care of, and of course fully entertained at last night's dinner. It was indeed a wonderful experience to see the fun side of ASEAN meetings.

For us, as part of civil society, this first Symposium is indeed an exciting milestone as it is a signal - or so we hope - that there'd will be an opening for us to collaborate and be more involved in efforts to help build a culture of peace in the region. So I am very honored to have been invited to this very important first step.

I am delighted by the remarks by HE Evan P Garcia who suggested that there must be a multi-stakeholder approach to collaboration as well as a dynamic, modernized and an outside the box thinking for AIPR. As this of course is something

that we welcome and hope to have with existing ASEAN institutions.

ASEAN Institute for Peace and Reconciliation (AIPR) has raised many questions since it was first proposed. Perhaps the most critical questions from the perspective of CSOs are:

- What role AIPR would play if a conflict broke out?
- Does the establishment of AIPR mean that ASEAN is to play a role in intra-state conflicts in member states?
- And how will they then interact or collaborate with existing think tanks and CSOs?

And it is this that we hope to be able to learn as AIPR takes shape, and perhaps the recommendations Ambassador Buensuceso asked for yesterday for the close of the symposium later this morning will also reflect upon this.

From what we have already gathered, although AIPR is a recognition that not all conflicts can be resolved at the government level. it has already been said that AIPR will not be a substitute for government-to-government talks. From my understanding, it has already been put forward that ;

- AIPR will not be able to call an emergency meeting of relevant ASEAN ministers in response to a conflict;
- AIPR will not have a military element;
- AIPR is ‘just another menu option.’ In other words it will be another entry point for engagement to resolve conflict, and in particular will allow participation from non- governmental elements;
- AIPR will contain a roster of regional experts ready to be deployed to address conflict in ASEAN as consultants or advisors;
- AIPR will have a Track 1.5 role and limited to carrying out research and producing publications. Its other functions

are: capacity building, network building, and information dissemination

Whether or not these will change still remains a question that perhaps the AIPR Governing Council and Advisory Board will be able to answer as they continue to bring AIPR into shape.

As of now, it seems that, in the event of a conflict within ASEAN, AIPR's role will mostly be limited to conducting research and providing recommendations on resolving conflict.

Yesterday we heard of calls for an inclusive and participatory approach for AIPR, we heard calls to think outside the box, and to have a multi stakeholder approach, to make use of the network of CSOs and think tanks that are already actively working towards a culture of peace, or actively working for mediation and research on policies that would resolve conflicts and promote peace.

But we also heard concerns of NGO and CSO accountability; trust deficit between stake-holders, as well as a reminder of ASEAN's principle of 'respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN member-states' - or the principle of non interference. Although I do thoroughly agree with Ibu Arta's statement that "Helping each other in mending differences should not be considered as interfering"

All of the concerns voiced are understandable, and unfortunately – in the case of trust deficit and NGO or CSO accountability - these concerns are not without merit, and for the purpose of my presentation today, I will address more on this issue.

There has already been a clear expression by CSOs of their desire to be more involved in the development of ASEAN. In 2010 there were several efforts to directed towards a talk of a

networked ASEAN Secretariat – perhaps Ambassador Bagas Hapsoro could enlighten us more on that further. The desire for inclusion in the discussions on peace building, does not mean that CSOs desire is to dictate what should be done, but more on providing whatever support that is required to ensure swift resolution to conflicts.

We need to highlight:

- The ability of collaboration and utilization of resources to be shared. – use of data and research for policy.
- The capacity to take stock of existing conflicts and share experience of mechanisms that have worked to resolve conflicts in the past.
- The value of existing work of think tanks – e.g. The Habibie Center’s National Violence Monitoring System (NVMS) that is conducted in partnership with government – The Coordinating Ministry for Social Welfare of the Republic of Indonesia.
- The need to put a spotlight on the think tanks that are credible in order to create partnerships
- Independence of research institutes and think tanks.
- Tri sector involvement to tackling problems.

Whatever the hopes and expectations are for AIPR, and whatever it then is shaped to be by the eminent members of the Governing Council and Advisory Board, it is the hope that AIPR can, as Marty Natalagewa stated, be a catalyst in trying to get ASEAN member-states to start to think that they can solve their own disputes using ASEAN measures - as also highlighted several times yesterday by Ambassador Bagas Hapsoro in employing local wisdom. In other words, it is hoped that AIPR will encourage ASEAN member-states to be more confident in employing ASEAN’s formal mechanism such as the Treaty of Amity and Cooperation’s High Council which to date has never been used. Previous disputes between ASEAN member-states

have seen parties take their case to the International Court of Justice.

