

CO-CHAIRS' SUMMARY REPORT
2nd ARF Seminar & Training on Preventive Diplomacy and Mediation
Yogyakarta, 29th November - 2nd December 2015

Introduction

- Pursuant to the decision of the 22th Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Kuala Lumpur on August 2015, the 2nd ARF Seminar & Training on Preventive Diplomacy and Mediation Yogyakarta, 29th November - 2nd December 2015. The Seminar was co-chaired by Indonesia and European Union.
- Representatives from all ARF participants except Australia, Canada, Papua New Guinea, Russia attended the meeting. The List of Participants is attached as **ANNEX A**.
- A chapeau of the report appears as **ANNEX B**.

Seminar & Training on Preventive Diplomacy and Mediation (with AIPR Representatives) – 29 November 2015

Opening Session

- At the opening remarks, H.E. I Gusti Agung Wesaka Puja, Director General for ASEAN Cooperation, Ministry of Foreign Affairs – Indonesia and his fellow co-chair Mr. Basil Constantinescu, Deputy Chief of Mission of European Union to ASEAN, welcomed the participants and underlined the development of conflict study recently. Joint activity between AIPR (ASEAN Institute for Peace and Reconciliation) and ARF are valuable while generating exchange of view and best practices amongst regional actors, NGO, and academicians in the context of Preventive Diplomacy and Mediation. The event built further on the successful outcomes of the 1st ARF Training on PD and mediation co-chaired by Brunei Darussalam and EU in 2014 and tried to address the inputs provided by the ARF participants in order to deepening a better understanding of the complexity of this multi-faced area.
- The 2nd ARF Seminar and Training on PD and mediation has been preceded by an AIPR meeting opened to all the ARF partners. Benefiting from the participation of representatives of both governing bodies of AIPR (Advisory Board and Governing Council) this meeting was the first of its kind, bringing the newly established AIPR under the ARF umbrella. Participants took advantage of the presence of AIPR's representatives as well as of their expertise and vision and through active and constructive discussions explored AIPR's role and responsibilities beyond ASEAN boundaries and particularly in the ARF context.

Session I: Key PD and Mediation Challenges in the ARF region and possible responses

- Speakers of the session : H.E. I Gede Ngurah Swajaya – Task Force of Economic Diplomacy, Ministry of Foreign Affairs Indonesia, Mr. Scott Cunliffe and Ms. Lucia Montanaro - ERMES Expert.
- Conflicts have been rising, but over the past 10 years it has become clear that peace-making and mediation can make significant impact on ending violence and resolving conflict. It has also been shown that PD and mediation are good investments of time and money in comparison to the human and financial cost of conflict. A UN Study concluded that civil war can cost 30 years of GDP for the country concerned. Mediation increases the probability of reaching an agreement, compared to a non-mediated process. In the last 20 years, the majority of armed conflicts ended through peace agreements - not military victory. Both insider mediation and third party mediation double the likelihood of long-term reduction in armed violence. Conflict resolution, including mediation and mediation support, need to be continued to settle the underlying differences that drive conflicts in order to prevent, mitigate and resolve them.
- ARF Participants have agreed to a 3 stage process to address security challenges in the region:
 - Confidence building measures
 - Preventive diplomacy and
 - Conflict resolution mechanisms
- Building trust amongst Asian nations remains a priority to ensure peace and stability in the region, therefore, it is important to continue confidence building measures hand in hand with preventive diplomacy and mediation initiatives, with a view to develop conflict resolution mechanisms that will also include the informal approach (the “ASEAN way”).
- ASEAN and ARF Participants have been active in several peace processes through PD, facilitation and mediation including in Cambodia, Aceh, Timor-Leste, Philippines (Bangsamoro), as well as by creating border commissions in order to solve border area issues. The ASEAN region has demonstrated numerous times that issues can be resolved by consensus. PD and mediation are not new, but the terms have gained more prominence in recent times. The wealth of regional experience in preventing and addressing conflicts both internally and between ASEAN countries needs to be harnessed and made available to countries in ARF.
- As the shape of conflicts continues to evolve, the seminar and training shared lessons and experiences on non-traditional conflict, such as the spread of violent extremism across the interconnected globe, and the challenges this raises as well as the ways to address them. A focus was put on soft approaches emphasizing the possibilities of mediation and dialogue with violent extremists. Lessons shared

included the need to understand the root causes, the need to include all stakeholders in peace processes, the need to create an environment for peace instead of an enabling environment for violent extremism, the importance of counter-narratives and enhancing engagement with government, youth, civil society and media, including through intercultural dialogues.

