A Summary of Conflict Prevention Mechanisms in Southeast Asia

I. Overview

The complex and interconnected nature of conflicts in southeast Asia has made conflict prevention an urgent call in the region. Too often, peace is broken and development is stopped by outbreaks of unrest and armed violence in the so-called conflict areas of the region. The region remains unstable and human insecurity is high among the peoples of southeast Asia because the complex causes of these conflicts have not been addressed enough.

The Association of Southeast Asian Nations or ASEAN is the primary official conflict prevention mechanism in the region. But ASEAN's only treaty-based instrument for pacific settlement of disputes, the Treaty of Amity and Cooperation, applies only to inter-state conflicts. While ASEAN prides itself in having prevented border conflicts from breaking out into open war between ASEAN states, it has no mechanism with which to confront intra-state conflicts, which are the types of conflict besetting the ASEAN states.

Repeated analyses of the region's conflicts have been able to derive some important lessons. The first is that peace is too valuable to be left entirely in the hands of governments and international government institutions. The participation of civil society especially in the grassroots level is crucial in preventing conflict and in achieving sustainable peace.

The second is the need for constructive engagements between civil society, governments and international institutions like ASEAN and the United Nations. This partnership presupposes the varied roles that civil society can play, which governments and international institutions cannot because of their specific mandates.

But for civil society to effectively engage governments and governmental institutions, it has to acquaint itself with governmental structures and behavior. Lobbying and dialogue - tools used with effect by NGOs - can only be started when NGOs know which government levels to approach, who to talk to, and how to access these offices.

This primer on “A Summary of Conflict Prevention Mechanisms in Southeast Asia” aims to guide NGO lobbyists in their initiatives to engage their national governments and the ASEAN. Owing to lack of credible information on some ASEAN states, the national mechanisms have been limited to the Philippines, Indonesia (and by relation Timor Leste) and Thailand. ASEAN-level mechanisms however are included as ASEAN is a lobby target by groups engaged in conflict prevention, conflict resolution and peace building.
II. The Global Partnership for the Prevention of Armed Conflict and the Global Action Agenda

The Global Partnership for the Prevention of Armed Conflict or GPPAC is a global program of dialogue, research and networking. Started in 2001, the GPPAC process resulted in a Global Conference on 19-21 July 2005 called “From Reaction to Prevention: Civil Society Forging Partnerships to Prevent Violent Conflict and Build Peace”.

Convened by the GPPAC in partnership with the United Nations Department of Political Affairs, the conference brought together over 900 people from 118 countries to launch a civil society international movement to prevent armed conflict.

Over three days, the 900+ participants convened in various fora to develop action plans to implement the Global Action Agenda for the Prevention of Violent Conflict, the action agenda of the network. They unanimously agreed on the need for governments and inter-governmental organizations to direct greater priority and resources to early prevention of armed conflict and human security. They also highlighted the importance of the local ownership and the need for ongoing engagement between civil society, governments and international organizations for prevention and peace building to be sustainable.

The Global Action Agenda, formally called “People Building Peace: A Global Action Agenda for the Prevention of Violent Conflict” (see www.gppac.net), had a summary of recommendations for governments:

1. Governments and CSOs (civil society organizations) can work together with IGOs (inter-governmental organizations) to develop effective systems for civilian conflict management, while ensuring that governments live up to their responsibilities and CSOs maintain their independence. They can cooperate to promote human security through coordinated action, critical dialogue and ongoing monitoring.

2. CSOs should be involved at all stages of the development, design, and implementation of prevention policies and programs.

3. Adopt human security as a guiding principle in the government’s domestic and foreign policy and practice. Develop an integrated ‘whole of government’ approach, possibly by establishing an inter-agency focal point that incorporates consultative mechanisms with CSOs and IGOs.

4. Strengthen operational prevention by cooperating with IGOs and CSOs to make more effective early warning and early response systems.
5. Governments should support and participate in strengthening such non-coercive measures as early stage preventive diplomacy and resources for confidence-building, as well as more effective and targeted punitive measures such as sanctions.