It is also hoped that AIPR can create a long-term change in mindset among ASEAN member-states with the hope that they can slowly become more comfortable and willing to discuss sensitive issues.

In the meantime, the role of AIPR in creating a rule-based mechanism for resolving conflict between states should perhaps start by fostering and facilitating an environment in which ASEAN member-states become slowly but surely more comfortable, confident and willing to: (a) discuss their conflicts, and (b) more importantly, to employ the existing formal mechanism of ASEAN on conflict resolution, especially the Treaty of Amity and Cooperation's High Council.

It is through collaborations with existing Track 2 institutions and think tanks that are credible that - it is hoped - AIPR will be able to not only provide a hub, but also play a role in identifying where there are gaps where research has not been done, as well as identify where research is needed the most. It is in the interest of most think tanks that work on peace building that conflicts are resolved in the best and most efficient way using existing mechanisms. For us as track 2, we hope that peace prevails - whether inter-state or intra-state.

Thank you.

## SESSION IV OPEN FORUM

Moderator: **H.E. Dato' Hasnudin Hamzah**

Permanent Representative of Malaysia to ASEAN,  
and Member, AIPR Governing Council

**AMS:** Thank you Chair, for giving me the floor and thank you for your kind words of appreciation and truly this is a very interesting session, I learned a lot from the presentations and expect to learn more as we converse. But let me give you the technical side, I will not argue the 4,000-page memorial that we sent last 31<sup>st</sup> of March. But let me just give you some of the technical aspects of arbitration and maybe Prof. Hasegawa can add some more because I am not an International Lawyer. The Philippines resorted to arbitration before the UNCLOS, under Article 287 and Annex 7 of the UNCLOS. What does Annex 7 of the UNCLOS say? A rather unique feature of UNCLOS is that it allows, under certain conditions, a state party to bring another state party to arbitration even without the latter's consent. That is why we didn't go to ICJ court because we didn't have the consent of the other party, but under the UNCLOS Article 7 we are allowed even without the consent of the other party. The Annex 7 Arbitral Tribunal is composed of 5 members who are free to determine their own procedure. The absence or failure of a party to defend its case shall not constitute a bar to the proceedings. There have been 4 instances when state parties have resorted to Annex 7 arbitration: Bangladesh and India, Mauritius and UK, Argentina and Ghana, and now the Philippines and China. On November 22, 2013, we issued to China through their Embassy in Manila, the Philippine notification and statement of claim, stating our the challenge before the Arbitral Tribunal, the validity of China's 9-dash claim line to almost the entire South China sea including the West Philippine Sea and to desist from unlawful activities that violate the sovereign rights and jurisdiction of the Philippines under the 1982 Convention on the Law of the Sea.

When we filed this notification, the process began. And so the five panel judges were chosen. Under the rules, the Philippines are entitled to nominate one judge, so we nominated 1 judge. The other party was entitled to also present and choose one judge but they declined to do that. Four other judges were appointed. All in all, the judges appointed are from Ghana, France, the Netherlands, Poland and Germany and we trust that these five judges have an international reputation of being fair, and having integrity. Of course, we would not resort to this mechanism if we thought we did not have a chance. This is another rules-based dispute settlement recourse that we had to do because we thought that there is level playing field. I will just mention to you our allegations. We are not asking the Tribunal to decide which belongs to us; this is not what we are asking. In layman's words, we are asking the Tribunal to decide whether under the laws of UNCLOS the 9-dash or the historical claim of China has a basis. Are they part of provisions of the UNCLOS? That is all that we are asking. So these are the allegations of the Philippines: we are saying that China's 9-dash line claim is contrary to UNCLOS, that it's not part of the UNCLOS' framework and therefore unlawful. The Philippines is requesting the Tribunal to, among others: 1) to declare that China's rights to maritime areas in the South China Sea, like the rights of the Philippines and other claimant country are established by UNCLOS and consists of rights to a territorial sea and contiguous zone under part 2 of UNCLOS, to an Exclusive Economic Zone (EEZ) under part 5 and to a continental shelf under part 6. 2) We are asking the Arbitral Tribunal to declare China's maritime claims in the South China Sea based on its so-called 9-dash line contrary to UNCLOS and invalid. And 3) we require China to bring its domestic legislation into conformity with its obligations under UNCLOS and to desist from activities that violate the rights of the Philippines in its maritime domain in the West Philippine Sea. The Arbitral Tribunal has jurisdiction to hear and make an award as the dispute is about interpretation and application by state

parties of their obligations under the UNCLOS. Both parties are members of the UNCLOS, and we have to be subject to the rules of the UNCLOS so this is very straightforward. There are no emotions involved here and no outlandish claim. We are just asking the Tribunal to say if China's claim is covered under UNCLOS or not. Thank you very much for your attention.

