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Centre for
Humanitarian
Dialogue

Mediation for peace

Meeting report

Asian Mediation Retreat
2010

The Oslo forum Network of
Mediators

Hanoi, Vietnam

2-4 November 2010

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The Centre for Humanitarian Dialogue (HD Centre) is an independent mediation organisation dedicated to helping improve the global response to armed conflict. It attempts to achieve this by mediating between warring parties and providing support to the broader mediation community

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What is the Asian Mediation Retreat?

A global series of mediation retreats

The Asian Mediation Retreat is part of the Oslo forum series. The series is co-hosted by the Royal Norwegian Ministry of Foreign Affairs and the Centre for Humanitarian Dialogue (the HD Centre) and regularly convenes senior conflict mediation practitioners, high-level decision makers and peace process actors in a series of informal and discreet retreats. The Oslo forum features an annual global event in Oslo as well as regional retreats in Africa and Asia. Regional retreats are an important addition to the annual gathering as they emphasise the fact that dialogue and mediation are universal concepts.

Sharing experiences and insights

Mediation is increasingly seen as a successful means of resolving armed conflicts and the growing number of actors involved testifies to its emergence as a distinct field of international diplomacy. The pressured working environment of mediation rarely provides much opportunity for reflection and, given the immense challenges involved in bringing about sustainable negotiated solutions to violent conflict, mediators can benefit from looking beyond their own particular experiences for inspiration, lessons and support.

The aim of the Oslo forum series is to improve conflict mediation practice through facilitating open exchange and reflection across institutional and conceptual divides, as well as providing informal networking opportunities. The uniquely informal and discreet retreats bring together significant actors from the United Nations, regional organisations and governments, as well as private organisations and noteworthy individuals. The retreats aim to facilitate a frank and open exchange of insights between those working at the highest level to bring warring parties together to find negotiated solutions.

Where politics meets practice

Participation in the retreat is by invitation-only. All discussions are confidential and take place under the Chatham House Rule. The retreat sessions are designed to generate informed exchanges with provocative contributions from a range of different speakers, including conflict party representatives and outstanding analysts, thinkers and experts on specific issues.

The retreats refrain from forming specific recommendations or conclusions, aiming instead to define and advance conflict mediation practice.

Meeting summary

The fourth Asian Mediation Retreat was hosted by the Royal Norwegian Ministry of Foreign Affairs, the HD Centre and the Diplomatic Academy of Vietnam. It took place at the InterContinental Hanoi Westlake in Hanoi, Vietnam from 2 – 4 November 2010.

The gathering convened more than twenty five mediators, senior officials, experts and peace process actors from Cambodia, India, Indonesia, Myanmar, Nepal, Sri Lanka, Thailand, the Philippines and Vietnam as well as from the United Nations (UN) and the Association of Southeast Asian Nations (ASEAN).

The event began with an opening reception and dinner. The first retreat session started with opening remarks by Ambassador Duong Van Quang, President of the Diplomatic Academy of Vietnam. This was followed by an insightful discussion on the perception and utility of mediation in the Asian context. Participants reflected on the fact that the waning of interstate rivalries in Asia may have reduced the chances of conventional warfare but violent conflict continues to affect the political and social landscape, both at the national and local level.

A particular highlight of the Retreat was the Diplomat Lounge in which Veronica Pedrosa, one of Asia's best known broadcast journalists, engaged in an open conversation with His Royal Highness Prince Samdech Norodom Sirivudh, Supreme Privy Counselor to His Majesty the King of Cambodia. This conversation focussed on his experiences and the lessons he had learned from the peace process in Cambodia.

The Retreat lasted for a day and a half during which participants attended a number of sessions exploring issues related to peace processes in Asia. These included the management of territorial disputes; the complex link between diasporas and conflict; the role of regional organisations in the peaceful resolution of conflict in Asia; as well as the exacerbating effects of economic grievances and climate change on peace processes.

All of the discussions took place in an informal and discreet setting, and were subject to the Chatham House Rule. This brief report seeks to summarise the discussions and to highlight a number of cross-cutting issues which emerged from the debates and exchanges. The report is also available on the Oslo forum website (www.osloforum.org).

Discussions

Keeping the peace in Asia

The retreat started with a discussion on the role of mediation in maintaining peace in Asia. Mediation is often seen as interventionist and associated with a loss of sovereignty. Asia's experience with colonialism reinforces this perception. Mediation is also often associated with a "liberal peace" with all its attendant characteristics (such as the opening up of markets and elections), which is problematic. Many states also fear that agreeing to mediation or dialogue would grant legitimacy to non-state actors.