6. Increase the amount and quality of support for international peace operations, including for civilian peace services and to implement the Secretary-General’s request for interlocking peacekeeping capacities.

7. Governments should further commit to providing sustained financial and political support for countries emerging from violent conflict as an investment in long-term prevention.

8. Develop and implement strategies to address systematically the cross-border and global factors that can drive and enable armed conflicts.

9. Take active steps to support the development of a culture of peace within society by fully implementing the Declaration and Programme of Action on a Culture of Peace, including through reform of the education system and through policies and resources to mainstream peace and conflict resolution education.

10. Address recent and historic legacies of conflict by initiating public dialogue on how best to deal with the past, underpinned by full investigations of what happened and resources for fostering restorative justice and, as relevant, ending impunity.

11. Enhance national capacities and systems for peaceful conflict management by strengthening state institutions and systems for alternative dispute resolution, including by drawing upon and complementing indigenous systems for conflict management.

12. Increase state effectiveness in providing goods and services, including security, to meet the basic human needs of the entire population and strengthen democratic governance and rule of law at all levels. Foster prevention through greater resources and priority to fulfill the MDGs (the Millennium Development Goals), especially for MDG-based poverty reduction strategies.

13. Operational programs should enable more equitable and sustainable
access to benefits and should ‘do no harm’. Utilize participatory methods to involve communities in developing priorities and implementing programs.

14. Promote and protect all human rights by incorporating international standards into domestic law. Governments should implement measures, including by providing adequate resources, to fulfill international standards, especially for effective participation and equality. They should promote the consistent application of human rights in domestic and international rule of law, including international humanitarian law.

15. Develop a timetabled plan to reduce budgets and resources for military capacities and direct more resources to address the causes of conflict and to promote human security.

16. Negotiate and agree a comprehensive arms trade treaty for conventional weapons, fully implement the program of action on small arms and light weapons, and – where relevant – make significant progress in eliminating nuclear, biological, and chemical weapons.

III. The National Conflict Prevention Mechanisms

A. INDONESIA

1. Commission of Truth and Friendship

- established by the Republic of Indonesia and the Democratic Republic of Timor Leste (RDTL) to seek truth and reconciliation.

- Indonesia and Timor-Leste have opted to seek truth and promote friendship as a new and unique approach rather than the prosecutorial process. True justice can be served with truth and acknowledgement of responsibility.

- Its main objective is to establish the conclusive truth in regard to the events prior to and immediately after the popular consultation in 1999, with a view to further promoting reconciliation and friendship, and ensuring the non-recurrence of similar events.
Principles:

- The relevant principles contained in the Indonesian Law no.27/2004 on the Commission of Truth and Reconciliation and the Timor-Leste Law no.10/2001 on the Commission of Reception, Truth and Reconciliation (CAVR), in accordance with the mandate of the CTF.

- In the exercise of its mandate, the CTF shall bear in mind the complexity of the transitional situation in 1999, aiming at further strengthening of reconciliation and friendship between the two countries and peoples.

- Based on the spirit of a forward-looking and reconciliatory approach, the CTF process will not lead to prosecution and will emphasize institutional responsibilities.

- Further promoting friendship and cooperation between governments and peoples of the two countries, and promoting intra and inter-communal reconciliation to heal the wounds of the past.

Mandate:

- reveal the factual truth of the nature, causes, and the extent of reported violations of human rights, that occurred in the period leading up to and immediately following the popular consultation in Timor-Leste in August 1999

- review all the existing materials documented by the Indonesian National Commission of Inquiry on Human Rights Violations in East Timor in 1999 (KPP HAM) and the Ad-hoc Human Rights Court on East Timor, as well as the Special Panels for Serious Crimes, and the Commission of Reception, Truth and Reconciliation in Timor-Leste;

- examine and establish the truth concerning reported human rights violations including patterns of behavior, documented by the relevant Indonesian institutions and the Special Panels for Serious Crimes with a view to recommending follow-up measures in the context of promoting reconciliation and friendship among peoples of the two countries.