**Hasnudin:** Thank you so much for sharing the Philippine prospective on the issue of arbitration with China. I don't know whether Prof. Hasegawa would like to say something.

**Hasegawa:** I think that's a very good presentation. I think in fact, this process brings about more control of these issues under international law and I think that for most states, this is the only venue you have. This is because you cannot just resolve to physical force to counter this. Now, there is one clause which has been playing a very important role, this is what we call today as the "effective control" of the area. This has some implications and I think China knows that, by not participating in the arbitration trial by UNCLOS, and of course to undermine the legitimacy of the arbitration process itself because if you don't have the one you are accusing present in a trial, you have less legitimacy if you charge somebody in absentia. These two are the challenges or stumbling blocks [to the arbitration]. But I think it is not only the legal venue that you are addressing. I think you are addressing the opinion of the international community and I think that is very important, and I hope that the big powers will come to make sense of this process because in the long run that will be beneficial to everybody.

**Stålsett:** Let me just bring up one or two comments to Prof. Hasegawa's presentation which resonates very well with my own memory and engagement in Timor Leste. I think the way he presented it provides a model of approach in conflicts which are not identical. There are values which are important.

One point about truth, justice, reconciliation and peace: very often we discover that the justice point makes people nervous because what is there in the future for us if we in the process of reconciliation speak about justice? Then we have to remember the 2 or 3 dimensions: the punitive justice as one or the restorative justice as the other. In my insistence in the process of East Timor on truth justice, reconciliation and peace, the restorative justice has been the main concern and I think that was what made it possible to build a consensus around that process. There are still those who insist on the punitive justice approach and work for an international panel or a forum under the offices of the UN to deal with crimes against humanity. In the agreement between Indonesia and East Timor as expressed in the Special Truth and Friendship Report, the final close is that the things of the past are settled. Let's move to the future. That is in a way a true *facile* because the memories of the victims will linger on and unless there is an element of restorative justice taken seriously you will have this haunting whatever construction you have for the future. I had a wonderful discussion, a conversation first with President SBY when I started my mission in 2006 and then towards the end with Vice-President Kalla and when I brought up this justice issue, Vice President Kalla said "No, let us finish what we have agreed between the Republic of Indonesia and East Timor. Let us not visit that." So I said, "Well, Mr. Vice President, I understand that but if in ten years or so, there is a Vice-President sitting here who has a different view in light of the development within Indonesia, maybe the issue of restorative justice and the other dimensions will be brought back and he said, "In that timeline, in that perspective I agree with you." So I think we need to have the approach of a long process where the issue of restorative justice the victims' perspective is the dominant one and we should not have too much patience on behalf of the victims. We need to look into that. That's my first point. The second is the questions of values. There was a sign in the reception desk of a hotel in Geneva written in somewhat

faulty English saying “Please leave your values at the front desk”. I always remember that because sometimes in church, in business, and in diplomatic circles, the values are left in the front desk and you sit at the table and the “valuables”, the material values are the dominant factor. I believe that values and valuables are interconnected and as we work for material justice, the fundamental values are also important. And that leads me to the third observation: the relationship between traditional values and human rights. This has been a year-long discussion at the Human Rights Council in Geneva. Especially from the point of view of religion where I seen the alliance between the Vatican, the Russian Orthodox Church, the Al Azar in Cairo, on behalf of the Muslim, there’s have been an alliance on the basis of traditional values against human rights values and I think this is also a discussion that we will need to go into and take at face value. My final point is simply to say that I am convinced that the construction of this Institute is a way to build a box in order to think outside the box. I think that is a promise which I will bring with me from this symposium and again thanking you for allowing me to be a part of it and say how much I rejoice with you and my prayers and hope will continue to follow you as you develop this instrument to be a blessing for the region and for every country. So thank you so much.

**Hasnudin:** Thank you so much, Dr. Gunnar. Let me take this opportunity to speak on behalf of all of the Governing Council members and those present to say how we really appreciate your presence and your sharing of your views and ideas with us.