- The challenge of democratization as a key to bring sustainable peace was also discussed, highlighting that minorities cannot live in a system where they cannot voice their views, but that the process takes time and needs to be comprehensive. Democratization, rule of law, good governance, full citizenship and peace are inextricably linked.

Session II: Building Peace through Democratization

- Speakers of the session : Col. Afrizal Hendra – Defence University Indonesia and Mr. Alistair Mac Donald – Chair of the Third Party Monitoring Team GPH – MILF Peace Process.
- ASEAN is considered successfully in conducting preventive diplomacy over the past decades. It was proved by no escalated conflict in the region. The establishment of ASEAN Community with the three pillars may mitigate potential conflict further. Positioning ASEAN as the key player in the region may manage outside-region threats.
- There are two types of democratization, namely democratization by sharing the power between central government and region government as well as a democratization governing in autonomy region. Challenges in democratization is how to reach a consensus, capacity building, and the effort to deter trans-boundary crime (radicalism and extremism).

Session III: AIPR's role in supporting ASEAN-led mechanisms for PD and mediation

- Speakers of the session : Tengku Dato' Abdul Ghafar bin Tengku Mohamed – Facilitator in GPH – MILF Peace Process and H.E. Bagas Hapsoro – Governing Council of AIPR Indonesia.
- During the training practitioners and participants expressed their conviction that it is time for ASEAN to deepen further preventive diplomacy and mediation understanding and initiatives– via seminars, concept papers, trainings, and other activities to better prepare ASEAN. In line with this objective, AIPR is stepping in as a key institution and was listed as such in the ASEAN 2025 Vision along with the Global Movement of Moderates.

- There is a wealth of experience in the ASEAN region. However, knowledge and experience are kept in separate files in the different foreign ministries, or only with the actors directly involved. The creation of AIPR is timely to document this pool of experience and make it available as a point of reference. The aim is to capture the history of peace-making in AIPR so as to learn from experiences and avoid repeating the mistakes of the past. AIPR can become a depository of information for the region, a hub of knowledge for the world. Key objectives include:
 - The enhancement of AIPR's capacity to strengthen its "knowledge based" expertise in compiling ASEAN's experiences and best practices
 - Capacity building and training
 - The establishment of a pool of experts
 - Networking and dissemination of information
- The cooperation between AIPR and both the UN and the EU in further assisting AIPR in achieving its objectives is essential.

Seminar & Training on Preventive Diplomacy and Mediation (with all ARF Participants) – 30 November 2015 – 2 December 2015

Session I: PD and Mediation – Rationale, Lessons of Experience and Mechanisms of PD and Mediation Support

- Mr. Samsu Rizal Panggabean from Gadjah Mada University - Indonesia, took lessons learned for the Aceh Peace Process, most importantly that the mediation managed to eliminate the demand for secession from Indonesia. It is also important that preventive diplomacy and mediation techniques be improvised and developed in order to cope with the growing dynamics of conflicts in the region and beyond.
- Mr. Tomas Henning, Team Leader of the Mediation Support Team, EEAS, stated that the EU has brought added values in the mediation process such as the sharing of experience and best practices, especially since the EU has a wide array of experience in mediation that has been conducted all over the world. The field of mediation is lacking professionalism and institutional capacity and support, and that triggered the booming of mediation support actors since 2005, of which the leading actors are the UN and the EU.
- Amb. Hasjim Djalal said basically preventive diplomacy is an effort to prevent the problems arisen to become conflicts, to become armed conflicts, and to spread to other states or communities. First, cooperation is the key to diffuse conflicts as there will always some space for cooperation. As for mediation, elements of concern are legal elements and non-legal elements. Often the best way is not to prove whether other party is right or wrong, but to find something to be agreed upon. The example is the cooperation between Indonesia, Malaysia, and Singapore over the Strait of Malacca as cooperation in combating transnational crime and

environment is more beneficial than conflicts. Second, encourage parties to solve their own problems. Third, encourage parties not to create other problems by managing their own behavior.

- Further in the session there were discussions on the example of EU mediation activities in Yemen which conducted by having national dialogues, the criteria of becoming a mediator, and the current development and negotiation efforts concerning the South China Sea issue. On the South China Sea issue, mediation could only be conducted if it is agreed by all Parties, which was not the case.