- devise ways and means as well as recommend appropriate measures to heal the wounds of the past, to rehabilitate and restore human dignity, inter alia:

  - a. recommend amnesty for those involved in human rights violations who cooperate fully in revealing the truth;

  - b. recommend rehabilitation measures for those wrongly accused of human rights violations;
c. recommend ways to promote reconciliation between peoples based on customs and religious values;

d. recommend innovative people-to-people contacts and cooperation to further enhance peace and stability.

The CTF commenced work on August 2005 for the period of one year, with the possibility of an extension of a maximum of one year. It is composed of 10 members (five from Indonesia and five from Timor-Leste) chosen among persons of high standing and competence drawn mainly from legal and human rights fields, academia, religious and community leaders. It is co-chaired by two members, one from Indonesia and one from Timor-Leste, chosen by all members. The joint secretariat of the Commission is set up in Denpasar, Bali.

Commission Co-Chairmen:

Cirilo Cristovao/ Dionisio Babo (Timor Leste)
Benjamin Mangkudilaga (Indonesia)

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2. Commission of Experts (COE) on Justice for East Timor was established by the United Nations Secretary-General on February 18, 2005 due to widespread criticism of the judicial proceedings in Indonesia. It was tasked to assess the work of the Indonesian ad hoc Human Rights Court for East Timor, as well as the Serious Crimes Unit and Special Panels for Serious Crimes in East Timor. The Commission was given a mandate to:

1) determine whether the two institutions met international standards of justice and due process of law;

2) evaluate the extent to which the two institutions have been able to achieve justice and accountability for crimes committed in East Timor;

3) make recommendations to the Secretary-General to: a) ensure those responsible for serious violations of international humanitarian law and human rights in East Timor in 1999 are held accountable; and b) determine ways the Commission’s analysis may be of assistance to the bi-lateral Commission of Truth and Friendship established by the governments of Indonesia and East Timor.

The Commission was comprised of three international legal experts: Justice Prafullachandra Bhagwati of India, Professor Yozo Yokota of Japan, and Ms. Shaista Shameen of Fiji. The United Nations officially released the COE report in July 2005.
3. Indonesian Commission on Human Rights

Created in June 1993, the Commission was widely thought to be a response to the intense international pressure mounted on the Indonesian Government in the wake of the 1991 massacre in East Timor, where security forces shot and killed over 200 demonstrators.

The Commission has conducted several inquiries into human rights abuses in East Timor and has released unexpected findings in a few cases. For example, in March 1995, the Commission released a report that contradicted reports circulated by ABRI or Angkatan Bersenjata Republik Indonesia (the Indonesian Armed Forces) regarding the deaths of six people in East Timor. ABRI claimed that the people were suspected guerrilla members of FRETELIN (Frente Revolucionária do Timor-Leste Independente), but the Commission concluded that the six were actually non-combatants, and that they had been intimidated and tortured by the ABRI before they were killed.

Function of the Commission

The Commission's mandate is guided by Pancasila, the Indonesian constitution, and the United Nations human rights conventions. Accordingly, the Commission has four primary areas of concern: 1) spreading awareness of human rights both nationally and internationally; 2) considering United Nations human rights instruments in order to make suggestions on accession and ratification; 3) monitoring and investigating human rights practices and providing opinions and suggestions to the Government, and 4) encouraging regional and international cooperation in the promotion and protection of human rights.

The decree, however, does not empower the Commission to undertake investigations into human rights violations, request technical assistance in investigations, hear or consider complaints, subpoena witnesses or documents, visit jails or prisons, or file information with the courts. On paper, it appears as though the National Commission on Human Rights has little power to effect change in Indonesia.

Effectiveness of the Commission

Since the Commission was created by presidential decree, many observers are skeptical of its independence and longevity. One fear is that because the Commission was
established by decree and is not grounded in law, it can be dissolved at any time by the President. Furthermore, the Government funds the Commission and there are no mechanisms in place to prevent the Government from restricting or influencing the Commission's activities.