**Vatikiotis:** I just wanted to make three short points concerning my observations on today’s discussions and also some of the longer terms challenges that I think you face in the Governing Council that have not yet been raised. First of all, yesterday’s discussion was very interesting. It was conducted in great spirit

and frankness and I think the highlights for me is the importance of the Governing Council to be able to meet confidentially as we talk about sensitive issues and I think this is something that presents opportunity to provide an important, confidential and informal forum to discuss issues that affect all ASEAN Member States. I think in many ways the dividend of AIPR that you all can have is that this is a forum to discuss issues of great sensitivity without outside interference. The second point I'd like to make is the issue of accountability of CSOs. It is very important to appreciate that the AIPR has already attracted a great deal of attention from donors which will want to influence the agenda that AIPR has. Since the mid-1990s, donors sought to influence the whole security agenda of ASEAN and so there will be donors who say AIPR should only look at internal conflicts and there would be donors who will say you should tackle the South China Sea. You will be pushed by the donors who want to decide the security agenda for ASEAN and will therefore try to influence AIPR itself. So I think it's very important for you to decide the definition of peace and reconciliation and it's aspects not just within the region but between perhaps ASEAN and other regions in Asia. I think it's very important not to allow the donors to drive the agenda. Thirdly, I just want to say one last thing about CSOs because it is a continuing challenge for AIPR, which is governed by a council composed of ASEAN officials, and with an Advisory Board that consists more of eminent persons rather than non-government persons, for the relationship with the civil societies to be taken seriously and not problematic from the beginning of the conception of AIPR. It was very striking that the AIPR was an idea conceived within the ASEAN official realm. The very first reaction of civil society actors to the idea was that we were not consulted. This is important because in many ways the whole landscape of peacemaking and peace building, in the Southeast Asia is more advanced in the realm of civil society framework than in any official frameworks. So in many ways, you have a disconnect between the official realm and the

unofficial realm. I think therefore it is very important for AIPR to make as part of it mechanism and institutional DNA, a solid interface with civil society in a non-governmental world. Thank you very much.

**Hasnudin:** Thank you Michael, the last point is the important one and I hope all my colleagues in the GC and Advisory Board take note of that. We will see how we can work to that end. There will be ongoing interest in the part of CSOs to be involved in this important endeavor so we realize this as much as you do. Thank you so much.

**AMS:** I came to the meeting this morning with a lot of expectations. It seems that what we are doing here is we are talking a lot about conflicts and peacekeeping efforts that have already taken place. We also talk about studies that have already taken place. So what would I like to listen to Prof. Hasegawa express his views on any mechanism that we can use to detect the origins or beginnings of conflicts before they start. Like early warning systems. How do you design that? I have been over the past years thinking about this problem with regards to any particular conflict in ASEAN. If you look at the conflict here, you would have conflict between states from inside and outside the ASEAN that could happen. There are also internal conflicts within the individual countries. That is where the policy of non-interference comes in. We need to be sensitive on this issue. So the agenda of AIPR for me is quite wide ranging and with the present situation in the world now, I think AIPR will be dealing more with preventive diplomacy. In this work, in my view we have to go gradually. I think the best way is that we start with a lot of research to study preventive diplomacy. When we talk about early warning systems, confidence-building measures come into mind. We need to build norms. I think norms are very important. I am a cleric and teaching student in the Institute of Diplomacy and International Studies and we are trying to build a new species of professional diplomats. Our students

would have a new value where power politics would not be the topic to be look at. So relations among state would be a view of give and take. You cannot take all the time, so the national interest would be to look into sustainability of results where the agreement would be acceptable and beneficial to all and not limited only to one side. So we are trying to look at the international cooperation more. This is our thought that we have a new norm, where the diplomat would be acting this way. When a diplomat acts that way, then probably in the future there would be less conflict. But the important thing is how to detect it. How do we predict before Timor Leste became a conflict? I was Director in American Affairs including the South Asia when the Timor-Leste conflict came. ASEAN had to deal with it. At the beginning we did not know much about it. Could I hear your view Professor, about early warning systems and the criteria that you might come up with from your vast experience with UN peacekeeping efforts. Thank you.

**Hasnudin:** Thank you. Before I let the speakers respond, let me just bring the attention of the meeting to the first part of your question where you are referring to previous or past conflicts. I think when you look at the objectives of this symposium as stated in the program book there is very clear why we are all here. I think is very important to bear this in mind and I also share your patience for developing a new species of diplomat. I don't want to be misled by the old guts as we were all misled throughout our diplomatic life so I wish you all the best so that we can have a much more effective and more entrenched ASEAN diplomat in the future. I wish you all the best. And now, I would like to open the floor for speakers to share their thoughts and views on the interventions made. Can I invite Ibu Rahimah to respond? Thank you.