Session II Part 1: PD and Mediation – Concepts, Principles, and Values

- Mr. Tomas Henning delivered a quick introduction on mediation as “a way of assisting negotiations between conflict parties and transforming conflicts with the support of an acceptable third party” and best conducted through dialogue. Mediation therefore has 5 times greater probability of reaching an agreement compared to a non-mediation process. However, not all conflicts could be solved through mediation particularly “new” conflicts. Furthermore, there is also the challenge on implementing the peace agreement. Peace mediation differs from ‘classic’ diplomacy as there are some fundamental differences regarding the limitations of diplomats as a formal representative of a state, particularly regarding interests, impartiality, and resources.
- Mr. Tarik Ndifi, Analyst at the Conflict Prevention Centre, Organization for Security and Co-operation in Europe (OSCE), provided an overview of the OSCE, its principles, and its involvement in mediation processes. It was also noted that mediation can always take place in any stages of conflict from prevention to settlement. Furthermore, the mediation process includes 4 main phases, which are preparatory phase for agreeing on negotiations, mediated negotiations, agreement, and implementation.

Session II Part 2: Fundamentals for Mediation

- Ms. Emma Leslie explained that mediation exists alongside facilitation, good offices and dialogues. It is a process where a third party assists other parties with mutual consent to prevent or resolve conflict by helping the parties to achieve acceptable agreements. The UN fundamentals for mediation consists of: preparedness; consent; impartiality; inclusivity; national ownership; international law and normative frameworks; coherence, coordination and complementary of the mediation effort; quality peace agreements. In mediation, the consent of the parties is critical for a viable process and durable outcome.

Session III: Mediation options and Mechanisms

- Mr. Tengku Dato' Abdul Ghafar bin Tengku Mohamed explained the methods for a third party to enter the conflict. Understand the philosophy of the two conflicting parties. Malaysia will look at the conflict area as a breeding ground for terrorism. A lot of movement of Islamic insurgence in and out from Mindanao to Afghanistan. The three interests of govt, MILF, and mediator as key to enter. Facilitation: prepare environment to facilitate the meeting between parties. Negotiators are the key in negotiating things to support talks. Mediators are only mediate when requested by parties. Most important thing: stop fighting first. Cessation of hostility agreement was the first to do when arrived. The Intl Contact Group as a persuasive side to whisper recommendations to the parties.
- Ms. Rebecca Htin explained about the structure of Myanmar Peace Center which was established by a Presidential Decree in 2010. In its operation, MPC takes responsibility for, among others: holding ceasefire and peace negotiations, political dialogue, coordination and assistance in conflict areas, and public diplomacy. Myanmar's home-grown peace process resembled the desire of all parties to sit at the negotiating table and complex issues such as political, economic, and social which were not easily understood. The Post Nation-wide Ceasefire Agreement took a long timeline before it adopted the Framework for Political Dialogue (FPD). The objectives of the FPD was to, among others, achieve national peace and reconciliation, amend the constitution and other laws, and also build a federal union. The MPC used diverse range of mediation methods to prevent conflict, with its core method is to use informal negotiations. Informal negotiations is a key process which constantly conducted based on shared history and relationships as well as common interests. Rebecca Htin also discussed the pros and cons of using informal negotiations, and its comparison with the formal negotiations. Informal negotiations was very successful in Myanmar.
- Ms. Emma Leslie explained mediators as an insider and needs to possess several characteristics such as flexible, emotionally intelligent, egoless, honest broker, and long term view. The insider mediators can be seen in the profile of Tengku Dato' Abdul Ghafar in Mindanao conflict or U Aung Min in the case of Myanmar. In peacebuilding role-play and in bridging the parties, personalities are very important as well as building trust with the armed group (Mindanao / Myanmar case) and also with your own side. The picture of U Aung Min saluted the leader of the armed group had shown that it is not forbidden to respect one of the conflicting parties as long as it is to build trust. The establishment of International Contact Group was also vital in giving an 'outsider' perspective for wording suggestions, drafting agreement, and comparative experiences. It can also be seen in the Third Party Monitoring Team (TPMT) whose mandate was to review, assess, evaluate, and monitor the implementation of the Framework Agreement on the Bangsamoro (FAB) and its Annexes. It is also learned that In the middle of peace process, it is fine to exchange warmth and hospitality between the parties to support the process itself.
- During the preparation phase, mediators for the Philippines and Myanmar

processes explained the need for informal consultations and exchanges enabling mediators and negotiators to incorporate multiple levels of protracted conflict based on political, economic, and social elements (nationality, ethnicity, and religion) as well as to take into consideration the emotional human dimension.