There are no legal safeguards to protect the Commission's integrity and independence. The twenty-one Commission members were selected by (former Indonesian President) Suharto himself and many have ties to prior human rights violations by the Suharto regime. Despite its weak legal standing, doubts about its independence, and vague mandate, the Commission has surprised domestic and international observers with a candor and incisiveness befitting an independent human rights commission.

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4. The Aceh Monitoring Mission (AMM)

The Aceh经验 indicated that utilizing NGOs was a useful compromise in mediating between two adversarial parties. The use of NGOs as mediators allayed the main concerns of the parties that were in conflict: trust and credibility. For reconciliation to occur and for the peace to be maintained, both parties had to trust the third party to mediate justly. The contribution of NGOs in helping resolve bilateral conflicts and help maintain law and order should also be enhanced.

The AMM, which is an unarmed civilian mission comprised of monitors from the European Union plus Norway and Switzerland and five ASEAN countries, has set up headquarters in Banda Aceh and has 11 District Offices throughout Aceh province: Aceh: Sigli, Bireuen, Lhoksemawe, Langsa, Tapaktuan, Blang Pidie, Meulaboh, Lamno, Banda Aceh, Kutacane and Takengon. The mission also includes 4 mobile decommissioning teams.

The AMM was established to monitor the implementation of various aspects of the peace agreement set out in the Memorandum of Understanding (MoU) signed by the Government of Indonesia and the Free Aceh Movement (GAM) on 15 August 2005 in Helsinki, Finland.

The European Union, together with five contributing countries from ASEAN (Thailand, Malaysia, Brunei, Philippines and Singapore), and Norway and Switzerland, are providing monitors for the peace process in Aceh.

The total Mission team will have 227 members (of which 131 will be nationals of EU Member States). The Mission will take place from 15 September 2005 to 15 March 2006 and it will be extended if necessary.
The AMM has the following tasks:

1. Monitor the demobilisation of GAM and monitor and assist with the decommissioning and destruction of its weapons, ammunition and explosives;

2. Monitor the re-location of non-organic military forces and non-organic police troops;

3. Monitor the reintegration of active GAM members;

4. Monitor the human rights situation and provide assistance in this field in the context of the tasks set out in the above points;

5. Monitor the process of legislation change;

6. Rule on disputed amnesty cases;

7. Deal with complaints and alleged violations of the MoU and

8. Establish and maintain liaison and good cooperation with the parties

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B. THE PHILIPPINES

1. Office of the Presidential Adviser on the Peace Process (OPAPP)

Executive Order No. 3, signed by President Gloria Macapagal-Arroyo on February 28, 2001, laid the framework for the implementation, coordination, monitoring and integration of all Government peace initiatives and the participation of civil society in the pursuit of a just and lasting peace in the country. Under the said EO, the Office of the Presidential Adviser on the Peace Process (OPAPP) shall ensure that this peace agenda of Government is successfully pursued.

The Arroyo Administration's peace process agenda maintains the principles and components of the comprehensive agenda defined by the National Unification Commission (NUC) during the administration of then President Ramos. In its report to the President in 1993, the NUC, under then Chairperson Haydee Yorac and after conducting consultations in 71 provinces to determine from the people themselves and their communities how a just and lasting peace in the country ought to be pursued,
proposed a comprehensive peace process agenda anchored on three principles and six components.

The three principles of the comprehensive peace process are as follows:

1. A comprehensive peace process should be community-based, reflecting the sentiments, values and principles important to all Filipinos. Thus, it shall be defined not by Government alone, nor by the different contending groups only, but by Filipinos as one community.

2. A comprehensive peace process aims to forge a new social compact for a just, equitable, humane and pluralistic society. It seeks to establish a genuinely pluralistic political society, where all individuals and groups are free to engage in peaceful competition for predominance of their political programs without fear, through the exercise of rights and liberties guaranteed by the Bill of Rights, and where they may compete for political power through an electoral system that is free, fair and honest.