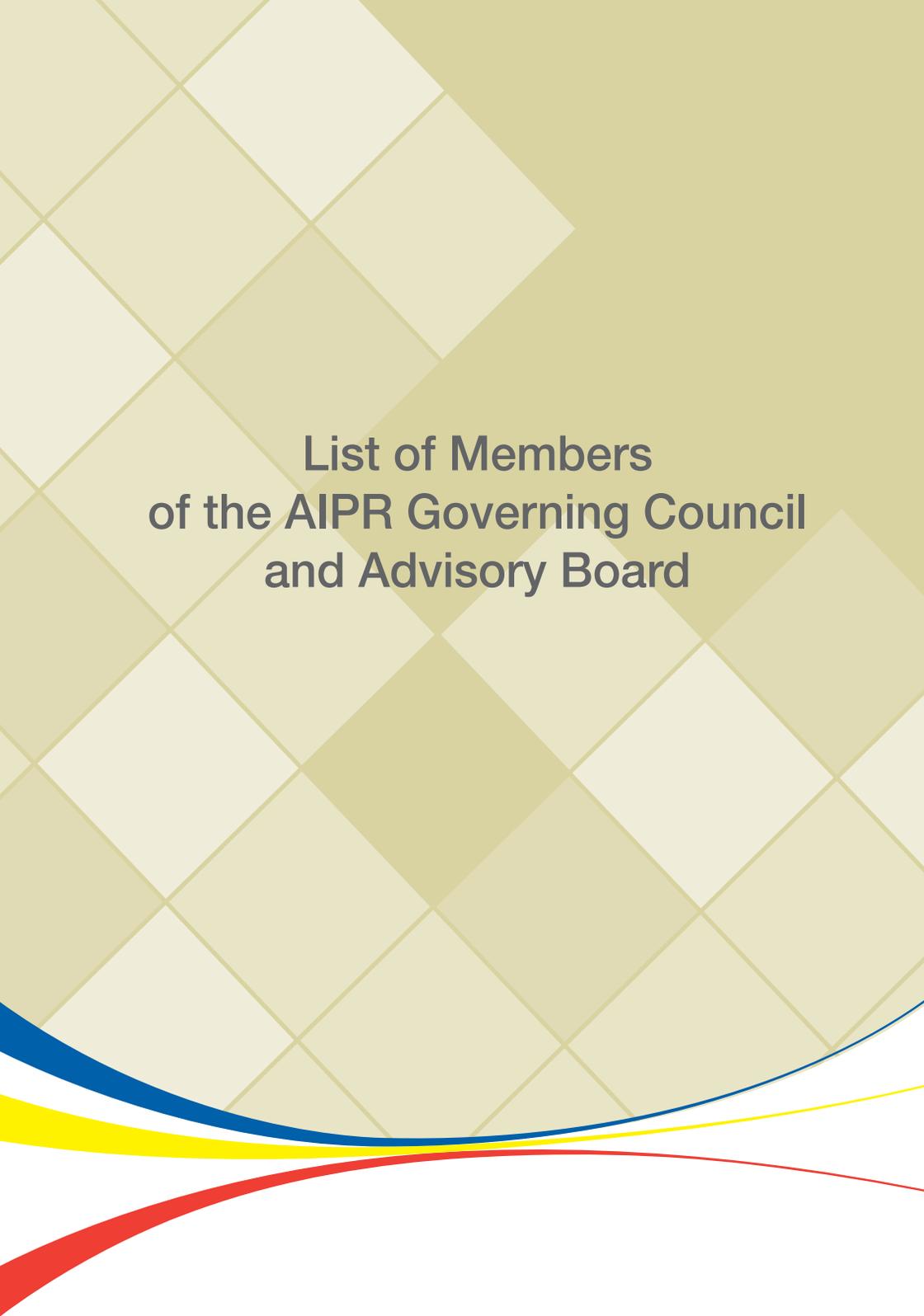
**Ms. Rahimah:** Thank you very much by giving me the first chance. One of the things that our team and I think about when we talk about conflict is that we do not study or research