- During the talks, different options and approaches are possible, such as third-party mediation used in the Philippines or insider mediation, as used in the case of Myanmar's home-grown peace process. "Insider mediation draws upon institutions and individuals that are seen as 'insiders' within that context to build consensus and resolve conflict"¹. The Myanmar peace process benefits both from the formal mediator role of Minister U Aung Min and the support of the Myanmar Peace Center in both ceasefire negotiations and implementation, as well as the peace negotiations and political dialogue.
- In the cases of the Philippines, Myanmar and the South China Sea, the peace processes have regularly oscillated between different format and styles. It was underlined that both the formal and informal processes were essential. For the South China Sea process, informal approaches (the "ASEAN way") such as workshops, have been used when formal diplomacy reached a stalemate and the parties were searching for a way out of their difficulties. This is often called "interactive problem solving" or building a "conducive environment". This approach may be used to stimulate ideas and proposals which can be carried over into formal diplomacy and also increase parties' understanding of the views of the other claimants.
- Practitioners also stressed the importance of managing potential conflicts, identifying commonalities and transforming them into cooperation.

Session IV: Addressing the Challenges of Radicalization and Extremism in Peace Process

- Mr. Andy Rachmianto, Director for International Security and Disarmament, Ministry of Foreign Affairs of the Republic of Indonesia, put forward terrorism, radicalism, and extremism as new international threats. The issue has become more complex globally as there are increasing number of foreign terrorist fighters originated from more than 100 countries and the increasing flow of refugees. Furthermore, those fighters who have returned to their home country could spread their radical ideologies, recruit more members, or even conduct the act of terror as being shown in the recent terror attacks in Paris and Beirut. In the case of Indonesia, some of domestic terrorist groups have pledged allegiance to Al-Qaeda or ISIS. There is also an estimate of 800 Indonesian citizens in Iraq or Syria, of which 284 serve as fighters for ISIS and 516 are being investigated for their involvement with ISIS. Indonesian approach to counter terrorism, radicalism, and extremism involves hard approach through legal and law enforcement, and soft approach through culture

¹Supporting Insider Mediation : Strengthening resilience to conflict and turbulence, EU & UNDP, 2014

and religious teachings.

- Mr. Alistair Mac Donald, Chair of the Third Party Monitoring Team in the Philippines, highlighted the impact of violent extremism in peace process, vice versa, in the MNLF/MILF peace process in the Philippines. Other variables that could influence the peace process are Abu Sayyaf group, Bangsamoro Islamic Foreign Fighters (BIFF), small foreign terrorist group under Jamaah Islamiyah or other groups originated from Indonesia and other nations, and other private armed groups. There is a debate on the process of engaging those groups as part of the stakeholders in the peace process.
- Mr. Scott Cunliffe, ERMES Expert, described the method of managing conflict with violent extremists through prisons. In this context, the Indonesian model of the humanization of violent extremists in prison is highly regarded as a model. Challenges of this kind of engagement are : understanding the conflict dynamics, appointing the appropriate mediator, maintaining trust and consent, maintaining impartiality, paying more attention to women and children, and understanding the scope of civilian leaders. In the case of managing conflicts in prisons, the goals are to prevent recidivism, prevent recruitment, promote confidence, promote voluntarism for inmates, holding mixed sessions between terrorists and non-terrorists, and training the correction staffs.
- Discussions touched upon both challenges of the spread of radical ideologies and the potential counter through social media. Furthermore, there is also a consideration over the push factor for the rise of extremism, such as the economy, corruption, or other variables that could create upsets. Those factors need a more holistic approach which is harder to measure. However, it was also identified that good governance might be more relevant to prevent terrorism, radicalism, and extremism.

Closing Session

- Participants, organizers, practitioners and experts involved expressed a highly appreciation with the quality of the seminar and training. Many factors contributed to the success of the event: a wide participation from ARF Participants; the presence of senior level participants including at director, director general and ambassador level; excellent experts and speakers, including practitioners with concrete experience as mediators in the region, who brought a wealth of insights in the discussions; and the high level of motivation and engagement of the participants who were willing to engage in frank and open discussions, and enthusiastic to actively partake in group exercises.