3. A comprehensive peace process seeks a principled and peaceful resolution of the internal armed conflicts, with neither blame nor surrender, but with dignity for all concerned.

The components of the comprehensive peace process comprise the processes know as the Six Paths to Peace, as follows:

1. Pursuit of social, economic and political reforms that address the roots of the armed conflict
2. Consensus building and empowerment for peace
3. Peaceful, negotiated settlement with the different rebel groups
4. Programs for reconciliation, reintegration into mainstream society and rehabilitation
5. Addressing concerns arising from the continuing armed hostilities
6. Building and nurturing a climate conducive to peace

Government, through the OPAPP, implements various programs and proposes policy directions along these six components.

*The Six Paths to Peace*

1. **PURSUIT OF SOCIAL, ECONOMIC AND POLITICAL REFORMS.**
This component involves the vigorous implementation of various policies, reforms, programs and projects aimed at addressing the root causes of internal armed conflicts and social unrest. This may require administrative action, new legislation, or even constitutional amendments.
2. CONSENSUS BUILDING AND EMPOWERMENT FOR PEACE

This component includes continuing consultation on both national and local levels to build consensus for a peace agenda and process, and the mobilization and facilitation of people’s participation in the peace process.

3. PEACEFUL, NEGOTIATED SETTLEMENT WITH DIFFERENT REBEL GROUPS

This component involves the conduct of face to face negotiations to reach peaceful settlement implementation of peace agreements.

4. PROGRAMS FOR RECONCILIATION, REINTEGRATION INTO MAINSTREAM SOCIETY AND REHABILITATION

This component includes programs to address the legal status and security of former rebels, as well as community-based assistance programs to address the economic, social and psychological rehabilitation needs of former rebels, demobilized combatants and civilian victims of the internal armed conflicts.

5. ADDRESSING CONCERNS ARISING FROM CONTINUING ARMED HOSTILITIES

This component involves the strict implementation of laws and policy guidelines, and the institution of programs to ensure the protection of non-combatants and reduce the impact of the armed conflict on communities found in conflict areas.

6. BUILDING AND NURTURING A CLIMATE CONDUCIVE TO PEACE

This component includes peace advocacy and peace education programs and the implementation of various confidence building measures.

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2. National Reintegration Coordinating Office (NRCO)

The National Reintegration Coordinating Office (NRCO) pursues the implementation of programs for the reconciliation and reintegration into mainstream society of former
rebels through area-based projects and activities to address their economic, social and psychological rehabilitation needs.

Consistent with the fourth path to peace, the NRCO is guided by three (3) essential components in the furtherance of its mandate, to wit: human resource development, enterprise development and area development. The NRCO endeavors to essentially contribute to the government’s peace initiatives by its continuous advocacy for unification and development programs which raised the level of awareness and consciousness of different sectors and other government agencies.

Specifically the NRCO:

1. Ensures the appropriate response of Government to the needs of former combatants;
2. Provides immediate support to qualified beneficiaries under its Emergency Assistance Program;
3. Implements livelihood assistance identified by the former rebels and provides capability building programs;
4. Coordinates with the Department of National Defense / AFP in the implementation of the Balik-BARIL (Return Firearms) Program;
5. Implements programs for civilian victims of internal armed conflicts (CVIACs) in coordination with Peace Partners;
6. Implements and monitors Programs for Special Development Areas and/or Peace Zones;
7. Implements Scholarship Programs for Former Rebels or their immediate next-of-kin in partnership with the Commission of Higher Education; and

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C. THAILAND

1. National Reconciliation Commission (NRC)
The National Reconciliation Commission was formed on 28 March 2005, with former Prime Minister Anand Panyarachun as chairman and prominent social critic Prawase Wasi as vice chairman. It comprises 16 representatives from the civic sector in the affected areas, 11 representatives from the civic sector outside the affected areas, 7 from the political sector, and 9 from the public sector. The Secretary of the Cabinet serves as member and secretary, with well-known academics Gothom Areeya and Surichai Wankaew as co-members and secretaries.