conflict hoping that there is going to be more conflict. But we always look at conflict in terms of understanding the roots and then prevent conflicts from happening further. For example, our research program on monitoring violence is a program where we partnered with the Coordinating Ministry for social welfare, and not with political security. Because we want to make sure that we do not come up with policies that are just band-aid policies. They just cover the wounds but not really healing them. One of the things that we are also doing is to develop a violence intensity index. For example, we look at where the trends are in Indonesia: where violence is peaking, what triggers it, when does it happen, does it happen around religious holidays and so forth. We look at these trends and one of the things that we hopefully are developing is an Indonesian peace index to also highlight the positive things people are doing to ensure peace. When we were commissioned by the National Development Board in Indonesia to come up with a National Strategy for Preventing Conflicts, we actually rejected that name. We asked if we could change the name to a National Strategy for Building Peace because again it is a mind-set. Again what we do in terms of research is not just to address conflicts that are already happening, but it is very important that we are able to learn what the drivers of these conflicts are. On the issue of preventive diplomacy, there was a round table forum in Wellington on preventive diplomacy training. Now Pak Bagas I think made a brilliant recommendation during the round table on involving the AIPR in preventive diplomacy training. I think this very positive if it happens because it will have two mechanisms working together in order to take stock of what is happening, take stock of preventive diplomacy measures, and take stock of conflicts that are happening to be able to understand what the drivers are. Understanding how conflicts have been resolved also provides us with best practices. In some countries, mediation by an international mediator works while in some countries, it does not. Thank you.

**AMS:** I would like to thank Professor Hasegawa for sharing his experience on the Timor-Leste issue with Australia and Indonesia. Thanks also to Ibu Rahimah and also to Dr. Michael, considering that we are still the early stages of AIPR, we will seriously consider your suggestions on how we should go ahead. In the case of Timor-Leste, as Professor Hasegawa rightly mentioned, that the median line should be the demarcation or delimitation of maritime boundaries. But in this issue, they set this aside or for a moment and went for a JPTA. We saw a similar situation between Myanmar and Bangladesh at one point. But the case was sent to the ITLOS and the verdict is there. But before that Bangladesh at one point came up with an idea of a Joint Development Agreement. In Timor-Leste and Australia's case, Australia has resources, both financial and technological. Timor Leste is the weaker in this regard. But what I wish to know is that in whose favor does this kind of JPT really for? Will Australia get more profit or will it benefit Timor-Leste in the long run? This question struck me because when Bangladesh approached Myanmar with this similar kind of arrangement, Myanmar refused. So I am interested to know in the longer term when in the future when it comes to these kinds of arrangements who is it ultimately in favor of? Thank you.

**Hasegawa:** Thank you, Ambassador Hasnudin. I'll make it short. There are basically three types of conflicts. One is conflict over territorial boundaries and natural resources. It is for an economic interest. The second is ethnic and nationality conflicts. And the third one is great power rivalry, involving major changes taking place in a global politics. I think that in analyzing all these conflicts, leadership plays a great role. You can get very important information about these conflicts from CSOs and others. What is the thinking of Myanmar and Bangladesh leaders? What are they up to? You have to analyze their personal characters and so forth. And here we need to go back to realist analysis that Machiavelli and most recently

Kissinger espoused. But I think more importantly we need to go to neorealist analysis by Kenneth Waltz, who published the book called *Man, the State and War*. Basically the State acts as like a human being that has sentiments as well as national interests. Unfortunately, that's your big brother in the North; they have lot to learn from you. They have to talk to each other and understand but they got stuck because of the past. The history is the future of the past described by the norms and standard of the present. So you have to move into the direction of the future and you need to see the leaders to do so. Now Waltz said human being do not necessarily do so. I think in all three conflicts can be dealt with by moving from the Westphalian system to global governance. And I think you have an important role to play in moving towards that direction. Europe lost ten million people in World War I and forty million people in World War Two. They learned that they should live together and now you can move to one country to another. And I think you can create such an impact in ASEAN and you can show it to other members of ASEAN countries and I hope and pray that you will play a catalytic role. Thank you.



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# AIPR

## ASEAN Institute for Peace and Reconciliation

The ASEAN Institute for Peace and Reconciliation (AIPR) was created based on the ASEAN Leaders' Joint Statement on the Establishment of the AIPR on 8 May 8, 2011. Under the Terms of Reference (TOR) of the AIPR, which was finalized during the 45th ASEAN Ministerial Meeting in July 2012, the Institute was established to serve as the ASEAN institution for research activities on peace, conflict management and conflict resolution. The Institute's work will include the promotion of those activities agreed in the ASEAN Political-Security Community (APSC) Blueprint and additional initiatives and projects as agreed by ASEAN Member States.

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