A case was made that mediation is actually very much rooted in traditional Asian culture and hence should not be seen as a Western concept. Some participants felt that traditional Asian cultural characteristics, such as an emphasis on process and maintaining face, have an effect on mediation processes in the region. However, other participants pointed out that Asia is much too large and diverse to make generalisations, and concerns regarding mediation are no different from those found in other parts of the world. Additionally, no single template for mediation can be developed for conflicts in Asia.

One participant highlighted the fact that, in many conflicts, mediation is not necessary as conflicts are often settled bi-laterally. Thus it should not be assumed that mediation is the only solution. It is crucial that any third party has a clear understanding of their role and what they can contribute to the process. Parties to a conflict have to see the need for mediation, it cannot be imposed on them. It was pointed out that mediation is often only requested when both parties are of equal strength. In the case of an imbalance of power, the stronger party would not usually be open to mediation.

In addition, the terms mediation and dialogue are often controversial and generate opposition. In many instances, governments may agree with the substance and content of the process but oppose it being formally labelled or referred to using the traditional terminology of peace processes. In such situations it is best to try retain substance by being flexible on the semantics.

The need for mediation in Asia to be invisible was emphasised by one participant. If the mediator seeks publicity and recognition then it complicates matters as mediation is still a sensitive issue in the region. Mediation is more likely to play a role in managing conflicts in Asia rather than resolving them. The goal would be to ensure that conflicts do not get out of hand and affect regional security and stability.

The proposition that neutral states with no realpolitik interests in a particular conflict are best placed to be mediators was disputed. It was pointed out that in some instances, it is the very fact that a particular state has a stake in ensuring stability in the region that enables it to intervene and play a decisive role in managing conflict.

There was divided opinion on the effectiveness of “insider mediators”. While some participants felt that, in complex conflicts, no domestic entity would be perceived as neutral, others felt that an insider mediator would be more acceptable than an external mediator. The need to support and nurture such insider mediators was highlighted.

Track II processes involving civil society can play an important role in supporting Track I processes and creating an enabling environment for peace. Track I½ processes (informal dialogues and meetings which directly or indirectly involve key decision-makers) have been particularly helpful in the case of South East Asia. The need for Track II actors to prove and demonstrate their utility to governments was also mentioned. One participant pointed out that, particularly in Asia, there is a long tradition of leaders and officials consulting elders and other individuals outside government on significant decisions. In addition, Track I actors often do not have the time to think strategically about issues and this void can be filled by Track II actors. However, eventually a Track I process is necessary to ensure a sustainable and lasting solution to a conflict.

The role of international organisations in peace processes is often misunderstood. Many people think that acceptance of UN good offices leads to scrutiny by the Security Council which in turn leads to interventions such as the deployment of a peacekeeping force. This needs to be clarified. Mediation should be represented as a normal process and not a judgement on the countries involved. The increasing trend of institutionalisation of international justice and the holding of political leaders accountable for past crimes could also have a negative effect on their willingness to engage in a peace process that may fundamentally transform society.

ASEAN is increasingly called upon to play a greater role in conflict resolution in the region, particularly in the case of South East Asia. ASEAN already has a number of mechanisms dealing with this issue which are gradually being strengthened. The ASEAN member states prefer an informal approach to peacemaking and there are many examples of effective low key diplomacy being used to deal with conflicts in the region. ASEAN is also looking to enhance its capacity in this area and share experiences with other international organisations such as the United Nations and the African Union.

The fact that mediation is a process that is initiated at the request of states, and responding to their needs, has to be reinforced. Civil society networks could play a useful role in initiating and sustaining such discussions. However, there needs to be further clarity on how the different tracks of dialogue tie together. Participants emphasised the need to debate and discuss issues such as mediation through regular seminars and meetings. The idea of setting up an informal network of influential individuals from the region to provide advice and guidance on conflict resolution issues was proposed.

Managing territorial disputes – Focus on the South China Sea

A combination of territorial and maritime disputes makes the situation in the South China Sea complex. The key source of the dispute is the natural resources found on the sea bed. Territory is claimed in order to extend exclusive claims for the use of resources in the maritime zone. However, according to Vietnamese experts, many of the disputed maritime areas cannot be considered as territory under international maritime law.