The NRC is responsible for suggesting policies, measures, mechanisms, and methods to create reconciliation and bring peace to Thai society, especially the three southern border provinces, namely Yala, Pattani, and Narathiwat. It will investigate the southern unrest and conduct research studies on southern problems. The NRC is entrusted with developing the processes to prevent and ease conflicts and violence and make them known widely among the general public. It will also educate the public on adverse effects of violence and hatred and the necessity to use peaceful means to stop violence. At the same time, the NRC will promote social justice with respect for social and cultural diversity.

The office of the NRC is located at the Ministry of Foreign Affairs. A team for information and intelligence is headed by Mr. Chaiwat Satha-Anand, an academic from Thammasat University.

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2. National Human Rights Commission

The National Human Rights Commission of Thailand (NHRC) was established under Section 199 and 200 of the Constitution as a mechanism to guarantee the respect for human rights as stipulated therein.

The 11 full-time Commissioners was elected by the Senate from a short list of 22 people with extensive human rights experience, gender balance and pluralistic background. The Commission’s statutory term of office is six years, and each Commissioner shall serve for only one term.

Under the National Human Rights Commission Act B.E. 2542 (1999), which is the organic law, the NHRC is mandated to function as follows:

- To promote the respect for human rights at domestic and international levels;  
- To examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under the international human rights treaties to which Thailand is a party;  
- To propose polices and amendments of laws, rules and regulations for the promotion and protection of human rights;
To promote human rights education and research, including the dissemination of human rights information;
To promote co-ordination and cooperation with governmental agencies, nongovernmental organisations and others in order to strengthen human rights in the society;
To prepare two annual reports on human rights situations in the country and on its annual performance;
To give opinions when the government considers being a party to human rights treaties.

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IV. ASEAN-level mechanisms in anticipating and mediating conflicts

A. The Treaty of Amity and Cooperation (TAC) commits all parties to settle differences or disputes by peaceful means and to renounce the threat or use of force. Enacted under treaty obligations, this is one of the most important contributions of ASEAN to securing regional stability. But its application is limited to inter-state relations. ASEAN has no legally binding instrument setting a common standard in managing domestic conflicts. The TAC further subscribes to the imperative of conflict prevention. Article 13 mandates parties to have the determination and good faith to prevent disputes from arising. Indeed, ASEAN has never been used as a platform to provoke conflicts among its members. But by shelving potentially contentious issues, ASEAN, in fact, is on the receiving end of criticism in the way it prevents disputes from becoming more serious than maintaining the status quo.

Operational areas for cooperation:

1. Identification of situations where peace-building is required. This involves keeping a watching brief on all such potential situations, acting as sources of "early warning" and determining at which point a particular situation is ripe for peace-building action.
2. Definition of political objectives, including deployment of joint preliminary assessment missions and ensuring a realistic negotiated political settlement.
3. Development of integrated operational response. This could be promoted through regular and systematic working group meetings on specific peace-building issues between the UN and regional organizations.
4. Joint monitoring of results of peace-building by keeping all parties informed of the progress achieved or obstacles encountered as well as identifying remedial measures.

B. The ASEAN-UN Conferences on Conflict Prevention, Conflict Resolution & Peace building in Southeast Asia

The “ASEAN-UN Conferences on Conflict Prevention, Conflict Resolution & Peace building in Southeast Asia” are a series of collaborative activities between the United Nations Department of Political Affairs (UNDPA) and the United Nations Development Programme (UNDP), on the one hand; and the ASEAN Secretariat and the ASEAN Institutes on the other.

These exchanges were prompted by what were these realities at the time:

a. ASEAN has no institutional arrangement with principal UN organs responsible for conflict prevention and it does not even have a status at the United Nations.

b. Most of UN involvements in Southeast Asia were promulgated by the UN General Assembly or UN Security Council resolutions, which were not necessarily initiated by ASEAN or by countries from Southeast Asia.

c. There was no ASEAN contingent in any UN peacekeeping operations, even in Southeast Asia.

d. In the case of Myanmar (Burma), there is no formal contact between the Special Representative of the UN Secretary-General and ASEAN.

e. ASEAN is the only major regional organization without observer status at the UN, indicating a gap in institutional relationship between the UN and ASEAN.

f. Like most regional organizations, ASEAN has very limited capability in conflict resolution, not to mention post-conflict peace-building. In fact, ASEAN’s only treaty-based instrument for pacific settlement of disputes applies only to inter-state conflicts.

The first such UN-ASEAN conference on conflict prevention was held in January 2001 in Bangkok on “Democratization and Conflict Management/Prevention in Southeast Asia in the 21st Century”. The second conference on “Regional Mechanisms, Best Practices and ASEAN-UN Cooperation in the 21st Century” was held in Manila on 19-22 February 2002; the third, on “ASEAN/UN Experiences in Anticipating & Mediating Conflicts”, was held in Singapore on 18-19 February 2003; and the fourth on “ASEAN Security Community and the UN” was held in Jakarta on 24-25 February 2004.
It was agreed that the yearly ASEAN-UN conferences are useful forums for networking, consciousness-raising and exchange of information, with the UNDP and other specialized UN agencies expected to provide their unique insights and experiences.

Among the conflict prevention proposals that have emanated from these conferences are: the possibility of establishing an ASEAN-UN Dialogue relationship, which should include political and security matters of mutual interest; UN participation at the ASEAN Regional Forum; an observer status for ASEAN at the UN General Assembly; and a center for peacekeeping in the ASEAN.

C. The ASEAN Security Community (ASC)

Since its inception in 1967, ASEAN has prevented its members from going to war with one another, but ASEAN has generally been slow in taking hold of the existence of disputes or situations likely to disturb regional peace and stability. This was evidenced in ASEAN’s non-action throughout the period leading up to the independence of East Timor.

The mainly economic-oriented objectives for ASEAN, the various modalities of the ‘ASEAN Way,’ the diversity of political regimes and disparate levels of economic development among ASEAN member States are often cited as reasons why ASEAN with its 10 members has so far chosen ad hoc and largely informal modes of cooperation.

The ASEAN Security Community was created during the Ninth ASEAN Summit in Bali in October 2003, which adopted the Declaration of ASEAN Concord II (Bali Concord II). The ASC is envisaged “to bring ASEAN’s political and security cooperation to a higher plane to ensure that countries in the region live at peace with one another and with the world”.

It subscribes to the principle of comprehensive security in consonance with the ASEAN Vision 2020 rather than to a defense pact, military alliance or a joint foreign policy. The Community abides by the UN Charter and other principles of international law and uphold ASEAN’s principles of non-interference, consensus-based decision-making, national and regional resilience, respect for national sovereignty, the renunciation of the threat or the use of force, and peaceful settlement of differences and disputes.

Existing ASEAN political instruments such as the Declaration on ZOPFAN, the TAC, and the SEANWFZ Treaty shall continue to play a pivotal role in the area of confidence building measures, preventative diplomacy and the approaches to conflict resolution. However, the ASEAN Regional Forum (ARF) shall remain the main forum for regional security dialogue, with ASEAN as the primary driving force.

The modalities for the ASEAN Security Community include the following elements: norms-setting, conflict prevention, approaches to conflict resolution, and post-conflict peace building.
D. ASEAN Regional Forum (ARF)

The ASEAN Regional Forum was established in 1994 as the primary Asia-Pacific multilateral forum for political and security dialogue and now has 25 participating States, including China, the EU, the USA and Canada. The ARF is chaired by the member State chairing ASEAN, which rotates on an annual basis.

While the role of the ARF remains limited (for example with regard to Korean peninsula issues), it has had success in developing confidence-building measures and promoting multilateralism in the region, notably engaging China.