Some participants suggested that the territorial disputes can be settled bi-laterally, while the maritime disputes can be settled multi-laterally through ASEAN (with external actors providing support in terms of creating an enabling environment). They emphasised the fact that many external actors have a legitimate interest in the maritime aspect of the dispute. In terms of external mechanisms, courts could provide advice and guidance but there is not much enthusiasm for a formal role.

In terms of geo-politics, the South China Sea could increasingly be seen as one more arena where the US and China compete for influence.

New drivers of conflict

Climate change, economic injustice, religious extremism, land and migration were flagged as drivers of conflict which need to be focused upon.

Climate change exacerbates the suffering of marginalised groups. The potential for it to lead to inter-state and social conflict is high. Water disputes are particularly common in Asia and often involve major regional powers. In these circumstances, other mechanisms such as multi-lateral bodies like the Mekong River Commission or the development of codes of conduct may be more effective than mediation.

Conflicts driven by economic justice which seek the complete transformation of society are found in both South and South East Asia. An important question which came up in the discussion was whether talks of any sort can be conducted with a party which wants to completely change the system. One participant highlighted the peace process between the National Democratic Front (NDF) and the Government of Philippines as an example demonstrating that dialogue is still possible with such ideologically-oriented groups. Another participant pointed out that rather than mediation, the key in such situations is to establish dialogue to convince the parties involved to advocate for change without using violence. At the same time governments have a responsibility not to react violently to demands for change. In the case of intra-state conflicts driven by demands for justice, civil society can play a particularly

important role in facilitating dialogue between the parties involved. It was also pointed out that, for any peace agreement to be sustainable, it has to address the socio-economic root causes of the conflict and not just the interest of elites.

The effect of technology on conflict was also discussed. The internet and mobile devices can be used for many purposes including convening people and detonating bombs. Mediators need to understand the effect of technology on peace processes. With the widespread use of the internet, information is easily disseminated and this can have both a positive and negative effect on peace processes.

Engaging diasporas for peace

Diasporas can also have a positive and negative effect on peace processes. They can push for the inclusion of issues such as human rights and justice in the process and play a significant role in supporting re-development and reconciliation. They can also be very influential and outspoken in shaping and maintaining international interest in the conflict. Forums convened by the diaspora are often the initial meeting points for civil society from divided parties.

However, diasporas are often seen to take very hard-line positions. They sometimes live in a time-warped world with limited knowledge of the actual situation on the ground. Improving the flow of information can be ensured by making it easier for diasporas to visit their homelands and allowing for more open press coverage of conflicts.

Diaspora groups are also often divided into factions. The first step of engaging any diaspora community is to try and initiate dialogue among the various factions and groups. In the case of ethnic conflict, dialogue could be initiated between diaspora groups representing each ethnicity. The reality of such engagement, however, is that it is an extremely long process with limited success to date due to the high level of polarisation found in such communities.

Dealing with diasporas who are present in border areas adjoining their country of origin presents a unique set of challenges. The danger of conflict is often very real in these circumstances, due to issues such as sovereignty.

Governments need to engage diaspora communities through confidence-building measures. These could include encouraging investment by them in the areas they came from, enhanced rights to buy property, dual nationality and overseas voting rights. Countries hosting diaspora groups also have an obligation to ensure that diaspora groups do not advocate violence and other activities that may threaten peace processes.

Mediators often feel very comfortable engaging the diaspora since they are more accessible and appear to share common values with the mediators themselves. However, this may be at the cost of ignoring the real stakeholders on the ground. Mediators should exercise caution in considering diaspora views as representative of those on the ground.

Agenda

2 Tuesday **November 2010**

18.00 Reception

18.30 Dinner

3 Wednesday **November 2010**

8.30-9.00 Opening address:
Ambassador Duong Van Quang, President of the Diplomatic Academy of Vietnam

9.00-10.30 Keeping the Peace in Asia

11.00-12.30 Managing Territorial Disputes - Focus on the South China Sea

12.30-14.00 **Informal Lunch**

14.00-16.00 New Drivers of conflict

16.30-17.30 The Diplomat Lounge:
Veronica Pedrosa interviews His Royal Highness Prince Samdech
Norodom Sirivudh about the Cambodian peace process

18.00 **Departure for dinner**

4 Thursday **November 2010**

8.30-10.00 Engaging diasporas for peace

10.30-12.00 Keeping the peace in Asia - Reflections and roles for regional organisations

12.00 - 13.30 **Informal lunch**

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