Participating States in the ARF have agreed to evolve the ARF through three stages: (1) promotion of confidence-building measures; (2) development of preventive diplomacy mechanisms; and (3) development of conflict resolution mechanisms.

E. The ASEAN High Council

The ASEAN High Council settles disputes through regional processes. The body is comprised by a representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony. However, in the event no solution is reached through direct negotiations, the High Council shall take cognizance of the dispute or the situation and shall recommend to the parties in dispute appropriate means of settlement such as good offices, mediation, inquiry or conciliation. It shall also recommend appropriate measures for the prevention of a deterioration of the dispute or the situation.

F. The ASEAN Troika

At the 3rd ASEAN Informal Summit in Manila on 28 November 1999, the ASEAN leaders agreed to a proposal to constitute the ASEAN Troika as an ad hoc body at the ministerial level, in order that ASEAN could address more effectively and cooperate more closely on issues affecting regional peace and stability.

The purpose of the ASEAN Troika is to enable ASEAN to address in a timely manner urgent and important regional political and security issues and situations of common concern likely to disturb regional peace and harmony. By helping ASEAN to be more responsive to the growing interdependence between the countries of Southeast Asia, the ASEAN Troika would serve to elevate ASEAN cooperation to a higher plane and further serve to enhance ASEAN’s unity and solidarity, as well as its overall effectiveness. It would be constituted as and when the situation warrants.

The composition of the ASEAN Troika could be adjusted upon the consensus of the ASEAN Foreign Ministers. It is not a decision-making body nor is it intended to represent ASEAN beyond the issues assigned by the ASEAN Foreign Ministers. In carrying out its tasks, the ASEAN Troika shall refrain from addressing issues that constitute the internal affairs of ASEAN member countries.
Should an issue or situation arise which is likely to disturb regional peace and harmony and which has the potential to affect ASEAN in political or security terms and requires collective action by ASEAN, the ASEAN Foreign Ministers, upon the request of the ASC Chairman or any other ASEAN Foreign Minister, could, on the basis of consensus, establish an ASEAN Troika and determine its mandate.

G. The ASEAN Human Rights Mechanism

During the 26th ASEAN Ministerial Meeting in Singapore in 1993, the Foreign Ministers agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights.

Civil society initiatives however have fueled the campaign for this region-wide mechanism. Starting in 1995, the LAWASIA (Law Association for Asia and the Pacific) Human Rights Standing Committee organized a series of meetings among national human rights institutions, parliamentary human rights committees, and human rights NGOs in the region to discuss proposals for a human rights mechanism in Southeast Asia. The meetings eventually led to the formation of the Working Group for an ASEAN Human Rights Mechanism in 1996.

National working groups - composed of representatives of the government, parliamentary human rights committees, the academe, and NGOs - have been set up in Indonesia, Malaysia, Thailand and the Philippines.

In 1998, on the occasion of the 31st ASEAN Ministerial Meeting in Manila, the Foreign Ministers again recalled the decision of the 26th ASEAN Ministerial Meeting to consider the establishment of an appropriate regional mechanism on human rights. They noted the formation of an “informal non-governmental” Working Group for an ASEAN Human Rights Mechanism.

The civil society-led Working Group has held annual workshops for the ASEAN mechanism on human rights with the ASEAN governments and the national human rights institutions: in Jakarta (2001), Manila (2002) and Bangkok (2003).

In the latest workshop, the proposals generally accepted were the ones which sought a “Roadmap for an ASEAN Human Rights Mechanism” and the establishment of the Eminent Persons Group whose work is to provide comments or information for the Working Group.

During a “Conference on Regional Systems for the Protection of Human Rights” held in Strasbourg, France on October 6-11, 2002, the participants from ASEAN member countries (representing governments, national human rights institutions, and civil society groups) have also adopted a Plan of Action on the initiative for the establishment of an ASEAN human rights mechanism. This Plan of Action is based on a step-by-step, multi-track and multi-sectoral approach involving the people and governments of ASEAN.
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